



GOLDEN YEARS IN BELGIUM

AN EXPAT GUIDE TO LIFE AFTER RETIREMENT



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INTRODUCTION

Many expats choose to stay in Belgium after they retire, even in taxing times such as these. They decide to enjoy the widely-recognised benefits of what is on offer here in later life. Retirement in the heart of Europe is the opportunity to really get to know the country you have adopted.

This hands-on guide gives you tips on how to spend your retirement years in Belgium, with a special focus on Brussels, the center of expat life in this country, on everything from meeting people to health care and welfare. It takes you through pension and inheritance rights, and tells you how to get or keep in touch with your local community and retain a sense of wellbeing and purpose in your later years.

This publication was written before the corona virus crisis. But it is relevant even today. This unprecedented crisis has shown us that not everything in life is to be foreseen. But by thinking through possible scenarios and matching solutions you can approach expat life in Belgium with a greater peace of mind.

Not everything in this guide applies to all expats. If you work(ed) for an international institution, you may want to contact your (former) employer for information on health, taxes or pension rights.

LIVING WELL AND REMAINING ACTIVE

Retirees – or “seniors” – are well catered for throughout Belgium, with wide-ranging social events and activities, and low-price or free access to cultural attractions, museums and exhibitions. Online links will open up senior citizens’ clubs and organisations covering cultural, social and sporting activities, travel groups, study courses, and social events all year round, designed to bring pensioners together.

Communes run dedicated services for senior citizens and often stage special activities. Contact your commune: for services and advice for seniors simply enter your commune name and the word “seniors” into your search engine. Commune services are usually listed under “Culture et Loisirs/Cultuur en Vrije Tijd”.

For the Brussels region,
check **be.brussels/culture-tourism-leisure**

For study courses, a starting point is:
be.brussels/culture-tourism-leisure

FIVE GOOD REASONS TO STAY AND RETIRE IN BELGIUM...

- ▶ A multicultural country and an excellent base for travel throughout Europe
- ▶ Property prices
- ▶ Healthcare
- ▶ Quality of Life – social, cultural, parks, general standard of living
- ▶ Favourable pension and investment taxation – but beware of the inheritance and tax laws

AND FOUR MORE...

Chocolates, beer, waffles, mussels!



Brussels – the first Belgian city to be recognised by the World Health Organisation as an “Age-Friendly” city – stages many senior cultural, social, sport and leisure events every week in various parts of the city. Many of these events take place in the city’s “S” (for Senior) spaces.

In addition, the Brussels Seniors Service (Service D’Aide Aux Seniors Bruxellois - Dienst voor Hulp aan Brusselse Senioren) in cooperation with the Advisory Council for Seniors, has created the “Senior Friendly Label” which the city grants to social areas and services considered particularly suitable for seniors. The label goes to restaurants, cafes and hotels which “take into account the wishes of seniors”. The guide listing these places can be obtained through the Brussels Seniors Service.



Further information: www.brussels.be/seniors

Although not exclusively for senior citizens, InterNations links expatriates of all ages, listing events in cities all over Belgium, and hosting an expat forum for exchanging tips about living in Belgium and meeting others. The organisation describes itself as the largest global network for expatriates.



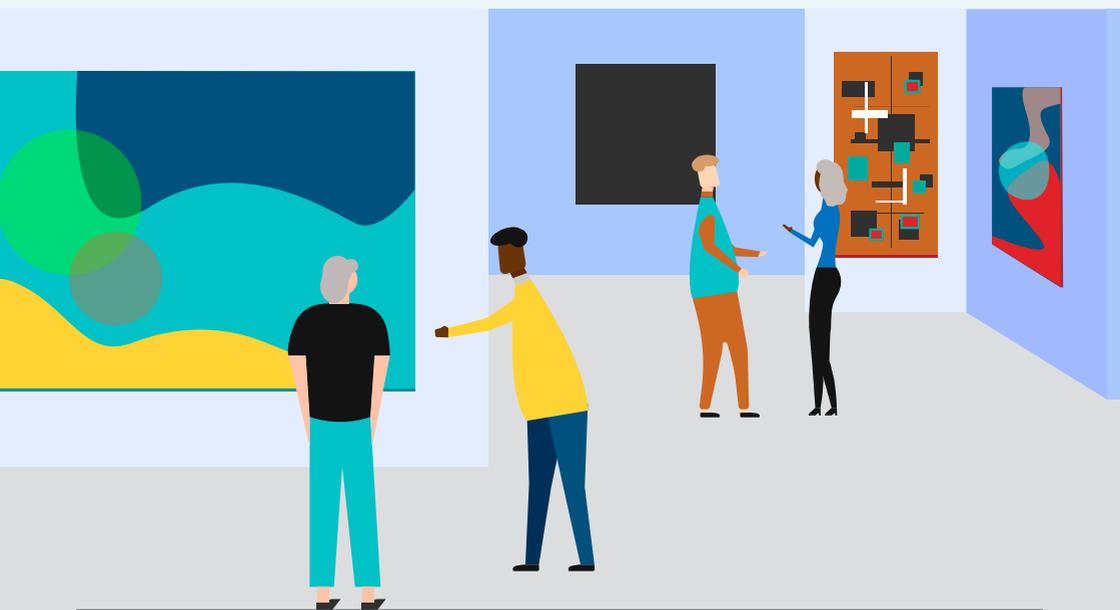
More information:

<https://www.internations.org/belgium-expats>

Loneliness can be one product of older age, and can be particularly difficult for expatriates. Expat Club Brussels hosts events every week, including guided museum tours, lectures, full day trips and day and weekend excursions. Membership, which is free, is not required for most events.



More information: www.expatsclub.org



DOING GOOD: VOLUNTEERING AND GIVING

It's never too late to feel fulfilled by helping others – and maybe learn new things along the way. Plenty of charities, NGOs and other organisations are constantly looking for enthusiastic and dedicated volunteers from among the older generation – those with a wealth of experience and time on their hands to give something back to the community. There's a vast choice of areas in which to contribute. Philanthropy is another way of giving back.

VOLUNTEERING

Most cities and communes have a website or volunteering hub with a database and contact details for many organisations needing volunteers of all ages. English speakers are welcome, you don't need to be fluent in Dutch or French to help out. Under Belgian law, pensioners can volunteer without any special authorisation and without affecting any pension or family-related allowances.

Further information:

- ▶ Serve the City (www.servethecity.be) is a global movement of volunteers working mostly with the homeless, the elderly, the disabled, orphanages and asylum-seekers. It has several offices in Belgium, including Brussels, Mons and Sint-Truiden.
- ▶ www.giveaday.be matches volunteers with relevant organisations
- ▶ Websites with full details of volunteering centres and opportunities include <https://talentree.be/volunteering-in-belgium/> which will help you identify the area of voluntary work which interests you. For “small ads” seeking volunteers, have a look at <https://pro.guidesocial.be/benevolat>.

In Belgium the organisation using volunteers has to draw up a volunteering agreement which guarantees your legal status as a volunteer, and arrange for insurance. Volunteering work is unpaid. As a volunteer you can have (travel) costs refunded, but this is not automatically the case.

GIVING

Charitable donations are tax-deductible in Belgium if they are made to an authorised non-profit organisation. The minimum level of donation qualifying for a tax concession is at present 40 euros.

These donations have to be substantiated by official receipts. There is an official list from the Treasury of the institutions that qualify for tax relief and may issue receipts. It is easier however simply asking the non-profit organisation of your choice if your donation qualifies for tax relief.



Of course, individuals can give to any cause they feel deserves support. You may donate money but also other assets such as jewellery, real estate or paintings.

You can do this via a private donation: this is a non-registered donation where the donor hands over part of his assets. The beneficiary does not pay donation duties unless the donor dies within three years of the donation. In that case inheritance tax will be due.

You may also donate with the assistance of a notary. This is a notarial donation. Donation duties are always payable on this type of donation. The donation of real estate must always take place in the presence of a notary.



GIVING TO CAUSES IN OTHER COUNTRIES

Expatriates may want to support projects in another country, in Europe or in the rest of the world. Transnational networks facilitate giving to a cause in another country. One of these is the TGE-network, led by the King Baudouin Foundation. It enables donors to financially support non-profit organisations in other countries that are members of the network – coupled with a tax break in Belgium.

<https://www.transnationalgiving.eu/donate>

You can also donate after death. In order to make this bequest, you have to make a will. You can do that yourself (in a handwritten will) or with assistance from a notary. In the latter case all arguments about the interpretation of your wishes are avoided.

Expatriates wanting to engage in a more structural way with a specific project or contribute long-term to a cause close to their heart, may want to consider setting up a fund. There are different possibilities, i.e. with universities or with the King Baudouin Foundation. By creating a fund, you benefit directly from income tax relief.

COVID-19 SOLIDARITY RESPONSE FUND BY EU STAFF

COVID-19 is causing death and misery across the world. Many EU civil servants feel an obligation to help countries and people in need. EUstaff4Climate, in cooperation with King Baudouin Foundation, have set up a dedicated fund for EU staff to support the response to the COVID-19 crisis, to help with the economic and social recovery and prevent future crises. Donations are free but they propose to all colleagues across EU institutions to donate monthly at least 2% of their salary for the duration of the health emergency.

<https://eustaff4climate.info/eustaff-covid-19-solidarity-response-fund>



Further information: The King Baudouin Foundation's Centre for Philanthropy can help you find the philanthropic formula that most corresponds with your wishes and personal concerns.

www.kbs-frb.be/Centre-for-Philanthropy

IN SICKNESS AND IN HEALTH

If you live in Belgium, you have long since been convinced of the benefits of the Belgian health care system. Early advance care planning allows you to plan ahead for when you fall gravely ill.

HEALTH CARE

As a beneficiary of a pension under Belgian legislation and your country of origin, you and your family members are entitled to continuing health care at the expense of the Belgian health insurance system, and are consequently subject to Belgian social security legislation if you are registered in Belgium.

If you are living in Belgium as a beneficiary of a pension under the legislation of several countries, you and your family members are also entitled to continuing health care in Belgium at the expense of the country to whose legislation you have been subject for the longest period of time. To determine which country is responsible for covering the costs of your health care, contact your health insurance provider in the country of origin.



Further information:

<https://expatsinbrussels.be/en/social-security-and-health>

PERSON OF TRUST: ANOTHER PAIR OF EYES AND EARS

As you age, doctors' visits become more frequent. Perhaps you are uncertain about your French or Dutch, or perhaps you're not that familiar with the Belgian health care system. It can be useful to have someone with you when you attend a doctor's appointment. You can name this person as your formal person of trust.

This person of trust is allowed to accompany you during visits to your GP, specialist physician, dentist, pharmacy or physiotherapist. He or she can help you exercise your patient rights. The person of trust may not decide in your place. However, you can give permission for him or her to receive information when you are not present.

The person of trust and the representative for your patient's rights are not one and the same (*see further*).



On the website **www.patientright.be** or through your health insurance provider you can find a sample form to appoint a person of trust. Have it added to your patient records with your GP or with another medical professional.

EARLY ADVANCED CARE PLANNING

Advanced care planning allows you to consider your wishes and expectations for if you were to fall gravely ill. Do you want lifesaving treatment or only comfort care at that time? Will you allow artificial hydration? Reanimation? You can discuss your wishes with relatives, friends, your GP or another medical professional.

You can also formalize them. With a negative living will you can record which treatments you no longer want at a time when you are no longer able to speak your mind, i.e. when you are

in advanced stages of dementia or in a coma. You do not need witnesses when drawing this up.

A negative living will cannot be registered; doctors however are obliged to respect the wishes recorded in this document. Have it added to your patient record. If you named a representative for your patient rights, they can make sure that physicians respect your negative living will. The negative living will is valid indefinitely. You can recall or adapt it at any time.



REPRESENTATIVE PATIENT RIGHTS

If you are no longer able to exercise your patient rights, your representative will do that for you.

That is, if you formally named your representative beforehand. Your representative will speak for you when you are incapacitated.

In case you did not appoint a representative, a cascade system kicks into gear, determining who will represent you: first your live-in partner (spouse, legal cohabiting or de facto unions), then an adult child, then a parent, an adult brother or sister.

If there is no one to represent you and if you are no longer able to decide for yourself, the justice of the peace will appoint an administrator.



Further information: www.patientrights.be

CARE CONTRACT: RENUMERATING INFORMAL HELP

If you want to ensure the informal help and care you may need when you are older, you can draw up a care contract. In this contract, which you conclude with neighbours or acquaintances who act as caregiver(s), you determine which kind of help or care they will provide and how they will be remunerated. Care contracts are a useful tool for elderly people who do not have relatives (nearby). They detail which help or care will be provided, ranging from light care such as shopping or transportation, to more intensive home care. The care contract can be drawn up with one or several caregivers. It is best to seek the advice of a notary, he or she will help you draw up the document.

SORTING OUT YOUR PENSION

To qualify for a Belgian state pension, you must have worked in Belgium for an employer who paid contributions to the Belgian National Office for Social Security. The self-employed can also claim a pension if they have made their due contributions to the system.

The current retirement age triggering a state pension is 65, with the maximum possible pension payable after 45 years of employment.

But the Belgian government is planning to raise the pension-payable retirement age to 66 in 2025 and to 67 in 2030 for men and women.

Want to take early retirement? You still qualify for a pension if you stop work early at:

- ▶ 60 with 44 years of service;
- ▶ 61 with 43 years of service;
- ▶ 63 with 42 years of service.

But be warned: retiring at 60 means paying a pension tax rate of 20%, 3.5% higher than someone working until the full retirement age of 65.



If you live in Belgium, you do not have to apply for your pension if you don't take early retirement: the National Pension Office will contact you one year before your retirement begins.

Good news: Pensioners in Belgium receive a holiday allowance, paid each year in May.

The rules on pensions and retirement age are subject to adjustment, affecting pension planning and potential tax liabilities.



More pensions advice, i.e. in case of divorce or the death of your spouse, can be found at the National Pensions Office website and at “My Pension Belgium”, including a calculation of your likely state and supplementary pension entitlement. Both websites are in French or Dutch only.

www.mypension.be

www.sfpd.fgov.be

Information in English can be found at

www.expatica.com

OPTING FOR RETIREMENT...

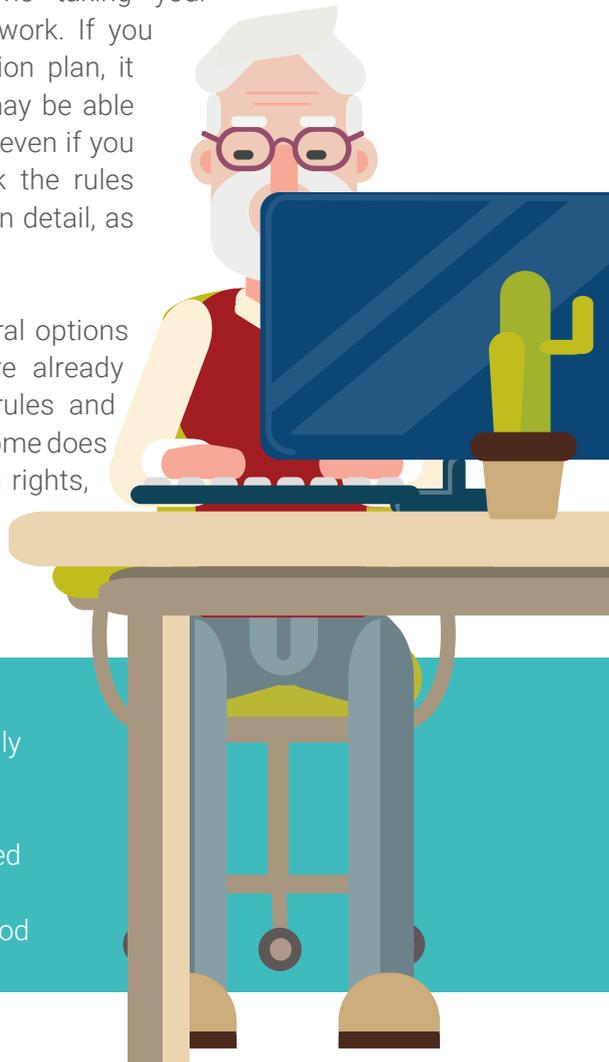
Having decided that Belgium offers everything you want for retirement, it's time to sort out the finances for a comfortable older age. It's quite likely that you have worked and paid pension and social security contributions in another country, or maybe more than one. In which case you must provide your entire career record to the National Pensions Office, which arranges for each country's pensions office to pay its part directly to you.

...OR CARRYING ON WORKING

If the sudden switch from worker to pensioner is too abrupt, or if you need more income, you can ease the transition by getting another job, subject to conditions.

After 65, you can postpone taking your pension and take on fresh work. If you have a supplementary pension plan, it will continue to grow. You may be able to cash in your pension plan even if you continue working, but check the rules of your supplementary plan in detail, as this is not always possible.

Furthermore, you have several options to earn extra when you are already retired, each with its own rules and conditions. Earning extra income does not mean increased pension rights, either for a statutory or supplementary pension.

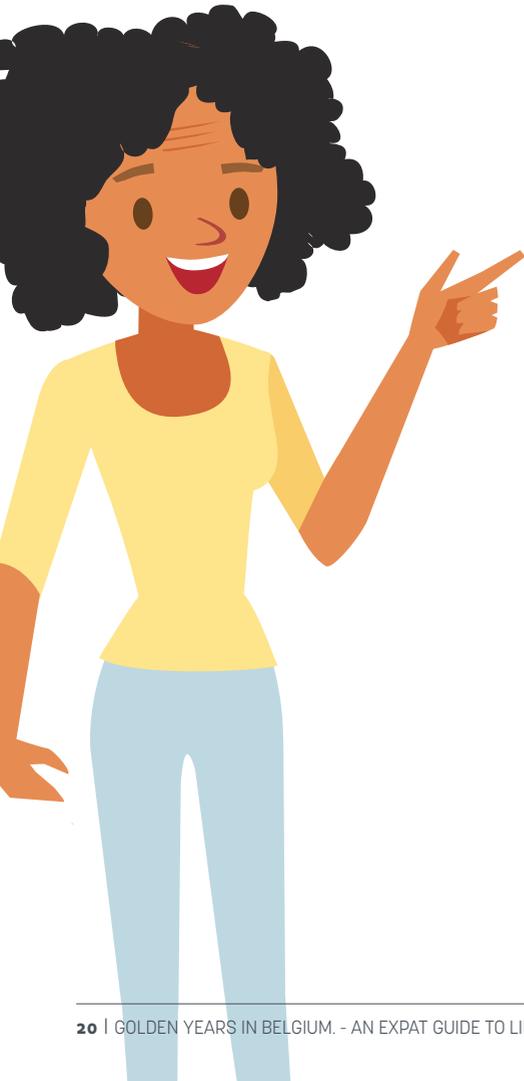


Earning extra after retirement can be fiscally disadvantageous. It is important to have the pros and cons calculated correctly. Ask your tax advisor for advice in good time.

Moreover, not everyone can do this indefinitely without affecting his or her pension.



Full information about the rules and legal limits on extra income can be found here: www.sfpd.fgov.be or rsvz.be



You can earn an extra income without limitations only if:

- ✓ you are 65 and have a retirement pension or a retirement and survival pension;
- ✓ you have worked for at least 45 years when your pension starts;
- ✓ you are receiving a transitional allowance, that is the temporary allowance after the death of the marriage partner for those who are too young for a survivor's pension.

If you are receiving social benefits, you cannot earn extra income.



HOME CARE, RESIDENTIAL CARE AND ALTERNATIVE LIVING ARRANGEMENTS



Belgium's long-term care policy, in common with most European countries, is based on allowing older, care-dependent residents to keep on living in their own homes for as long as possible. Adapting your home to changing circumstances and relying on home care facilities allow you to live comfortably and postpone the move to a residential care home.

ADAPTING YOUR HOUSE

Tailoring your house to reduced mobility and specific needs does not always require you to break out the sledge hammer. Adjustments may be small and cheap: a bath board, light sensors under the bed, thermostatic faucets, non-slip coating underneath your rugs, inverting the bathroom door. These changes can make a big difference and prevent accidents in the home.

Renovations can include limited work such as getting rid of doorsteps or differences in level, installing handles, enlarging doorways or replacing the bath with a step-in shower, or more extensive renovations such as installing the bedroom and the bathroom downstairs.

Governments and communes in Belgium award adaptation premiums for technical installations and technical aids (i.e. stair seat lift) and for renovations making the home safer and more accessible for seniors. Communes, provinces, home care providers and health insurance providers advise and accompany seniors when adapting their home or choosing technical aids.

*Further information:
check with your health insurance provider*



HOME CARE FACILITIES

All regions have a panoply of home care services allowing seniors to live safely and comfortably at home: hot meals, cleaning services, domestic services, help with odd jobs, home care or night care. Furthermore the corona virus crisis saw a spike in the growth of spontaneous networks for help and social support for the elderly in many Belgian communes. Ask for a list of services available where you live with your commune or health insurance provider. On online platforms such as Listminut or Helpper people advertise their services for all matter of odd jobs.



Further information see also:

www.bienvivrechezsoi.be

www.senior.irisnet.be

RESIDENTIAL CARE

When living at home is no longer possible, there are various residential arrangements to cater for different levels of need.

For those needing sheltered accommodation, Belgium has “maisons de repos” either public or private, which take in people over 60 years of age, offering them residential accommodation and all services, help with daily life and, in some specific cases, medical help. “Maisons de repos et de soins” – again, public or private – are for those with more serious health dependencies, but who do not require (acute) hospital treatment. In Flanders both types go under the name of “woonzorgcentra”.

Both public and private care homes are subject to the same regulations. Elderly care and residential care homes fall under the competency of the communities in Belgium: the Flemish Community or the Brussels-Walloon Federation. These set residential care

home standards and regulations. Public homes are run by the Centres Publics d'Action Social (CPAS) / Openbare Centra voor Maatschappelijk Welzijn (OCMW's) of the communes.

The bulk of services is being provided as part of the federal public health insurance system, mainly financed by your social security contributions and taxes. Long-term care services provided through the health system only cover nursing and rehabilitation care, and a portion of personal care for dependent seniors: food and accommodation costs are not covered.

In addition, there are “serviced” residential arrangements, privately or publicly run and more intense, designed for those who are still relatively mobile and who live in studios or apartments with a la carte services available – meals, domestic help, cleaning, round the clock emergency assistance. They can be expensive.



HOW TO CHOOSE THE RIGHT CARE HOME

When it is time to move into residential care, it has to feel like home. It is best to thoroughly prepare your choice of care home, especially since admission often happens after an emergency, leaving little time to compare and weigh all the options then.

- ▶ Make a list of main concerns. Do you need an intensive form of care? What is important for you?
- ▶ Visit websites of residential care homes to get an idea of what is on offer. Pay attention to accessibility. Is the care home within walking distance of shops, a park, a coffee house?
- ▶ Verify which costs are included in the daily rate and which aren't.
- ▶ Visit care homes, allowing you to compare. Ask for an extended guided tour. Pay attention to the attitude of managing and care staff during the visit. Talk to residents or relatives. Ask about their experiences with staffing and staff interaction with residents.
- ▶ Meals help structure the day. Ask for the monthly menu.

Further information on residential services and care homes in Brussels:

www.iriscare.brussels/fr/citoyens/aides-et-soins/services-daide-a-domicile/

Contact details for the 19 CPAS/OCMW branches in the Brussels-Capital Region are at **www.ocmw-info-cpas.be**.

ALTERNATIVE RESIDENTIAL FORMULAS

There are many alternative formulas for (communal) housing. Some span different generations, others don't. Projects can be initiated by OCMW's/CPAS, social housing companies, non-profit organisations, private companies or equal-minded individuals. These projects are less care-oriented and allow elderly residents to maintain a high-autonomy lifestyle. However, residents can appeal to each other or professional services for help.



The book
*'Besoins et Désirs en matière d'habitat.
10 formes d'habitat comme pistes de réflexion'*
lists different alternative housing formulas:
<https://www.entrages.be> > Le centre de doc
(French).

MOBILITY

PUBLIC TRANSPORT

Over-65s in Belgium are entitled to reduced rail fares – train, bus, tram and metro – to and from anywhere in Belgium. This applies to same-day return travel anytime at weekends and every weekday from 9 a.m., every day of the year.

ASSESSING YOUR ABILITY TO DRIVE

Not sure if you can continue to drive safely? CARA-Vias, the Centre for Driving Ability and Vehicle Adjustment, assesses your ability to drive. You can apply for an assessment yourself or you can ask for a referral from your GP or specialist physician.

The decision to cancel your driver's licence is not one that CARA takes lightly. The advice is given after a thorough assessment with a multidisciplinary team of physicians, psychologists and road experts, striking a delicate balance between the right to mobility and road safety. CARA determines if you can continue driving safely, albeit with conditions and/or restrictions on your driving licence or adjustments to your vehicle.

If CARA does decide it is no longer safe for you to drive, you will be expected to return your driving licence to the commune. If you continue to drive without a legal driving licence and are involved in an accident, your insurance company may withdraw, leaving you to foot the bill.

In the Walloon region of Belgium the AWSR (Agence Wallonne pour la Sécurité routière) also organizes driving ability assessments.

Further information: **www.vias.be** (available in English)
or **www.awsr.be**.

TRANSPORT FOR PEOPLE WITH LIMITED MOBILITY

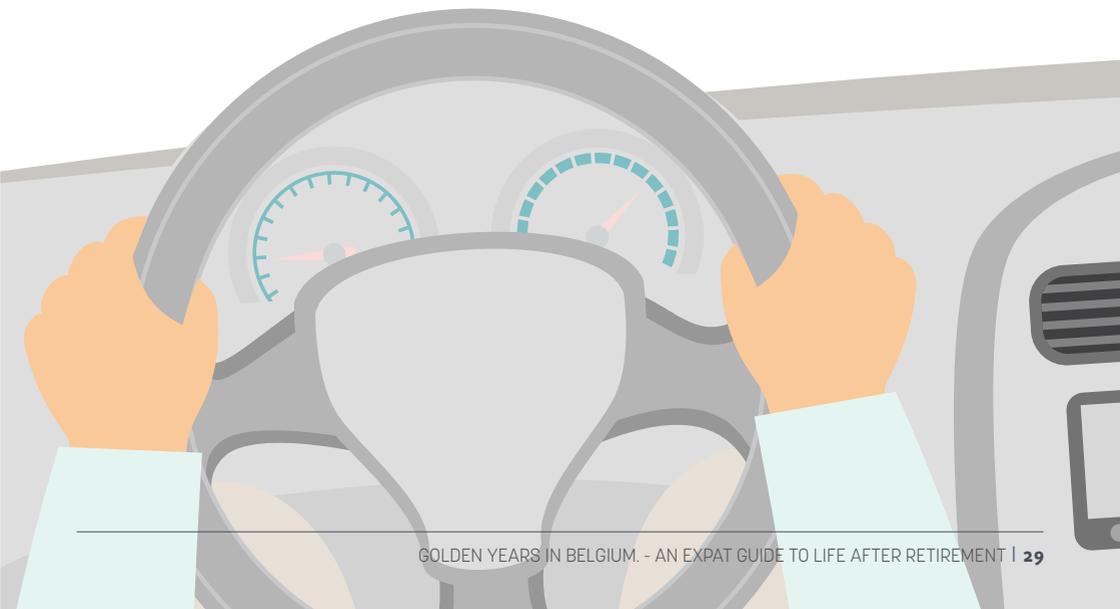
Most communes have a 'mindermobielenentrale/centrale des moins mobiles'. This service is provided by the commune, the CPAS/OCMW or other organisations. It arranges for transportation for people with limited mobility who are on a tight budget. You can request a ride for all sorts of purposes, ranging from a visit to the hairdresser to a family visit or a doctor's consult.

Check with your commune for further details.

PATIENT TRANSPORT

Every health insurance provider in Belgium has its own system of non-urgent patient transport. This is provided if you need to go to the hospital for an admission, a consult or if you need transportation after being discharged; if you need oncological treatment or dialysis.

The providers use professional transport services. Part of the fare is charged to you, the rest is taken care of by your health insurance provider. Check with them for further information.



PROTECTING YOURSELF AND YOUR PATRIMONY

As you get older, you might find it useful for someone to assist you with payments or other administrative tasks, or to take them off your hands entirely. This way you avoid financial penalties or administrative hassles when forgetting to pay, and you know that your interests are well looked after and that you are not being taken advantage of.

ALTERNATIVES FOR MANAGING YOUR ASSETS

Different formulas allow you to prepare for the day when illness, mental health issues or a handicap can impede you fully looking after your own interests:

- ✓ Standing bank orders make life easier. Contact your bank manager to put them in place.
- ✓ As long as you are mentally and legally competent you can draw up a power of attorney or mandate for someone to act on your behalf in a legal or business matter, i.e. managing your bank account or following up on your paperwork.
- ✓ If you are married and your partner is no longer mentally competent, you can apply to the family court to have the powers of management conferred on you; this allows you for example to make decisions regarding the family home for the both of you.



EXTRAJUDICIAL PROTECTION

A power of attorney is no longer in effect when you are incapable of making your own decisions through dementia, illness, accident,... The care mandate (*zorgvolmacht* or *mandat de protection extrajudiciaire*) however, drawn up while you are mentally competent, allows you to make arrangements for protecting your assets and some aspects of your care for when you are no longer able to look after your own interests. With the care mandate you appoint someone to do that for you.

The care mandate lists in detail the life choices and provisions for the management of your patrimony the mandate holder has



to respect. You can also use the care mandate to determine if someone may donate in your name. If you want to use the care mandate for inheritance planning purposes, it has to be drawn up by a notary.

The care mandate may also contain provisions about your place of residence, your care home, your treating physician, home care, etc. The mandate holder does not have to consult a judge (vrederechter/juge de paix) before acting in your name. All this is only valid if the care mandate was registered.

A care mandate still allows the person who granted the mandate to act. In some cases judicial protection may be more advised.

Further information about the care mandate:
www.notaire.be or consult a notary.

JUDICIAL PROTECTION

If you can no longer make decisions about your finances or your personal situation (i.e. place of residence, medical care) and there is no care mandate, a judge (vrederechter/juge de paix) may appoint an administrator.

The judge will prefer to entrust this administration to a relative or a person of trust. If that is neither possible nor appropriate, he will choose a professional administrator, i.e. a lawyer. The administrator will assist you with certain acts or he will act for you.

A request for administration for a person who is mentally incapacitated is to be sent to the justice of the peace. Attached should be all possible proof that can help the judge decide if administration is the most appropriate solution. This includes a medical certificate with which a physician indicates the impact of the mental and physical health of the protected person on his or her daily life.



Further information on administration:

www.notaire.be

DECLARATION OF PREFERENCE

If you want to make sure that the administrator is someone you know, you can draw up a declaration of preference (*'akte van voorkeur'* or *'déclaration de préférence'*). This allows you to put forward the name of the person you would like as your administrator, in case you become mentally incapacitated. You can declare your preference with the justice of the peace or with a notary. This declaration is then registered in the Central Register of Declarations of Preference. The judge is expected to respect this declaration. You can also incorporate the declaration of preference in the care mandate.

MAKING A WILL

There are three types of will available to Belgian residents, each with its own formalities:

- ▶ The handwritten (holographic) will;
- ▶ The international testament;
- ▶ The notarial deed.

THE HOLOGRAPHIC WILL

The least expensive form of inheritance document, but it lacks the expertise of a notary and can be the most complicated and lengthy to execute following a death: it needs to be expressed very clearly to avoid potential legal confusion.

This form of will must be entirely handwritten and signed and dated by the testator and is usually kept at home. Only upon death is it taken to a notary, who certifies its legal status and, within one month, sends the certificate and a stamped photocopy of the will to the relevant court clerk in the legal jurisdiction within which the succession formalities must be completed.

In Belgium, there are no “do-it-yourself” will-making kits to buy in the shops as a template for preparing a handwritten will.

THE INTERNATIONAL TESTAMENT

This can be a handwritten or typed document, which must be deposited with a notary in the presence of at least two witnesses. No-one sees the contents: the will is delivered in a sealed envelope and is not read out or inspected by the notary, who keeps it along with the testator’s written declaration that the envelope contains

his or her last will and testament. After the testator's death, the notary follows the same procedure as for the handwritten will.

THE NOTARIAL DEED

This form of will is also presented to a notary in front of two witnesses, but in this case the terms must be read to the testator and signed by the witnesses.

Alternatively, the terms of the will can be received by two notaries, one of whom writes the contents as dictated by the testator, reads it back to the testator for signature, and then drafts it in the form of a notarial deed. This is conducted in the presence of two witnesses.

This notarial deed – also known as the “public” or “authentic” will – requires the most work and is the most expensive option but is also the best guarantee that procedures have been followed correctly, thus expediting swifter execution of the deceased's last wishes.

Unlike the holographic will, international testaments and notarial deeds in Belgium are automatically registered with the Central Register of Last Wills and Testaments (CRT/ZRT), allowing heirs to find them easily.

LEAVING MONEY TO CHARITY IN YOUR WILL

You can choose to make a bequest by adding a good cause to your will. You can bequeath money, securities, bank and securities accounts, life insurance, jewellery, art works, real estate.

Make sure to use the right name and legal form of the organisation you choose to support. Indicate a percentage of your assets rather than a precise sum, your portfolio may be different at the time of death. Provide alternatives: the organisation you want to support may no longer exist at the time of your death.



Donation of organs is automatic under Belgian law. If a person does not want to donate their organs, they must register their withdrawal of consent at their local town hall.

Further information: **Beldonor.be** (French & German)

If you have left proportions of your estate that encroach upon the reserve that has to go to recognised heirs according to Belgian inheritance law, these amounts will have to be reduced. It is best to consult a notary first if you are thinking of doing this.

If the heirs dispute the terms of the will, they can take the dispute to the court of first instance.

A Belgian will can be revoked or replaced by another one at any time. If expatriates living in Belgium have made a will in another country, the Belgian authorities will recognise the terms of the “foreign” will, as long as the signatory has expressly declared in the document that the estate is to be handled under the inheritance laws of the country in which the will was drawn up. If no such declaration was included, Belgian inheritance law will still apply to the “foreign” will.

Making a donation of goods to your heirs while you are still alive reduces the value of the estate you will pass to them on your death, thus also reducing the succession duties they pay. A donation can bring significant tax advantages to the beneficiary, particularly if the value is great and the relationship is a distant one. It's best to use a notarial donation for this type of donation. It offers more security than a movable gift.

Further information:

www.notaire.be and **www.expatica.com**.

COPING WITH DEATH

WHAT TO DO WHEN A LOVED ONE DIES

At this difficult time there are a number of procedures and formalities which must be observed. Many can be handled by a funeral company but others should be tackled by the family. Be aware that Belgian traditions may differ from those from the country you come from. You may want to arrange this beforehand.

A death must be reported and registered at the earliest possible opportunity, although there is no official time limit. In many cases, hospital staff or a doctor will guide the process. The death must be reported in the commune where the person died. This is usually taken care of by the funeral parlour.

As well as requiring a death certificate delivered by the GP or hospital, the authorities will need the deceased's official documents – birth and marriage papers, identity card, driver's license and any formal or informal written statement of the deceased's wishes, including how the remains should be dealt with.

The family or funeral parlour makes the arrangements for a burial or cremation date with the local administration. There is no time limit within which burial or cremation must take place, however a delay of at least 24 hours following the death must be respected.

If the burial is not taking place locally, then it will be necessary to provide a burial authorisation from the commune where it will be held.

If the deceased is to be cremated, it must be declared at this point (and a separate cremation authorisation will be issued) as must the wish to bury the deceased in the family plot, if one exists.

Any citizen can draw up a document to state how they wish to be dealt with after death – burial or cremation and dispersal of ashes. This document can be officially registered with the commune and cannot be overturned by any relative or other person.

It is known as a “Formulaire pour la destination des dernières volontés quant au mode de sépulture/Formulier betreffende de laatste wil inzake de wijze van teraardebestelling” and a standard form for completion can be obtained from municipal offices.



Burial in Belgium, in a grave on municipal ground in a cemetery, is free for five years. However, families have the right to pay for a grave site for up to 50 years and to keep renewing this in their family if they wish. If you have not paid for a concession, the grave can be cleared out after 10 years.



Some religions have their own cemeteries. This is the case for Muslims and Jewish people. Belgium does not allow for a perpetual concession, causing families to choose neighbouring countries or countries of origin.

The website of the Executief van de Moslims van België/
Exécutif des Muselmans de Belgique (Muslim Council)
lists muslim burial sites in Belgium:

www.embnet.be/fr/annuaire-des-cimetieres.

Belgian graves must be kept tended and clean at all times or the deceased's family will be issued with a warning from the commune. This is mainly a concern for graves with a concession for up to 50 years. Specialized companies can maintain the grave for you.

Embalming is not permitted except with express permission and this is normally only allowed where the body must be transported internationally – for repatriation, for example.

The commune can provide more information on the local situation about burial.

Further information:

- ▶ Funebra, official site for funeral organisations in Belgium
www.funebra.be

REPATRIATION

If burial or cremation is to take place outside Belgium, the funeral parlour will make many of the arrangements. Once the documentation has been prepared, the following procedures must be followed:

- ▶ The coffin has to be sealed and checked by the police, who will provide additional documentation;
- ▶ A medical certificate is required stating that the body has no infectious diseases. Some countries insist that the body is embalmed before travel;
- ▶ The authorities in the country where the body is to be repatriated must provide paperwork confirming acceptance of the body;
- ▶ The commune where the death occurred and was registered provides a transfer licence for the body;
- ▶ Transportation of the body must also follow agreed procedures familiar to funeral parlours.

Foreign nationals should contact their embassy in Belgium, as they will normally assist with repatriation and advise on the formalities to be completed. While embassies can provide death certificates if required for their own nationals, Belgian death certificates are recognised by many countries.



Make sure you have an insurance which covers the repatriation of the body if death occurs whilst travelling.

INHERITANCE TAX

Belgian inheritance tax rules are complex, liable to change, and vary from region to region: helping you through these rules is the job of the notary.

The tax rates applicable to partners and children of the deceased can be as low as 3% and as high as 30%. Rates are higher for non-family beneficiaries of an estate.

Although you can opt to apply your national inheritance law to decide who inherits, you cannot opt for your national inheritance tax rate.

Tax authorities in all regions exempt the partner from inheritance tax on the family home.

In Belgian inheritance law there is the system of “forced heirship” – the deceased’s spouse and children are, between them, entitled to half of the total estate. The remainder, however, can be distributed according to a will or a donation.

Foreign residents in Belgium can opt to have their estate handled according to the laws of their home country instead, as long as this wish has been made clear in a will or a separate declaration. However, this provision does not apply in Denmark, Ireland, and the UK, as these countries opted out.

Accepting an inheritance includes an obligation to pay the deceased’s debts – even if they exceed the value of the estate. You can however avoid paying these debts if you refuse the inheritance.

Rules on the value of gifts such as money or “movable” personal possessions are assessed not simply on their value at the time of the gifting by the deceased, but on the value at the time, index-linked to the value on the day of the death.

Your notary will not only help with financial formalities and the last will and testament, but will also advise and assist on issues such as organ donation, donating a body to science and arranging the funeral.

SURVIVAL PENSION FOR SPOUSE

Under certain conditions the bulk of a deceased person's pension – 80% – can be transferred to a surviving spouse or partner, as long as he or she is at least 45 years old. Below that age, eligibility for the pension can be transferred if the couple had a child or children, and if the surviving spouse is at least 66% disabled.

If the deceased had not reached pension age, the surviving partner – again in certain circumstances – is entitled to 80% of what the pension would have been if the deceased had lived to retirement age, based on their average wage at time of death.

Even without meeting those criteria, a spouse may be granted a temporary pension, for up to one year.

Further information: **mypension.be**

BANK ACCOUNTS

Of all the technical and bureaucratic formalities relatives have to deal with at such a time of personal tragedy, the one issue many are often unprepared for in Belgium is the immediate closure of all the deceased's bank accounts.

They are blocked as soon as the bank has been informed of the death, to protect the inheritance rights of the heirs, although cash deposits and credit transfers can still be received into the accounts – and, crucially, standing order payments already in force prior to death will be maintained.

The shutdown can cause obvious complications for family members so banks arrange limited access funds for the surviving spouse or legal partner to meet on-going day-to-day expenses on behalf of the deceased.

However, the amount is restricted to a maximum of half the deceased's cash assets or 5,000 euro, whichever is the smaller – and even that cannot be drawn on the bank until the deceased's tax return has been filed, a copy of the certificate of succession has been received and until it has been established that there are no outstanding tax or social security debts.

In practice, banks will pay any hospital and medical bills, utilities bills and rent from the deceased's accounts for the last twelve months before death. Other bills will not be paid.



Consider opening separate bank accounts for both partners to avoid this administrative entanglement.

SUPPORT WHEN COPING WITH BEREAVEMENT

The Community Help Service which runs the Mental Health Centre in Brussels, is a professional team of psychologists, psychotherapists and psychiatrists who offer confidential support to English speakers of any nationality, including bereavement counselling.

Helpline: 02.648.40.14 (www.chsbelgium.org)

Psychologist Belgium offers bereavement counselling:
www.psychologist-belgium.be

YOUR OWN DEATH: BELGIAN RULES ON EUTHANASIA

Euthanasia is legal in Belgium. Under current law, a patient must be over 18, of sound mind, terminally ill and in constant physical or mental pain in order to qualify for euthanasia. The patient must be a resident of Belgium but not necessarily a citizen.

Death by lethal injection and by prescribed overdose are both allowed, with the decision a matter jointly for the doctor and patient. The patient has to submit a written request, and the opinion of a second and in some cases third doctor needs to be asked in order to complete the procedure.

This association provides comprehensive information to interested parties in Belgium:

- ▶ ADMD (Association pour le droit de mourir dans la dignité – www.admd.be)

LIVING WILL EUTHANASIA

If you put in a request for euthanasia, you have to be mentally competent and conscious. There is an exception. A living will for euthanasia allows you to request euthanasia beforehand, when you are still sound of mind, in case you become irreversibly unconscious, i.e. when you are in a coma. You can't use this living will euthanasia if you (slowly) become incompetent, for example when living with dementia. In that case consciousness is affected but not absent. You may register your living will for euthanasia with your commune but this is not compulsory. The living will euthanasia is not binding.

FURTHER INFORMATION

Expats in Brussels have a handy guide, to be downloaded from their website **www.expatsinbrussels.be**. The website also lists addresses where you can buy a print copy.

Expatica.com, country guide for Belgium

Belgian Federal Public Service:

<http://www.belgium.be>

Royal Federation of Belgian Notaries (in Dutch & French):

www.notaire.be

Taxation.be - taxation information site

COLOPHON

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