

Professional card for foreign entrepreneurs



If you are a foreign national and want to work in Belgium as a self-employed person, you will need a professional card. This gives you permission to perform a self-employed activity.

Certain categories of foreign nationals are exempt from that obligation, such as nationals of an EU Member State or of Iceland, Norway, Liechtenstein or Switzerland.

PROFESSIONAL CARD - CONDITIONS

The professional card is compulsory if you want to start working in Belgium as a self-employed person in a sole proprietorship, a company or association, and you:

- do not have the Belgian nationality
- do not have the nationality of an EU Member State, or of:
 - o Iceland
 - o Norway
 - o Liechtenstein
 - o or Switzerland.
- are not eligible for other reasons to obtain an exemption for the professional card.

"Self-employed activities" include all operations not covered by the employment of foreign workers (services provided and/or work performed under authority, either within an employment contract or not). Self-employed activities therefore include both the temporary provision of services within the Flemish Region and the starting of a new company or place of business in the Flemish Region.

To obtain a professional card, you must:

• have a valid residence permit for Belgium.

Is the self-employed activity the reason for your stay, and do you not yet have a residence permit when applying for the professional card? In that case, apply for the permit together with your professional card at the Belgian diplomatic mission or consular post in your country of residence.

Do you already have a right to reside for a reason other than self-employment? In that case, you are eligible for a professional card that does not provide the right of residence, under more flexible criteria.

• with a first application: you must carry out a self-employed activity that has social, cultural, artistic or sporting added value or that is of economic benefit to Flanders.

• when renewing your professional card: you must have complied with the conditions attached to the professional card (i.e. economic benefit, sporting, cultural or other added value), and you have paid taxes and social security contributions.

ECONOMIC BENEFIT

An activity has economic benefit if it:

- meets an economic need for Flanders
- is innovative or specialised
- creates jobs
- gives rise to investments
- has a positive economic effect on businesses in Flanders
- or promotes export.

The economic benefit is not evaluated if

• You already have a right to reside in Belgium for a reason other than self-employment (e.g. work permit/single permit, regularisation, family reunification, etc.). In that case, the professional card does not give any right to reside and the application is assessed on the basis of the existing right to reside and compliance with regulatory obligations.

If the situation of the person in question changes and the professional card should include the right to reside in primary occupation or secondary occupation (change of status), then an application for a change can be submitted which specifically refers to this. In this case, the Economic Migration Department will, however, assess the importance of the project for Flanders.

If a work permit/single permit is obtained after the professional card has been issued, the professional card can only be issued for a secondary occupation when a renewal is due.

• You apply for a renewal of your professional card as a third-country national with long-term residence in another EU Member State

The renewal will be assessed solely on the basis of your current and expected income, with the guaranteed average minimum monthly income as lowest threshold.

Long-term residence in another EU Member State: <u>http://www.agii.be/thema/vreemdelingenrecht-internationaal-privaatrecht/verblijfsrecht-uitwijzing-reizen/langdurig-ingezetene</u>

PROFESSIONAL CARD - EXEMPTIONS

Some non-Belgian nationals do not need a professional card to be self-employed in Belgium:

- nationals of Switzerland
- nationals of an EU Member State, Iceland, Norway or Liechtenstein. The following persons do not need a professional card either if they are living with these nationals:
 - their spouse or legally cohabiting partner;
 - children or grandchildren of the national, his spouse or legally cohabiting partner, who are under the age of 21 and are still dependent.
 - parents or grandparents of the national, his spouse or legally cohabiting partner, if they are dependent.
 - Note: The (grand)parents of a student, or of his spouse or legally cohabiting partner, do need a professional card to work in Belgium as a self-employed person.
 - the spouse or legally cohabiting partner of children living at home, grandchildren, parents or grandparents.
- the spouse of a Belgian. The following persons do not need a professional card either if they are living with the Belgian national:
 - children or grandchildren of the Belgian national or his spouse who are under the age of 21 and are still dependent.
 - o parents or grandparents of the Belgian national or his spouse if they are dependent.
 - the spouse of children living at home, grandchildren, parents or grandparents.
- Foreign nationals with a <u>valid identity card for foreign nationals</u> or with a Certificate of Registration in the Register of Foreign Nationals without restrictive residence conditions (Electronic residence permit type B).
- refugees recognised by Belgium.
- the spouses or legally cohabiting partners of the self-employed worker who assist or deputise for him in the exercise of the self-employed activity;
- foreign nationals residing legally in another EU Member State and who, as a service provider (= "Any natural person, national of a Member State or legal person established in a Member State may offer or carry out his services in another European Member State"), come to perform a service in Belgium

Note: They can only work in Belgium without a professional card. They do, however, need a professional card to establish themselves as a self-employed worker.

- foreign nationals on a business trip in Belgium, if they do not have their main domicile in Belgium and the business trip
 - o does not exceed 3 consecutive months

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- is carried out for the foreign national's own account or for the account of the foreign national's company
- has 1 of following objectives:
 - to visit professional partners
 - o to research and develop professional contacts
 - to negotiate and conclude contracts
 - to participate in shows, trade fairs and exhibitions in order to present or sell products
 - o to participate in the board of directors or general meetings of companies.
- foreign nationals who hold conferences in Belgium, if they do not have their main domicile in Belgium and their stay does not exceed 3 consecutive months.
- foreign journalists, if they do not have their main domicile in Belgium and their journalistic activities in Belgium do not exceed 3 consecutive months.
- foreign athletes and their independent support personnel, if they do not have their main domicile in Belgium and their activities in Belgium do not exceed 3 consecutive months.
- foreign artists and their self-employed support personnel, if they do not have their main domicile in Belgium and their activities in Belgium do not exceed 3 consecutive months.
- foreign students undertaking traineeship in Belgium as part of their studies
- foreign nationals who undertake a traineeship in Belgium that is approved by the competent authority in the framework of development cooperation or exchange programmes based on reciprocity;
- foreign nationals registered as lawyer or trainee lawyer with the Professional Lawyers Association.

More information: detailed overview of exemptions.

APPLY FOR YOUR FIRST PROFESSIONAL CARD

Do you, as a non-Belgian national, want to perform a self-employed activity in Belgium? If so, you must apply for a professional card, unless you are granted an exemption. Applying for a professional card costs 140 euros and you pay another 90 euros for each year granted.

APPLY FOR A PROFESSIONAL CARD

Check before you apply for a professional card whether:

- you are eligible for an exemption
- you fulfil all the conditions.

Follow these steps for your application:

Step 1: Choose where you want to take up residence

Choose where you want to set yourself up as a self-employed person in Belgium. Your choice determines whether your application will be processed by the Flemish, Walloon or Brussels-Capital Region. If you do not open a place of business, you determine where the self-employed activities will be performed.

Step 2: Prepare your application file

Prepare an application file consisting of the following components:

1. A completed, dated and signed application form.

Which application form to use depends on your situation:

- Do you not have a valid residence permit for Belgium? Or are you domiciled abroad? Then use this <u>application form (Word file)</u>.
- If you have a valid residence permit for Belgium (<u>certificate of registration model A</u>) or a 'certificate of registration in the register of foreign nationals, such as an <u>electronic</u> residence card type A? Then use this <u>application form (Word file)</u>.

2. General supporting documents

- a cover page listing all the supporting documents in your file. Tip: Start with this cover page and consider it as a check-list.
- a certificate of good conduct and character issued by the authorities of the country where you currently reside. Or an extract from the criminal records in your name and no more than 6 months old.
- proof that you have paid the application fee of 140 euros Note: You will only receive this proof when you submit your application file. Add the document to your file at the last moment.
- a copy of your residence permit for the country where you are submitting your application.

3. Specific supporting documents

Include the following specific supporting documents in your application file, depending on your situation.

- Does the professional card have to give you the right to reside in Belgium?
 - What if you are not a <u>long-term resident</u> in another EU Member State? Then read this <u>overview document</u> to find out which supporting documents you must attach.
 - You are a long-term resident in another EU Member State. Then read this <u>overview</u> <u>document</u> to find out which supporting documents you must attach.
- Do you, as a foreign student, want to perform a self-employed activity? Attach the proof of enrolment at your educational institute to your file.

Step 3: Have the supporting documents translated

The supporting documents in your application file must be translated into Dutch, French or English. For each supporting document, include (a copy of) the translation and (a copy of) the original supporting document with your file.

Official documents must be translated by a sworn translator. What if you have the supporting documents translated abroad? And not by a translator who is sworn in a Belgian court? In this case, the translation must:

- be legalised
- or bear an apostille stamp of the competent authority in the issuing country.

Step 4: Submit your application and pay the fees

Submit your application and pay the file fee of 140 euros. Where you submit the application depends on your situation:

• Are you domiciled abroad? Or do you not have a valid residence permit for Belgium? Submit your application file at the <u>Belgian diplomatic mission or consular post</u> in your country of residence.

• Do you have a valid residence permit for Belgium? That means: a 'certificate of registration - model A' or a 'certificate of registration in the register of foreign nationals' (= electronic residence card - type A)? Submit your application in Belgium at <u>a one-stop shop for business</u>.

• Are you unable to submit your application in your country of residence for security reasons? In this case,

- apply for authorisation to the competent Minister in the region where you want to settle and to the Federal Minister for Home Affairs.
 Do this by giving reasons for your dangerous situation and sending supporting documents that show that you cannot apply for the professional card in your country of residence.
- make your own application for the professional card:
 - at a Belgian diplomatic mission or consular post in another country
 - or at a recognised one-stop shop for business in Belgium.

YOUR APPLICATION

The embassy, consulate or one-stop shop for business will send your file to the Economic Migration Department in the region where you want to establish your self-employed activity.

Handling of your application

The regional Economic Migration Service will process your application in 2 steps:

- 1. The service will check whether you have submitted the application correctly.
 - Your application is deemed inadmissible. The diplomatic post or the one-stop shop for business will inform you of this.
 - Your application is deemed admissible. The authorised service will then examine your application further.
- 2. The service examines whether your file complies with the eligibility conditions.

Decision

The regional Economic Migration Service decides on your application file. There are 2 options:

- 1. Your file is approved.
 - the diplomatic post or the one-stop shop for business will inform you
 - you can pick up the professional card at the one-stop shop for business of your choice, where you will have to pay an additional fee of 90 euros for each year that the card is valid.

2. Your file is rejected. The diplomatic post or the one-stop shop for business also informs you if this is the case.

- you can submit an appeal against the refusal within 30 days
- you can submit a new application for the same activity no sooner than 2 years following receipt of the rejection. You do not have to wait two years in the following cases:
- your application was inadmissible
- you can provide new elements
- you apply for a new activity as a self-employed person.

RENEW, CHANGE OR REPLACE THE PROFESSIONAL CARD

Will your professional card expire soon? Do you want to change your self-employed activity? Or have you lost the card? In that case, you can:

- renew
- change
- or replace your professional card.

CONDITIONS

Renew your professional card

Renew your current professional card no later than 3 months before it expires. You can renew the card if:

- you have a valid residence permit for Belgium. What if you don't have a residence permit when you renew your professional card? Apply for the permit at the Belgian diplomatic mission or consular post in your country of residence.
- you complied with the conditions to obtain the professional card, including economic benefit and added value, payment of taxes and social security contributions.
 The activity you want to carry out with your renewed professional card must also have economic added value for Flanders in terms of employment, job creation and innovation.

Change your professional card

Your professional card is only valid for the self-employed activity for which you applied. Do you want to:

- carry out a different self-employed activity in Belgium
- or change the status of your company?

In that case, you must change your professional card.

Replace your professional card

You can replace your professional card:

• if you lost the card. Report this to the police. They will provide you with proof of your report which you must attach to your application.

• or if the card is damaged.

APPLICATION PROCEDURE

Follow these steps to renew, change or replace your professional card:

Step 1: Prepare your application file

Prepare an application file consisting of these components:

- A completed, dated and signed application form. Which application form to use depends on your situation:
 - You do not have a valid residence permit for Belgium. You are domiciled abroad. <u>Use this application form</u> (Word file).
 - You have a valid residence permit for Belgium. That means: a '<u>certificate of registration -</u> <u>model A</u> or a 'certificate of registration in the register of foreign nationals' (= <u>electronic</u> <u>residence card type A</u>? Then use <u>this application form</u> (Word file).
- Proof that you have paid the application fee of 140 euros You will only receive this proof when you submit your application file. Add the document to your file at the last moment.
- Supporting documents for a renewal of the professional card
 - General supporting documents:
 - a cover page listing all the supporting documents in your file
 - your current professional card or proof of a police report if you have lost your professional card
 - a certificate of good conduct and character issued by the authorities of the country where you currently reside.
 Or
 - an extract from the criminal records in your name and no more than 6 months old.
 - a copy of your residence permit.
 - Specific supporting documents depending on your situation:
 - The professional card does not have to give you the right to reside in Belgium because you have already obtained a valid residence permit through another channel (e.g. via a work permit or after family reunification) or if you want to operate as a diamond trader in Belgium? Then include these documents:
 - a tax certificate proving that you have paid taxes and have no overdue debts

- a certificate from your social insurance fund proving that you have paid social insurance contributions.
- The professional card has to give you the right to reside in Belgium?
 - You are not <u>a long-term resident</u> in another EU Member State. Then read this <u>summary</u> to find out which specific supporting documents you must attach.
 - You are a long-term resident in another EU Member State. Then attach the supporting documents specified in this summary (PDF file opens in new window).
- Do you, as a foreign student, want to continue your self-employed activity? Attach the proof of enrolment at your educational institute to your file.
- Supporting documents for a change to your professional card If you wish to change your professional card, your application file must be re-assessed completely. In this case, include the following supporting documents with your file:
 - your current professional card
 - all general and specific supporting documents which you also had to submit with your 1st application.
- Supporting documents for a replacement of the professional card Do you want to replace your professional card? In this case, include the following supporting documents with your application file:
 - proof of a police report if you have lost your professional card
 - the actual professional card if the card is damaged.

Step 2: Have the supporting documents translated

The supporting documents in your application file must be translated into Dutch, French or English. For each supporting document, include (a copy of) the translation and (a copy of) the original supporting document with your file.

Official documents must be translated by a sworn translator. What if you have the supporting documents translated abroad? And not by a translator who is sworn in a Belgian court? In this case, the translation must:

- be legalised
- or bear an apostille stamp of the competent authority in the issuing country.

Step 3: Submit your application and pay the fees

Submit your application and pay the file fee of 140 euros. Where you submit the application depends on your situation:

- Are you domiciled abroad? Or do you not have a valid residence permit for Belgium? Submit your application file at the <u>Belgian diplomatic mission or consular post</u> in your country of residence.
- Do you have a valid residence permit for Belgium? That means: a 'certificate of registration model A or a 'certificate of registration in the register of foreign nationals' (= electronic residence card type A)? Submit your application in Belgium at a <u>one-stop shop for business</u>.
- Are you unable to submit your application in your country of residence for security reasons? In this case,
 - apply for authorisation to the competent Minister in the region where you want to settle and to the Federal Minister for Home Affairs.
 Do this by giving reasons for your dangerous situation and sending supporting documents that show that you cannot apply for the professional card in your country of residence.
 - o make your own application for professional card
 - at a Belgian diplomatic mission or consular post in another country
 - or at a recognised one-stop shop for business of your choice in Belgium.

YOUR APPLICATION

The embassy, consulate or one-stop shop for business will send your file to the Economic Migration Service of the authorised region within 5 days.

The handling of your file

The regional Economic Migration Service will process your application in 2 steps:

- 1. The service will check whether you have submitted the application correctly.
 - Your application is deemed inadmissible. The diplomatic post or the one-stop shop for business will inform you of this.
 - Your application is deemed admissible. The competent service will then examine your application further.

2. Do you want to renew or change your professional card? In that case, we also examine whether your file complies with the eligibility conditions.

Decision

The regional Economic Migration Service decides on your application file. There are 2 options:

- 1. Your file is approved:
 - the diplomatic post or the one-stop shop for business will inform you
 - you can pick up the professional card at the one-stop shop for business of your choice, where you will have to pay an additional fee of 90 euros for each year that the card is valid.
- 2. Your file is rejected. The diplomatic post or the one-stop shop for business also informs you if this is the case. You have 2 options:
 - submit of file "appeal against the refusal" within 30 days
 - submit a new application at the earliest 2 years following receipt of the rejection. You do not have to wait 2 years in the following cases:
 - a. your application was inadmissible
 - b. you can provide new elements
 - c. you apply for a new activity as a self-employed person.

PROFESSIONAL CARD - PRICE AND VALIDITY

PRICE OF THE PROFESSIONAL CARD

You pay for the professional card in 2 instalments:

- when you apply for the card you pay 140 euros
- when you pick up the card at the one-stop shop for business of your choice, you pay:
 - for the 1st application or a renewal: 90 euros for each year that the card is valid. For example: your card is valid for 2 years. Then you pay 180 euros when you pick the card up at the one-stop shop for business of your choice.
 - o for a change or a replacement: no charge.

VALIDITY OF THE PROFESSIONAL CARD

Usually valid for 2 years

A professional card is usually valid for 2 years. This gives you enough time to develop your self-employed activity.

You can only in special cases obtain a professional card for a shorter or longer period. This period varies from 1 to 5 years.

Special cases may be:

- students who wish to extend their studies by one year as a self-employed person
- non-European nationals who come to Flanders via granted mandates in multinationals for periods up to 5 years

Can be extended

Will your professional card expire soon? In that case you can renew it. Do this no later than 3 months before it expires.

Right to reside has expired

Your professional card is no longer valid if your residence permit for Belgium has expired. Return the card to the one-stop shop for business.

PROFESSIONAL CARD REFUSED - APPEAL PROCEDURE

Have you been refused a professional card by the Government of Flanders? If so, you can submit a written appeal against that decision. You must do this within 30 days of having been informed of the refusal.

Was the renewal of your professional card refused? In that case, you may no longer work as a selfemployed person while the appeal procedure is underway.

FILE A WRITTEN APPEAL

Notify the Flemish Minister for Work by letter that you are filing an appeal against the refusal of your professional card. Send your letter to this address:

Department of Work and Social Economy Registrar of REOV (Council for Economic Research on Foreigners) Koning Albert II-laan 35 box 20 1030 Brussels

APPEAL PROCEDURE

Step 1: Minister requests advice

Once the Minister has received your appeal, he will request advice from the Council for Economic Research on Foreigners.

The Council for Economic Research on Foreigners is a body independent of the administration. The Council is chaired by a magistrate or a lawyer and consists of civil servants who represent the departments in question.

Step 2: The Council investigates your file

The Council for Economic Research on Foreigners investigates your file. It may also invite you to come and defend your interests at a hearing:

- you may be assisted by a person of your choice
- if you are unable to attend, you may only be represented by a lawyer. What if this is not possible for you? Then you have the right to request a postponement of the hearing.

Step 3: The Council advises the Minister

The Council will issue a recommendation about your file to the Minister within 4 months. If the Council does not agree on a recommendation, the Minister alone decides.

Step 4: The Minister takes a decision

After those first 4 months, the Minister still has 2 months to reach a decision concerning your file. What if the Minister has not made a decision after that period? There are 2 options:

- either the Council's recommendation shall be accepted as a decision
- or your appeal is dismissed. This is also the case if the Council fails to give a recommendation.

Step 5: Decision is communicated

The decision concerning your file will be communicated to you. What if your appeal is dismissed? You can submit a request for cancellation with the Council of State. Do this by registered letter within 60 days of being informed about this decision.

PROFESSIONAL CARD IN BRUSSELS, WALLONIA AND THE GERMAN-SPEAKING COMMUNITY

REGION ISSUES PROFESSIONAL CARD

As a non-Belgian national, you can work as a self-employed person throughout Belgium if you are in possession of a professional card. It is, however. the Flemish, Walloon, Brussels-Capital Region or the German-speaking Community that decides on your application.

Which region processes your application is determined by:

- the location where you establish yourself as a self-employed person
- or the location of the registered office of your company if you have several offices
- or the location where you actually work as a self-employed person if you do not have an office in Belgium.

For this reason, choose where you want to set up your business as a self-employed person before you apply for the professional card.

The principle of "mutual recognition" applies within the regions. This means that any service provider who has obtained a professional card in one region is entitled to provide his services in the other regions without having to obtain a new recognition or permit. The foreign service provider with a professional card issued in another region who wants to open a new office in the Flemish Region does, however, need a new professional card.

AUTHORISED SERVICE IN BRUSSELS

Do you have any questions about the issuing of the professional card by the Brussels-Capital Region? If so, contact the authorised service in Brussels.

Brussels economy and employment Employment Policy and Added Value Economy Department Kruidtuinlaan 20 1035 Brussels Tel: 02 204 13 99 E-mail: arbeid.eco@gob.irisnet.be

AUTHORISED SERVICE IN WALLONIA

Do you have any questions about the issuing of the professional card by the Walloon Region? If so, contact the authorised service in Wallonia:

Direction générale de l'Economie, de l'Emploi et de la Recherche Département de l'Emploi et de la Formation professionnelle - Direction de l'Emploi et des Permis de travail Place de la Wallonie 1 - bâtiment 2, 4ème étage 5100 Namur (Jambes) Tel : 081 33 43 92 E-mail: professionalcard@spw.wallonie.be

AUTHORISED SERVICE IN THE GERMAN-SPEAKING COMMUNITY

Do you have any questions about the issuing of the professional card by the German-speaking Community? If so, contact the authorised service in the German-speaking Community:

Ministerium der Deutschsprachigen Gemeinschaft, Abteilung Beschäftigung, Gesundheit und Soziales Gospertstraße 1, 4700 Eupen, Tel: 087 59 64 86, fax: 087 55 64 73, http://www.ostbelgienlive.be