



Information on legal obligations for VCG Contractors

1. Limosa obligation:

(Application of Title IV, Chapter 8 of the Law of 27.12.2006 (Royal Decree 20.03.2007) concerning the advanced declaration of activities in Belgium by non-Belgian employers and self-employed persons)

A mandatory Limosa declaration must be made before starting the work on Belgian soil for:

- employees (incl. trainees) employed in Belgium temporarily or partially by a non-Belgian employer
- self-employed individuals coming to Belgium temporarily to exercise a self-employed activity

Declaration instructions can be found at www.socialsecurity.be/foreign/en/employer_limosa/home

The Limosa obligation is a legal obligation that the Contractor must comply with. Non-compliance can result in penal or administrative sanctions.

In practice, the Contractor is obliged to provide VCG with the Limosa 1 document in all cases 10 days before the employees (or him-or herself for self-employed) actually enroll at the VCG security post. This is a general obligation, legal exceptions to the principle are not retained.

2. Social security obligation - A1 document:

(Application of the E.U. Regulation 883/2004 (prior 1408/71) on the coordination of social security systems)

EU regulation foresees that, for EU workers, social security contributions will in principle be due in the work state. A posted worker (employee and self-employed) or a worker working in several countries at the same time, will in principle remain covered by his home country social security.

In the latter case, the worker has the legal obligation to present an A1 document (former E101 document) at any time upon request. The A1 document is a document proving that the worker pays social security contributions in his home country (an EU country).

→ Summary of documents contractually required when working at the VCG premises:

Employees of (sub)Contractors:

	Belgian (sub)Contractor	Foreign (sub)Contractor
Employee Belgian nationality	Limosa: No A1: No	Limosa: Yes A1: Yes
Employee Foreign nationality	Limosa: No A1: No	Limosa: Yes A1: Yes

Self-employed individuals:

Self-employed - Belgian nationality	No formalities to be fulfilled
Self-employed - Foreign nationality	Limosa + A1

3. Work permit/Visa obligation for non-EEA workers:

(Application of the law of April, 30th, 1999, Royal Decree of June, 9th, 1999 regarding the employment of foreign workers (non-European Economic Area nationals) in Belgium)

In order to employ a non-EEA employee in Belgium, the Contractor will have to apply for an employment authorization and a work permit B before starting the work in Belgium (for self-employed individuals a professional card is required instead of a work permit). There are three types of work permit, but the most common type in relation to foreign Contractors is the type B permit.

According to the law, a work permit can only be issued to a non-E.E.A. national if the applicant possesses special expertise or skills, which are not available in the Belgian labour market.



In practice, however, work permits are usually granted routinely in two cases :

1. to executives in managerial functions (=highly qualified employees) when requested by an employer. The salary offered to the executive is used as a guideline in determining whether a particular position is, in fact, at the managerial level. The permit must be renewed annually.

This renewal is possible if a person remains with the same employer.

2. to specialized technicians, on the condition that they are employed by the foreign employer/supplier, who's products needs to be installed by its own technicians. This permit is only valid for max. 6 months.

It is advisable to introduce the applications for a work permit at the latest 2 to 3 months before the start of the actual works in Belgium. The sanctions of this work permit regulation - if not applied – include imprisonment of the employer, closing down of the company, and penalties up to 75.000 EUR (when there was no legal residence) and up to 6.000 EUR (in case of legal residence) per illegal worker/employee.

All non-E.E.A. nationals, intending to exceed a 3 months stay in Belgium will need a visa. They are required to make a prior and express application for and have been issued a particular type of visa: the Schengen Type D Visa. This application will have to be submitted to the Belgian diplomatic or consular authorities of the applicant's place of residence. Once the visa is issued and the foreigner arrives in Belgium, he or she is to report to the municipal administration of his or her place of destination in Belgium in order to regularize his or her further stay there.

4. Labour law regulations

(Application of the law of March 5th, 2002 implementing the directive 96/71EC of the European Parliament and of the Council of 16 Decembers 1996 concerning the posting of workers in the framework of the provision of services)

A Contractor posting workers to Belgium must comply with the work, salary and employment conditions laid down by Belgian legislation, administrative regulations or agreements that are subject to criminal restraining (without prejudice of the application of any foreign working, remuneration and employment condition that is more favorable for the employee concerned).

A non-exhaustive account of such regulations is:

- the working schedule (limits on working hours, rest periods, Sunday rest, breaks),
- rules concerning working on public holidays,
- rules on temping and posting of workers,
- welfare of workers at the workplace (safety at work),
- terms and conditions of employment, wage/salary protection (time, manner and place of wage/salary payments, permitted wage/salary deductions),
- social records,
- minimum wage scales laid down by a generally binding sectoral collective agreement,
- (every other regulation that is subject to the provisions of penal law)

The Contractor should inform himself about these regulations. The Contractor must be aware that these general regulations are often changed in collective agreements concluded in joint committees. These collective agreements often foresee in additional rights for the workers. The main activity determines the joint committee (and her collective agreements) where-under the Contractor resides:

- JC 111 Metal, machine and electric construction for workers
- JC 124 Building sector
- ...

Questions or assistance needed?

Optional contact (to be paid by the contractor):

Agoria International Affairs → please contact your Volvo Car Gent contact person