

Copyrights & neighbouring rights: What about my taxes ?

Principles

Since 2008, **copyright and neighbouring rights are considered as movable income**. This makes them **subject to a withholding tax of 15%**, after deduction of fixed costs (in the absence of actual costs). Collecting societies are duty-bound to withhold this tax and to pass it on to the Belgian State.

Annual ceiling

The gross ceiling of neighbouring rights is indexed annually, **for the 2016 income the limit is € 57.590 (2017 tax return)**.

When copyrights and neighbouring rights received in 2016 exceed the ceiling of € 57.590, the collecting societies are required to apply a withholding tax of 27%. If your neighbouring rights exceed the amount of € 57.590 we recommend to consult a tax specialist who can give you advice relevant to all the elements of your personal situation.

A digressive deduction of fixed costs is applied by band of income :

- **50% on the first band of gross income between € 0 and € 15.360 (indexed income 2016 tax return 2017)**
- **25% on the next band between € 15,360 and € 30.710 (indexed income 2016 tax return 2017)**
- **No deduction of fixed costs above € 30.710 (indexed income 2016 tax return 2017)**

Since 2013 (income 2012) it is mandatory, even when at source taxes are withheld, to indicate the gross amount of your copyrights and / or neighbouring rights on your tax return. **By using the PlayRight portal you can consult and download your tax sheet. Look in the menu for Details and under the tab Documents.**

Document updated in April 2017

How to complete my tax return declaration?

You can find the details of the amounts paid to you by PlayRight in your **online portal**, menu **Rights €** .If you have received copyrights and/or neighbouring rights from one or more collecting societies of by other sources, you must complete your tax form as follows:
Part 1 of the tax declaration fiscale – Frame VII

FR

	Codes	Codes
Revenus (bruts) :	1117-47	2117-17
Frais :	1118-46	2118-16
Précompte mobilier :	1119-45	2119-15

NL

	Codes	Codes
Inkomsten (bruto) :	1117-47	2117-17
Kosten :	1118-46	2118-16
Roerende voorheffing :	1119-45	2119-15

If you can't complete your tax return declaration, go to **Tax on web** and/or contact the SPF finance.

I've received rights coming from older years than the year which precedes my tax return: what should I declare?

Regardless of the reference years of the rights distributed to you by PlayRight last year, **you must declare them with the income of the year when the payment was realized** . You can find the details of the rights that have been payed by reference year in your **online portal**, menu **Rights €** .If your neighbouring rights exceed the amount of € 57.590 we recommend to consult a tax specialist who can give you advice relevant to all the elements of your personal situation.

What about my tax situation if I live abroad?

Apply for a refund with form 276R to the Belgian State.



If you are not a Belgian tax resident, chances are that your royalties will be taxed again when you declare them on your tax return in your own country of residence. In situations like these, you can apply for a full or partial refund of the withholding tax you paid to the Belgian State through the **form 276R**.

Within and outside of the EU, there are tax treaties in place that stipulate what type of income countries are entitled to levy taxes or not. All EU countries, and many non-EU countries, have such treaties in place with Belgium. The documentation on these treaties can be found on the website of the SPF Finance.

What should you do?

You can either apply for a refund by submitting form 276R each time you receive a payment from PlayRight, or you can submit one form at the end of the year for all the payments you would like to obtain a refund for. Simply send your completed form 276R to the Belgian Tax Authorities and they will send you a refund.

You have 5 years to apply for a refund. This 5-year term starts to run as of 1st of January of the year you received the royalties in question.

Step 1: Download form 276R **here**.
Step 2: Enter the name of the country you pay tax in.
Step 3: Enter the PlayRight contact details and enterprise number (VAT: BE0440 736 227).
Step 4: Enter the currency, your own contact and bank details.
Step 5: Enter the details of the royalties you received.
Step 6: Take the form to your local tax office (so not to the town hall or some other department). The official will complete, stamp and sign your form.
Step 7: Take a photocopy of the completed, stamped, and signed form.
Step 8: Send the original (preferably by recorded delivery) to:*Contrôle Bruxelles Étranger – FINTO – Boulevard du Jardin botanique 50, boîte 3424 – 1000 Bruxelles, Belgique.*