

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 2022 income the limit is €64.070 (2023 tax return)**.

When copyrights and neighbouring rights received in 2022 exceed the ceiling of €64.070, the collecting societies are required to apply a withholding tax of 30%. If your neighbouring rights exceed the amount of €64.070 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 : max.€ 12.815**

- ▶ 50% on the first band of gross income between €0 and €17.090 (indexed income 2022 tax return 2023),
- ▶ 25% on the next band between €17.091 and €34.170 (indexed income 2022 tax return 2023),
- ▶ No deduction of fixed costs above €34.170 (indexed income 2021 tax return 2022).

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](#)**

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 or by other sources, you must complete your tax form as follows: **Part 1 of the tax declaration – Frame VII**

FR			NL		
	Codes	Codes		Codes	Codes
Revenus (bruts) :	1117-47	2117-17	Inkomsten (bruto) :	1117-47	2117-17
Frais :	1118-46	2118-16	Kosten :	1118-46	2118-16
Précompte mobilier :	1119-45	2119-15	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 paid by reference year in your [online portal](#), menu [Rights](#) €. If your neighbouring rights exceed the amount of €64.070 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 [on this page](#).

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.*

TIPS & TRICKS

We also like to make things easy for you. Therefore, we would like to repeat a few practical details for your income tax return:

1. Do not forget to include **all income** in your tax return, i.e. also royalties received from other Belgian collective membership organisations or income received from abroad.
2. Enter your **expenses** in your tax return. These are listed at the bottom of your tax form, but are no longer automatically included by the government in the tax return. What happens if you do not include them? Then you risk an additional assessment.
3. You can choose between **actual or lump sum expenses**.
4. You can include your **own expenses** as actual expenditures. In this case, please keep your supporting documents as evidence for possible tax inspections later on.
5. In exceptional cases, your tax form will also show an amount under section 4(c) 'amount actually paid in 2022'. This section is new since this year and is intended for control purposes by the tax administration. You should **not include** this amount in your tax return. Withholding taxes have already been deducted from this amount at the time the income was awarded.