



## Global Employer Services

### Individual tax

## New tax authority circular allows enhanced reliefs for employees working from home

On 26 February 2021, the Belgian tax authorities published a new circular letter 2021/C/20 ([Dutch](#) | [French](#)) addressing the tax implications for employees of various types of assistance in respect of teleworking provided by employers. The guidance has been issued in response to the increase in teleworking as a result of the COVID-19 pandemic and additional forms of support for home working being provided by employers to their employees. The guidance applies as from 1 March 2021 and does not affect existing rulings.

### Scope

The circular letter addresses the individual tax implications for employees of the refund by the employer of costs related to home working and also the provision by an employer of office furniture or ICT equipment to an employee.

The guidance applies to private and public sector employees but the following are explicitly **excluded** from the scope of the circular letter:

- Directors;
- Employees subject to the special tax status regime; and
- Employees with a salary split.

Tax-free lump sum home office allowances may be paid to the above, but these are determined on a case-by-case basis and based on “serious and concurring norms” (i.e., taking account of factors such as previous substantiated expense claims, procedures adopted by other companies in the sector, and other

information relevant to establishing an appropriate amount). A tax ruling can be obtained to increase the legal certainty of the tax treatment.

## What's new?

### *Home office allowance – structural homeworking*

The home office allowance covers all office expenses incurred in the normal exercise of the professional activity, such as use of the employee's home office space, printer and computer equipment, office supplies, property tax, coffee, etc.

An employer may grant employees who work from home on a **structural and regular basis** (defined as at least one day per week, assessed on a monthly basis), a maximum **lump sum home office allowance of EUR 129.48 per month**. For April, May, and June 2021, the maximum allowance will be **temporarily increased to EUR 144.31 per month** (see our previous [alert](#) dated 18 February 2021).

When the monthly home office allowance exceeds the acceptable amount and no supporting documentary evidence is available to substantiate the amount paid, the excess is regarded as taxable remuneration subject to withholding tax and must be reported as such on the salary form 281.10.

Employers may **differentiate** the amount of the allowance **based on the function category or the actual circumstances** under which the home working is organized.

### *Home office allowance – nonstructural homeworking*

Where the employee does **not** work on **structural and regular** basis from home, the lump sum allowance may nevertheless still be considered as nontaxable provided the employer proves that:

- The reimbursement is intended to cover expenses properly attributable to the employer; and
- The reimbursement has effectively been spent on these expenses.

The reimbursed amount should be determined according to serious and concurring norms resulting from repeated observations and sampling. A ruling may be obtained to improve legal certainty of the tax treatment.

### *Reimbursement of cost of office furniture or ICT equipment*

Costs incurred by an employee in respect of certain office furniture or ICT equipment may be reimbursed tax-free by an employer where the following conditions are met:

- **Receipts** for the expenses are available;
- The expenses relate to equipment **necessary to carry out the professional activity** at home in a normal way;
- The expenses are **not private expenses** (e.g., expenses that may be considered improvements to the employee's private residence such as new doors, windows, walls, or any other furniture that would become part of the house); and
- The expenses are **reasonable**.

A **limited list** of examples of qualifying items together with their expected useful life has been provided in the circular letter and includes:

- Office chair (expected useful life: 10 years);

- Office desk (expected useful life: 10 years);
- Office cabinet (expected useful life: 10 years);
- Office lamp (expected useful life: five years);
- Second screen (expected useful life: three years)
- Printer/scanner (expected useful life: three years); and
- Other office accessories (expected useful life: three years).

The reimbursement can be made in a **single payment or spread over a number of years**.

The reimbursement of the cost of office furniture or ICT equipment **may be combined with payment of the home office allowance** but this is not mandatory.

When the **professional activity or teleworking ends before the expiration of the expected useful life** of the equipment and the employee does not reimburse the actual residual value to the employer, the **residual value** will be considered as a **taxable** benefit-in-kind for the employee in the year in which the activity or teleworking ends.

#### *Office furniture or ICT equipment provided by the employer*

An employer may provide an employee with office furniture or ICT equipment tax-free provided:

- The furniture or ICT equipment is **necessary to carry out the professional activity** at home; and
- The expenses are **reasonable**.

The same **limited list** of examples of qualifying office items as above applies.

The provision of office furniture or ICT equipment by an employer **may be combined with payment of the home office allowance** but this is not mandatory.

When the **professional activity or teleworking ends before the expiration of the expected useful life** of the equipment and the employee neither returns the equipment to the employer nor reimburses the employer for the actual residual value, the **residual value** will be considered as a **taxable** benefit-in-kind for the employee in the year in which the activity or teleworking ends.

#### *Other allowances*

In addition to the home office allowance for structural teleworking (maximum EUR 129.48 per month, temporarily increased to EUR 144.31 per month for April, May, and June 2021), the following tax-free cost allowances may be granted by an employer to an employee:

- A lump sum allowance of a **maximum of EUR 20** per month for the use of the **internet** for teleworking purposes;
- Where an employee uses a **private desk top computer, laptop, or tablet** for teleworking, a lump sum allowance of a **maximum of EUR 20 per month**; and
- Where only a **private second screen and/or printer/scanner** is used by the employee for teleworking, a lump sum allowance of a maximum of EUR 5 per month per item for a maximum period of three years may be granted. **An absolute limit of EUR 10 per month applies.**

#### *Part-time employees*

For **part-time employees**, the lump sum amounts should not be reduced proportionately. The maximum amount may be granted where the part-time employee works from home structurally and on a regular basis, regardless of the number of hours specified in the employment contract.

---

## Contacts

If you have any questions concerning the items in this alert, please contact your usual tax consultant at our Deloitte office in Belgium or:

- Frédéricq Jacquet, [frjacquet@deloitte.com](mailto:frjacquet@deloitte.com), + 32 2 600 65 29
- Sofie Van Breedam, [svanbreedam@deloitte.com](mailto:svanbreedam@deloitte.com), + 32 2 600 67 93
- Aurélie Michiels, [amichiels@deloitte.com](mailto:amichiels@deloitte.com), + 32 2 600 65 36

For general inquiries, please contact:

[bedeloittetax@deloitte.com](mailto:bedeloittetax@deloitte.com), + 32 2 600 60 00

Be sure to visit us at our website: <http://www.deloitte.com/be/tax>

---

## [Deloitte Academy](#)

## [Tax Tools and Publications](#)

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as “Deloitte Global”) does not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) for a more detailed description of DTTL and its member firms.

Deloitte provides audit, tax & legal, consulting, and financial advisory services to public and private clients spanning multiple industries. With a globally connected network of member firms in more than 150 countries and territories, Deloitte brings world-class capabilities and high-quality service to clients, delivering the insights they need to address their most complex business challenges. Deloitte's more than 330,000 professionals are committed to becoming the standard of excellence.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the “Deloitte Network”) is, by means of this communication, rendering professional advice or services. No entity in the Deloitte network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

© 2021 Deloitte Belgium

[Subscribe](#) | [Unsubscribe](#)