



KINGDOM OF BELGIUM
Federal Public Service
**Foreign Affairs,
Foreign Trade and
Development Cooperation**

Vade mecum

Immunities and privileges

Protocol Directorate

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Introduction

The protocol guide is published by the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation in order to provide a transparent and courteous welcome to foreign nationals working in the Kingdom of Belgium. It contains practical information based on the interpretation given by the Belgian authorities of the rules applicable to privileged persons.

The special rights enjoyed by privileged persons derive from the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the Headquarters Agreements entered into with international organizations present or represented in Belgium. The conventions allow national authorities to develop an evolutionary interpretation of these texts.

Please note that the protocol guide is an informative publication and not a regulatory text. No rights can be derived from the guide which does not have the force of law.

The protocol guide is available online on the FPS Foreign Affairs website and is updated regularly to reflect the latest developments.

Diplomatic missions, consular posts and international organizations established or represented in Belgium can send their questions concerning the application of the directives to the Protocol Directorate of the FPS Foreign Affairs by email. (cf. Preliminary remarks).

Preliminary remarks	1
0.1 Protection of privacy	1
0.2 Communication with diplomatic missions and international organizations	2
Part I: Diplomatic Missions	5
Chapter 1. The opening of a diplomatic mission	5
1.1. The opening of a bilateral mission	5
1.2. The opening of a mission to the EU and/or NATO	5
Chapter 2. Staff members of the diplomatic mission	7
2.1. Preliminary comments	7
2.2. Members of the diplomatic staff	9
2.3. Head of Diplomatic Post	13
2.4. Defence, Military, Naval and Air Force Attachés to a bilateral mission	20
2.5. Members of the administrative and technical staff	23
2.6. Members of the service staff	25
2.7. Private servants	29
Chapter 3. Staff of the diplomatic mission who do not enjoy privileges under the Vienna Convention	35
3.1. Civil servants on an official mission in Belgium	35
3.2. Officials on short-term special mission on Belgian territory	38
3.3. Seconded national experts	39
3.4. Military trainees	41
3.5. Locally recruited staff	41
Chapter 4. Family members of diplomatic mission staff and other collaborators	45
4.1. Preliminary comments	45
4.2. General conditions	47
4.3. Arrival in Belgium of family members, first steps	50
4.4. Visit and stay in Belgium of other family members	52
4.5. Exercise of a professional or commercial activity by family members	54
4.6. Criminal record extract	55
Chapter 5. Special residence permits - immunities of the diplomatic mission, its members and their family members	57
5.1. The special residence permits	57
5.2. Immunities of the diplomatic mission, its members and their family members	65
Chapter 6. Security of foreign diplomatic missions and international organisations established in Belgium	69
6.1. Protection of official buildings	69
6.2. Organising elections	73
6.3. Protection of persons	73
Chapter 7. Tax privileges	80
7.1. Exemptions from taxes and excise duties	80
7.2. Delegations of signature in tax matters	81
7.3. Exemption of VAT	82
7.4. Customs and Excise	83
7.5. Exemptions from other taxes and duties	84
7.6. Exemptions from other taxes and duties - staff members of the mission and other categories of personnel	90
Chapter 8. CD Vehicles	93
8.1. Introduction	93
8.2. Taxation applicable to vehicles registered in "CD" series	94
8.3. Registration procedure	95
8.4. Use of a vehicle registered in CD series	98
8.5. Return of CD plates - procedure for obtaining transit plates	105

Part II: Consular posts	107
Chapter 9. Opening of a consular post	107
Chapter 10. Appointment of the Head of consular post	109
10.1. Preliminary comment	109
10.2. Correspondence with the Protocol Directorate	109
10.3. The Head of consular post	109
10.4. Precedence	110
10.5. The Head of an honorary consular post	110
10.6. Members of staff of the consular post	112
10.7. Facilities, privileges and immunities	113
Part III : International organisations	114
Chapter 11. Family members of the staff of international organisations	114
11.1. Preliminary remark	114
11.2. General conditions	115
11.3. Arrival of the family members in Belgium - Initial formalities	117
11.4. Exercise of a professional or commercial activity by family members	119
11.5. Excerpt from the criminal record	121
Chapter 12. Special residence permits and immunity for members of an international organisation and their family members	122
12.1. Special residence permits	122
12.2. The 4 types of special residence permits	124
12.3. The VNC (Voluntary National Contribution) under the London Convention (1951)	125
12.4. Application for an residence permit	127
12.5. Renewal or extension of the special residence permit	129
12.6. Loss or theft of the residence permit	129
12.7. Restitution of residence permits	131
12.8. Immunities of officials of international organisations	132

Preliminary remarks

0.1 Protection of privacy

- 0.1.1 The Protocol Directorate is subject to the Belgian law of 30 July 2018 on the protection of individuals with regard to the processing of personal data, which has been supplemented by amendments made in the context of the EU General Data Protection Regulation (GDPR). In accordance with the Vienna Convention of 18 April 1961 on diplomatic relations, the Vienna Convention of 24 April 1963 on consular relations and the Royal Decree of 30 October 1991 on the residence documents of certain foreign nationals in Belgium, the Protocol Directorate has a legal obligation to process these personal data.

- 0.1.2 The Protocol Directorate ensures that only the data necessary for processing is collected and takes the necessary steps to safeguard the confidentiality of the data and to protect this data against unauthorised access and misuse. On the basis of the legal obligation as mentioned in point 0.1.1, the Protocol Directorate shares personal data with other authorities. Personal data shall under no circumstances be used or transmitted to third parties for commercial purposes, and shall only be retained for the period necessary for the various processing actions for which the data were collected.

0.2 Communication with diplomatic missions and international organizations

0.2.1 Principles

1.2.1.1. The Protocol Directorate has completely abandoned the use of fax machines and prefers to use a digital exchange of information, including for verbal notes. These verbal notes will always be scanned and attached to an e-mail which is sent to the email address "protocol.directorate@diplobel.fed.be" or, depending on the subject, to one of the email addresses below.

If the subject of the note verbale does not fall within the competence of the Protocol Department, the latter will take care of sending the note verbale to the competent department, which will send a direct contact address if necessary.

1.2.1.2. It is no longer necessary to send originals of verbal notes in paper form, except for:

- requests to issuing special residence permits (see infra point 5.1.3 and 5.1.4);
- exemptions from other taxes and duties (see infra point 7.5);
- registration of vehicles (see infra point 8.3).

1.2.1.3. The Protocol Directorate requests the diplomatic missions and international organizations to use the following generic email addresses for submitting requests, including *advanced copies* of verbal notes. The Protocol Directorate is unable to guarantee the follow-up of documents sent to personal email addresses. Whenever a desk officer is contacted directly, the generic email address must always be added in copy (cc).

1.2.1.4. Furthermore, the missions and international organizations are requested not to use the contact form on the general website of the FPS Foreign Affairs as this form is reserved for questions by the general public.

1.2.1.5. Diplomatic missions and international organizations are invited to immediately communicate to the Directorate of Protocol any adjustment and/or change of contact details (telephone numbers, email addresses or website); moreover, attention is drawn to the fact that the communication of these modifications will only be accepted by verbal note.

*Adjustment
and/or change of
contact details*

0.2.2 Issues belonging to the competence of the Protocol Directorate's Department P1 "Privileges and immunities", responsible for applying the 1961 Vienna Convention on diplomatic relations and the 1963 Vienna Convention on consular relations:

0.2.2.1. Protocol.directorate@diplobel.fed.be:

protocol.directorate

- credentials;
- accreditation of members of staff of the diplomatic missions and international organizations (diplomats, administrative and technical staff, military personnel, police liaison officers, international civil servants, service staff, private servants, civil servants on an official mission, seconded national experts, honorary consuls) and their family members;
- questions regarding:
 - special residence permits for these members of staff;
 - diplomatic immunities;
 - fiscal privileges;
- status of the official buildings of a diplomatic mission or international organization.

0.2.2.2. IPS@diplobel.fed.be ("*Information, Prevention and Support*"): security issues related to the external protection of the official buildings of the diplomatic missions and international organizations, including :

IPS

- organization of events (for example: receptions)
- burglaries, theft, vandalism, acts of aggression;
- demonstrations;
- setting up of polling stations;
- information regarding weapon ownership licences and the licence to carry a weapon.

Reminder: requests for security measures for events and the organisation of polling stations must be made at least 5 working days in advance to ensure that security measures are organised by the local police forces. Requests for security measures in connection with announced events should also be addressed to the Protocol Directorate as soon as possible.

0.2.2.3. Protocol.invitation@diplobel.fed.be: Sworn Declarations for the purpose of a short stay in Belgium of those family members of the members of staff of diplomatic missions and international organizations not residing under the same roof and subject to a visa requirement.

protocol.invitation

0.2.2.4. Protocol.cd@diplobel.fed.be: registration and issuance of CD registration plates for the members of diplomatic missions or international organizations.

protocol.cd

0.2.3 Issues belonging to the competence of the Protocol Directorate's Department P2 "Visits and Events management" in the context of visits by foreign dignitaries.

0.2.3.1 visits.protocol@diplobel.fed.be:

visits.protocol

- notifying a State, official or working visit, a draft programme, a final programme, a list of members of the delegation;
- requests for a bilateral meeting with his Majesty the King (audience)/the Prime Minister/the Minister of Foreign Affairs;
- requests for temporary firearms licences in the context of the visit;
- requests for security measures for the VIPs;
- requests for the use of radio frequencies during visits;
- requests for the reservation (use) of a VIP lounge at the airport have to be sent directly to the email address of the VIP lounge of the relevant airport (vip@brusselsairport.be), with a copy to visits.protocol@diplobel.fed.be;
- requests for the reservation of the VIP lounge at the Brussels-Midi railway station have to be sent to protocol@b-rail.be, with visits.protocol@diplobel.fed.be in cc.

0.2.3.2 Authorizations for overflight and landing of military aircraft, as well as state civil aircraft, are handled by the "International Transport Policy" office (B3.4) of the FPS Foreign Affairs, which can be contacted via the following email address: B4@diplobel.fed.be.

B4

0.2.3.3 ABP@diplobel.fed.be ("**Airport Badges & Parking**"): airport facilities:

ABP

- requests for permanent and temporary airport badges;
- requests for access cards for the CD parking at Brussels Airport.

Part I: Diplomatic Missions

Chapter 1. The opening of a diplomatic mission¹

1.1. The opening of a bilateral mission

- Legal Framework*
- 1.1.1. According to Article 2 of the 1961 Vienna Convention on Diplomatic Relations, the establishment of diplomatic relations between States, and the establishment of permanent diplomatic missions, takes place by mutual consent.
- Recognition*
- 1.1.2. The establishment of diplomatic relations may follow recognition. If there was no prior recognition, the establishment of relationships implies recognition.
- Start of the mission*
- 1.1.3. In Belgium, diplomatic relations are established by an exchange of letters resulting in an ad hoc agreement which is published in the Belgian Official Journal. This formalisation makes it possible to establish which texts (for example the 1961 Vienna Convention) will govern the diplomatic relations. The agreement may include the practical terms of the relations, such as the opening of diplomatic posts, the accreditation of resident or non-resident ambassadors, and chargés d'affaires.
- 1.1.4. Diplomatic relations effectively begin with the appointment of a diplomat who will represent the sending State in Belgium.

1.2. The opening of a mission to the EU and/or NATO

- Multiple accreditation*
- 1.2.1. The multiple accreditation of a Head of Mission to Belgium and the EU and/or NATO is widely practised. Both missions act jointly and the Protocol Directory will consider exclusively the bilateral mission as exercising the duties of the mission to the EU and/or NATO.

¹ For consular posts, see below, Part II, Chapter 9.

*Opening of a
mission separate
of the bilateral
mission*

- 1.2.2. The appointment of another Head of Mission to the EU or NATO, different from the Head of Mission to Belgium, will result in the opening of a mission to the EU/NATO which is separate from the bilateral mission. From this moment onwards, Protocol Directorate will consider the mission to the EU/NATO as a diplomatic mission which is independent of and separate from the mission to Belgium.

Chapter 2. Staff members of the diplomatic mission

2.1. Preliminary comments

- Staff members of the mission*
- 2.1.1. According to Article 1 of the Vienna Convention on diplomatic relations of 18 April 1961, the "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission. A "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State".
- Limits of the diplomatic staff complement*
- 2.1.2. Pursuant to Article 11 of the Vienna Convention of 18 April 1961, the receiving State may require that the staff complement of the diplomatic mission be maintained within the limits of what it considers reasonable and normal, having regard to the prevailing circumstances and conditions in the sending State and the needs of the mission in question. It is requested that the diplomatic mission informs the Protocol Directorate of the opening of any new position in its staff before designating the person who will fill the new post. In case of replacement, the identity of the predecessor shall be communicated to the Protocol Directorate without delay. The end of the predecessor's function should take place within a reasonable period of time. If this is not the case, the Directorate of Protocol will consider it to be a new post and the mission will have to request it.
- Acceptable replacements*
- 2.1.3. The replacement of a staff member of a diplomatic mission is only acceptable if they belong to the same category of staff as referred to in Article 1 of the Vienna Convention on Diplomatic Relations. Any appointment of a replacement assigned to a category of staff different from that of his predecessor or for a local staff member by a member who will be registered in the Protocol registers will be reclassified by the Protocol Directorate in a new post.
- Refusal of admission*
- 2.1.4. The receiving State may also, within the same limits and without discrimination, refuse to accept officials of a certain category or individual persons as members of staff of the diplomatic mission (see also point 2.2.2.1 in fine). This is the case for security personnel (see also point 3.1.3.5) or civil servants with an educational assignment.

2.1.5. The members of the diplomatic mission with a special residence permit issued by the Protocol Directorate may not exercise any gainful activity. Failure to comply with this rule may result in the withdrawal of the special status of the holder of the function.

2.1.6. Every year, diplomatic missions are invited to provide the following information to the Protocol Directorate:

- the lists of:
 - members of the diplomatic staff
 - members of the administrative and technical staff;
 - members of the service staff;
 - private servants;
- an overview of :
 - the official buildings;
 - telephone and fax numbers;
 - email addresses;
 - website;
 - contact numbers in case of urgency.

Annual survey

Failure to respond to this request does not allow the Protocol Directorate to issue special residence permits or “CD” license plates to the mission under best possible circumstances.

2.1.7. The date of assumption of duties does not necessarily correspond to the date of arrival in Belgium. With regard to the members of the mission, the date of the mission’s verbal note announcing the arrival of the person concerned and requesting his registration in the Protocol register is taken into account, unless effective taking up takes place after this date².

Date of assumption of duties

2.1.8. The diplomatic mission is requested to inform the Protocol Directorate by verbal note of the date of the final departure or termination of the functions of the staff member listed in the Protocol Registers. This notification must be made no later than the date of termination of duties. The final departure of family members must also be notified.

Definitive departure/ termination of functions

² In the situation provided for in point 2.2.1.6, the date of commencement of function may not be earlier than the date of model 8. Specific rules apply to the Head of the Diplomatic Post as well as defense, military, naval and air attachés and police liaison officers to a bilateral mission.

Deadline for final departure

2.1.9. The special residence permit is by nature temporary. The holder of a special residence permit and the members of his family are therefore supposed to leave Belgian territory as soon as his duties end. In accordance with Article 39, § 2, of the Vienna Convention on Diplomatic Relations, after the cessation of function, the holder of the function and the members of his family retain their status provided that they leave the territory within a period within reason. In Belgium, this period is limited to 30 days. However, if the person concerned needs additional time to organize his departure, it will be up to the Embassy to inform the Protocol Department of the exact date of his final departure, which may not, however, be later than a period of 3 months after the end date of the function.

The same deadlines also apply, *mutatis mutandis*, for the person who ceases to be a member of the family of a member of the mission (see point 4.1.9 below).

Treatment by mutual agreement

2.1.10. The Protocol Directorate recalls that, in accordance with Article 47 of the Vienna Convention, by applying the provisions of this Convention, it will not discriminate between States. However, any treatment more favourable than that provided for in the provisions of this Guide should not, be considered discriminatory if it results from mutual agreement.

2.2. Members of the diplomatic staff

2.2.1. Introduction

The diplomatic official

2.2.1.1. As a rule, general diplomatic status is only granted to officials in possession of a diplomatic passport who perform a diplomatic function³, and according to the ranks and titles as foreseen in conventions, international custom and Belgian law. If the person concerned does not hold a diplomatic passport, the diplomatic mission must send to Protocol Directorate, by note verbal, the regulations of the sending country stating the issuance of a diplomatic passport is not provided for in this case.

³ If the function is mentioned in the diplomatic passport it must correspond to the function exercised at the mission.

- 2.2.1.2. These are, in order of rank:
- Ambassador^{4 5}
 - Minister
 - Advisor
 - Secretary
 - Attaché
- Rank*
- with their respective subdivisions, except for the rank « ambassador ».
- 2.2.1.3. In order to avoid any confusion between diplomatic status and consular status, the members of staff of diplomatic missions who perform consular functions are granted titles which are customary in Embassies.
- 2.2.1.4. Diplomatic staff have in principle the nationality of the Sending State. Persons who have the nationality of the receiving country, i.e. Belgian nationality, cannot benefit from a privileged status; this rule is strictly enforced by the Protocol Directorate. The Protocol Directorate does not make any exceptions, even for Belgians with dual nationality. This rule also applies to the family members of the official.
- Nationality*
- 2.2.1.5. If the members of the diplomatic staff have dual nationality (other than Belgian nationality), only the nationality of the sending State will be taken into account.
- Dual nationality*
- 2.2.1.6. A foreign national who is registered in the population register of a Belgian municipality may not, in principle, claim immunities or privileges. Nevertheless, if the sending State wishes to designate him or her as a diplomat in Belgium, the person in question is required to take the initiative themselves to be exempted from registration from the above-mentioned register. Their personal status during the period preceding entry in the Protocol Directorate Registers is entirely a matter of common law. For any dispute relating to this period, they must refrain from asserting the immunities associated with their privileged status. A personal declaration to this effect, covered by a verbal note, will be required when a special residence permit is issued, as well as the form certifying removal from the registers (template 8, "exempted from registration"- see Annex I)⁶.
- Foreign nationals residing in the territory*

⁴ For multilateral missions, see below no 2.3.1; for consular posts, see below no 10.3.

⁵ See also below no 2.3.1.1.

⁶ In order to be exempted from registration from the population registers and to present the above-mentioned Model 8, the person concerned must present himself/herself to the municipality with a copy of the NV referred to in point 2.2.2.1, addressed to the Protocol Directorate, concerning the appointment as a diplomatic agent in the diplomatic mission concerned.

2.2.2. Prior to the arrival of the members of the diplomatic staff

2.2.2.1. The diplomatic mission will inform the Protocol Directorate of the appointment of diplomatic officials, by verbal note. This note shall clearly indicate :

Notification of appointment

- the category in which the person is to be accredited ;
- a description of his or her functions and future activities;
- whether it is a new function or a replacement; in this case the identity of the predecessor will also be indicated (in accordance with No. 2.1.2 in fine, supra).

2.2.2.2. Where applicable, diplomatic officials and their families arriving in Belgium must be in possession of the relevant visa allowing them access to the territory. The purpose of such a visa must be clearly mentioned when submitting the application, which will also contain the information referred to in point no 2.2.2.1 above. This application may be made:

Visa application

- with the Belgian diplomatic post responsible for the place of residence of the persons in question at the time that the application of the sending State is submitted;
- or, exceptionally, if the scope of the jurisdiction of the Belgian diplomatic post or communication problems justify it, with another State in the Schengen area.

2.2.2.3. The accreditation of Heads of diplomatic posts, Military attachés, Defence, Naval and Air force attachés, Police liaison officers and their deputies and co-workers is subject to prior approval by the receiving State (see point 2.3 and 2.4).

2.2.2.4. As regards military personnel and police liaison officers for whom a diplomatic residence permit is requested by the diplomatic mission and who fulfil the conditions set out in paragraph 2.2.2.1 above , the Protocol Directorate, in accordance with Article 11, § 2, of the Vienna Convention on Diplomatic Relations, will only be able to issue the requested permit to :

Approval

- military personnel who are senior officers with at least the rank of Major in the Army or the corresponding rank in the Air Force or Navy;
- police liaison officers with at least the rank of Chief Superintendent or Major (in the Army) or the corresponding rank in the Air Force or Navy;

and subject to the procedure laid down above in point 2.4 in the case of a bilateral mission.

- Arrival & registration with the Protocol*
- 2.2.3. The arrival of the members of the diplomatic staff**
- 2.2.3.1. The Protocol Directorate is notified of the person's arrival by verbal note. With a view to the registration of the diplomatic staff member in the Protocol's Registers, this verbal note must be accompanied by the documents to be provided when applying for a special residence permit, specified below under point 5.1.3.1. This special residence permit is issued after the complete set of documents has been received.
- Update of the Diplomatic list*
- 2.2.4. Diplomatic list and protocolar precedence list**
- 2.2.4.1. Once diplomatic officials, having assumed their duties with an Embassy, are registered with the Protocol Directorate, they are included on the diplomatic list of their Embassy, in order of seniority of their diplomatic rank and according to their date of assumption of duties.
- Notification of appointment*
- 2.2.5. Diplomatic staff residing abroad**
- 2.2.5.1. If a member of diplomatic staff is accredited in Belgium but does not reside there, the diplomatic mission concerned is asked to notify the Protocol Directorate in Belgium of the appointment of this person by verbal note. The mission is asked to send, in attachment, a legible copy of their diplomatic passport. The appointment of the person in Belgium will only be effective after an affirmative response from the Protocol Directorate by verbal note.
- Special residence permit*
- 2.2.5.2. However, the Protocol Directorate may only issue a special residence permit if the official is appointed as Head of Mission, Military Attaché, Defence Attaché or Police Liaison Officer (see also points 2.3 and 2.4).
- Return of documents issued by the Protocol*
- 2.2.6. Departure of the member of the diplomatic staff**
- 2.2.6.1. The mission must attach to the verbal note referred to supra in point 2.1.8, announcing the date of the final departure or termination of the diplomatic agent's functions, the documents which were issued through the Protocol Directorate, in particular:
- the special residence permits of the official and their family members;
 - where appropriate, the CD registration plate for private vehicles;
 - the airport access card.
- Remember that the final departure of family members must also be notified.

2.3. Head of Diplomatic Post⁷

2.3.1. Introduction

Ambassador 2.3.1.1. In Belgium, the title of Ambassador is used for the Head of Mission of a bilateral Embassy, who has presented their credentials to His Majesty the King.

2.3.1.2. Ambassador can refer to:

- ambassador-designate: the ambassador appointed by the sending State
- approved Ambassador: the ambassador who has submitted copies of their credentials to the Head of Protocol
- accredited Ambassador: the ambassador who has submitted their credentials to His Majesty the King.

Permanent Representative 2.3.1.3. The Head of a diplomatic mission may only have the title of "Permanent Representative" if the country they represent is a member of the International Organisation to which they are accredited.

Head of Mission 2.3.1.4. The Head of Mission accredited to an International Organisation, but of which the sending State is not a member, has the title of Head of Mission.

2.3.2. Head of a bilateral mission

2.3.2.1. Prior to the arrival of the ambassador

Request for approval 2.3.2.1.1. The sending State sends the request for approval by verbal note to the Protocol Directorate or to the Belgian Embassy competent for the sending State. This formal request must be accompanied by the curriculum vitae of the Ambassador-designate, which provides as much detail as possible.

Curriculum vitae

The curriculum vitae must be accompanied by a translation into French, Dutch or English. It must contain the following details:

- Surnames, first names, any titles (with explanation),
- Date and place of birth (town + country),
- Civil status, family composition,
- Diploma, training, traineeships and educational certificates,
- Career and professional path (chronological),
- Linguistic skills (active and passive),
- Hobbies, particular interests,
- Possible publications, professional specializations,
- Jurisdiction, possibly other bilateral and/or multilateral accreditations,
- ID photo.

⁷ For consular posts, see below, Part II, Chapter 10.

- Approval* 2.3.2.1.2. The examination of the request for approval will take several weeks. The utmost discretion will be observed throughout the procedure. The Protocol Directorate will notify the Head of the diplomatic mission in Brussels of the response to the request for approval, via official letter. The Ministry of Foreign Affairs of the sending State will also be informed via the competent Belgian Embassy.
- Refusal* 2.3.2.1.3. The receiving State is not obliged to give the sending State reasons for a refusal of approval.
- 2.3.2.2. Arrival of the approved ambassador, first steps**
- Announcement of arrival* 2.3.2.2.1. The Embassy of the sending State informs the Protocol Directorate, via diplomatic note, of the exact date and time of the arrival of the Ambassador-designate.
- 2.3.2.2.2. The Protocol Directorate will ensure that the protocol services of the National Airport receive the future Head of Mission and that their arrival in Belgium goes smoothly.
- Meeting with the Head of Protocol* 2.3.2.2.3. At their request, the Ambassador-designate is received by the Head of Protocol. The Ambassador-designate hands over the following:
- an authenticated copy of their credentials;
 - an authenticated copy of the letters of recall of their predecessor.
- Official visits and contacts of the Approved Ambassador* 2.3.2.2.4. From the initial meeting with the Head of Protocol onwards, the Approved Ambassador may make a series of visits, including working contacts with officials of the FPS Foreign Affairs and other ministries.
- 2.3.2.2.5. However, he or she will not yet participate in official Belgian receptions, and especially those attended by His Majesty the King. At this stage, he or she will also avoid visits to Belgian ministers. If any doubt arises, he or she can refer to the Protocol Directorate.
- Special residence permit* 2.3.2.2.6. The Approved Ambassador may request from the Protocol Directorate by verbal note, along with the documents to be provided when applying for a special residence permit, as indicated in point 5.1.3.1 a temporary special residence permit, which in principle is valid for three months. The definitive special residence permit is issued to the Ambassador without the need for a new request after their credentials have been presented to His Majesty the King. The Ambassador's family members will only receive a special residence permit at this point.

Tax privileges of the Approved Ambassador 2.3.2.2.7. From the moment that the credentials are presented to the Head of Protocol, the Ambassador may enjoy personal tax privileges. However, he or she is not yet considered the Head of mission, and the chargé d'affaires a.i. retains this function.

2.3.2.3. Presentation of credentials

Location 2.3.2.3.1. According to tradition, several newly approved Ambassadors hand in their credentials to His Majesty the King on the same day. In principle, the Royal audience is organised at the Royal Palace in Brussels. Generally, the order of presentation is determined by the order in which the copies of the credentials were handed in to the Head of Protocol.

Date 2.3.2.3.2. The date of presentation of the credentials to His Majesty the King is fixed by the Royal Palace and communicated by the Protocol Directorate to the diplomatic mission. It should be noted that no credentials are presented during the annual vacation period (July - August).

Transport, Accompaniment 2.3.2.3.3. The diplomatic mission will notify the Protocol Directorate of the address where the Royal Court's cars will collect the Ambassador, the names of a maximum of three diplomats registered with the Protocol Directorate who will accompany the Ambassador - all without their spouse/legal partner.

Language 2.3.2.3.4. The mission will also specify the language that the Ambassador wishes to use during their meeting with His Majesty the King. If the Ambassador wishes to use a language other than French, Dutch or English, the Embassy must provide an interpreter.

Accreditation 2.3.2.3.5. The Ambassador will be accredited in Belgium from the day on which their credentials are presented to His Majesty the King. From this date on, retained as the official date of entry into function, he or she is effectively the Head of diplomatic mission in Belgium.

2.3.2.3.6. The presentation of the credentials to His Majesty the King is published in the Belgian Official Journal shortly afterwards.

2.3.2.4. Accreditation with multiple States

Multiple accreditation 2.3.2.4.1. The FPS Foreign Affairs must be informed if a sending State wishes to simultaneously accredit a Head of Mission in Belgium and to another State or International Organisation.

2.3.2.4.2. A Head of Mission who has his/her residence in Belgium but who is also accredited to other States or to an International Organisation must first present his/her credentials to His Majesty the King.

2.3.2.5. Accredited Chargé d'affaires en pied⁸

2.3.2.5.1. The sending State chooses the level of representation with the receiving State.

Lettres de cabinet

2.3.2.5.2. The Chargé d'affaires en pied does not present credentials to His Majesty the King, but delivers 'lettres de cabinet' from the Minister of Foreign Affairs of the sending State to the Minister of Foreign Affairs of the receiving State.

2.3.2.6. Order of precedence

2.3.2.6.1. The order of precedence among the Heads of diplomatic missions is determined by the date and time their credentials are presented to His Majesty the King. The current order of precedence can be consulted on the Protocol Directorate website.

Dean of the diplomatic corps

2.3.2.6.2. It is customary in Belgium for the representative of the Holy See to always have precedence over their colleagues; he is also the Dean of the Diplomatic Corps.

Permanent Representatives, Heads of Mission

2.3.2.6.3. The Ambassadors accredited to His Majesty the King have precedence over their colleagues, Permanent Representatives or Heads of Diplomatic Missions to the EU or NATO.

2.3.2.6.4. The Permanent Representatives and Heads of Mission to the EU always have precedence over Permanent Representatives and Heads of Mission accredited to NATO.

2.3.2.6.5. However, at special events primarily concerning the EU or NATO, the Heads of Mission and the Permanent Representatives accredited with the institution in question will have priority over their colleagues accredited to His Majesty the King.

Chargés d'affaires en pied and ad interim

2.3.2.6.6. According to protocol, an accredited Chargé d'affaires en pied has precedence over a Chargé d'affaires ad interim, even if they have the same rank.

⁸ For consular posts, see below 10.5.8

2.3.2.7. Visits to Ministers and political figures

2.3.2.7.1. There are no rules or practices governing visits to Belgian Ministers or leading political figures.

*Prime Minister;
Minister of
Foreign Affairs* 2.3.2.7.2. Only visits to the Prime Minister and the Minister of Foreign Affairs are requested via the Protocol Directorate. For the detailed procedure, refer to the Vademecum "Visits and airport access".

*Working visits
and courtesy
visits* 2.3.2.7.3. The diplomatic mission may contact the cabinets of other federal, regional and community ministers directly to organise working visits and/or courtesy visits.

2.3.2.8. Travel and absence of the Head of Mission

*Notification of
absence* 2.3.2.8.1. Diplomatic practice requires that any travel outside the country of residence - for whatever reason - be notified to the Protocol Directorate by verbal note.

2.3.2.8.2. However, it is generally accepted that this is not necessary if the absence is for a very short duration, i.e. less than 3 days.

2.3.2.8.3. In order to ensure the smooth running of the diplomatic mission at all times, it is essential that the Protocol Directorate be informed of the name of the person in charge of the post in the absence of the Head of Mission⁹.

2.3.2.9. Departure of the Head of bilateral mission

*Notification of
expected
departure date* 2.3.2.9.1. The Embassy communicates to the Protocol Directorate, by verbal note, the anticipated end date of the Ambassador's diplomatic mission in Belgium.

*Definitive
departure* 2.3.2.9.2. At the time of the definitive departure of the Ambassador, the Embassy sends a second note to the Protocol Directorate. This note, containing the precise date of departure, is the last to be signed or initialled by the Ambassador, and will designate a Chargé d'affaires ad interim. In the absence of such designation, only the Ministry of Foreign Affairs of the sending State may appoint a Chargé d'affaires ad interim.

⁹ For practical reasons, a Chargé d'affaires ad interim appointed in the event of the temporary absence of the Head of Post will not be included in the list of Chargé d'affaires ad interim published on the FPS Foreign Affairs website and will not have de facto signing authority in customs and tax matters.

Lack of
appointment of a
Head of Mission

2.3.2.9.3. In the absence of the designation of a Head of Mission, the mission will no longer be able to operate in Belgium and no official contact will be possible with the Protocol Directorate.

Chargés
d'affaires ad
interim

2.3.2.9.4. A Chargé d'affaires *ad interim* is appointed :

- either by verbal note, signed or initialled by the Head of Mission still in office, who may also be the chargé d'affaires a.i., and addressed to the Protocol Directorate, designating one person from among the members of the missions of the sending country;
- or by official letter sent to the competent Belgian post by the Minister of Foreign Affairs of the sending State.

The latter procedure applies in particular if the Head of Mission is temporarily unable to perform his functions.

Chargé d'affaires
in charge of day-
to-day
administrative
matters

2.3.2.9.5. If none of the members of diplomatic staff reside in Belgium, a member of the administrative and technical staff may be appointed person in charge, with the consent of the Protocol Directorate. This person then has the title "Chargé d'affaires in charge of day-to-day administrative matters" according to the same procedure specified in point 2.3.2.9.4.

Return of
documents

2.3.2.9.6. The Head of Mission who has terminated its duties must return the objects mentioned in point **Fout! Verwijzingsbron niet gevonden.** to the Protocol Directorate.

2.3.3. EU Permanent Representatives and Heads of Mission

2.3.3.1. For the Permanent Representatives of the EU Member States, there is no specific approval procedure.

2.3.3.2. The request for approval for the appointment of a Head of Diplomatic Mission is submitted by the Ministry of Foreign Affairs of the sending State or by the mission, by verbal note addressed to the Protocol Service of the European Commission. This note must be accompanied by the curriculum vitae of the candidate.

2.3.3.3. The approval procedure involves the European Commission, the Council of the European Union, the European External Action Service and the authorities of the EU Member States; it generally takes 8 weeks.

- 2.3.3.4. The approval procedure for the Head of Mission to the EU, the arrival of the designated Head of Mission, the first contact, the first visit, request for an audience and the presentation of their credentials are set out in the "Vade-mecum for the use of the Diplomatic Corps accredited to the European Union and to the European Atomic Energy Community", published on the website of the **European External Action Service's Protocol Division**.
- 2.3.3.5. Only after the presentation of the copy of the credentials to the **Protocol Division of the European External Action Service**, the Head of Mission takes office and a request to issue a special residence permit can be directed to the Protocol Directorate. This request is made by verbal note, accompanied by the documents to be submitted when applying for a special residence permit indicated below in point 5.1.3.1.
- 2.3.3.6. The rules and procedures that apply to the bilateral ambassador apply *mutatis mutandis* to the Permanent Representative and EU Head of Mission.

2.3.4. NATO Permanent Representatives and Heads of Mission

2.3.4.1. Accreditation of the Permanent Representative

- 2.3.4.1.1. The arrival of a new Permanent Representative is preceded by the dispatch of a letter from the Head of State and/or Head of Government or Minister for Foreign Affairs to the NATO Secretary General informing him of the appointment. A copy of the CV of the new Permanent Representative must be attached to this letter.
- 2.3.4.1.2. The Secretary General receives the new Permanent Representative before their first attendance at the North Atlantic Council for a courtesy visit, during which the new Permanent Representative presents their credentials.
- 2.3.4.1.3. Having taken care of these formalities, the Permanent Delegation contacts the Protocol Directorate to prepare the dossier of the new Permanent Representative, with a view to the possible issuance of a special residence permit .
- 2.3.4.1.4. The rules and procedures that apply to the bilateral ambassador apply *mutatis mutandis* to the Permanent Representative.

2.3.4.2. Accreditation of Heads of Mission (Mission/NATO)

2.3.4.2.1. The arrival of a new Head of Mission to NATO from a partner country is guided by stricter and longer procedures than those which apply for the accreditation of a Permanent Representative.

2.3.4.2.2. These procedures are governed by the « Brussels Agreement of 1997 », in which paragraphs 8, 9 and 10 expressly refer to the accreditation of Heads of Mission.

2.3.4.2.3. The rules and procedures that apply to the bilateral ambassador apply *mutatis mutandis* to the NATO Head of Mission.

2.4. Defence, Military, Naval and Air Force Attachés to a bilateral mission

2.4.1. Defence, Military, Naval and Air Force Attachés

2.4.1.1. Prior to arrival

Request for approval (Non-NATO member states)

2.4.1.1.1. Defence, military, naval and air force attachés of non-NATO member states, must obtain approval before they can assume their duties in Belgium. The diplomatic mission sends a request for approval to the Protocol Directorate by verbal note, together with the curriculum vitae and a copy of the diplomatic passport of the person in question. Alternatively, the request may also be submitted to the competent Belgian Embassy in the sending State.

2.4.1.1.2. The request will be examined by the competent Belgian authorities and the result will be officially notified by diplomatic note to the Embassy. The Ministry of Foreign Affairs of the sending State will also be informed via the competent Belgian Embassy.

2.4.1.1.3. The person is requested not to arrive in Belgium to assume their duties before a positive response is given to his/her request for approval.

NATO member states

2.4.1.1.4. For NATO member states, this prior request is not required. Nevertheless, in order to facilitate the administrative steps of the person in question due to their diplomatic status, and in order to finalise their accreditation procedure in Belgium following protocol visits to the Belgian military authorities, the curriculum vitae and the notification of the arrival in Belgium of the person in question must be sent to the Protocol Directorate as soon as possible before any steps are taken with the military, police and judicial authorities.

2.4.1.2. Arrival of the Attaché : first steps

Courtesy visits

2.4.1.2.1. In order to obtain privileged status - as well as the special residence permit - the Defence, military, naval and air force attachés must first have made a courtesy (or protocol) visit to the Liaison Office of the General Intelligence and Security Service of the FPS Defence. This administration will inform the Protocol Directorate that the visit took place.

Registration

2.4.1.2.2. The application for diplomatic status and special residence permit, submitted by verbal note to the Protocol Directorate, must state the exact date on which the courtesy visit took place¹⁰. In addition to the standard documents to be attached to the file, indicated below in point 5.1.3.1, the diplomatic mission will ensure submission of proof of the officer's rank, including a copy of their military residence permit, marching order, etc.

Rank

2.4.1.2.3. Military personnel or officers who, due to their military rank or the type of duties performed, would not be eligible to obtain diplomatic status in accordance with point no 2.2.2.4 above, fall into another category of staff and must submit their application to the Protocol Directorate.

2.4.1.2.4. For the Defence Attaché the date of the courtesy visit to the FPS Defence is taken as the official date of entering into duty.

2.4.1.3. Departure of the Military, Naval and Air Force Attaché

2.4.1.3.1. The Embassy communicates to the Protocol Directorate the date of the end of the mission of the Defence, Military, Naval and Air Force Attaché by verbal note (see also point no 2.1.8 above). The final departure of family members must also be notified.

2.4.1.3.2. The Protocol Directorate kindly reminds the missions of the obligation indicated above in point 2.2.6.1 to return the objects indicated therein when the Defence, Military, Naval and Air Force Attach have terminated their duties.

¹⁰This date is recorded as the date on which the diplomatic agent took up his duties.

2.4.1.4. The deputy, the collaborator, the assistant as well as any other person in connection with the defense, military, naval or air attaché

*Other
collaborators of
the Defense
Attaché*

2.4.1.4.1. For the deputy, the collaborator, the assistant as well as any other person who is in contact with the Defense, military, naval or air attaché, a diplomatic or special residence permit will be issued to the concerned person in according to his rank by the Protocol Department at the request of the Embassy. Such a residence permit will not allow contacts to be established with the Belgian Defense without obtaining an approval issued by the latter. To obtain approval from the Belgian Defence, the Embassy should after registration in the Protocol registers make a separate request to the Protocol Directorate. A curriculum vitae of the person concerned must be attached to this request.

2.4.2. Police liaison officers to a bilateral mission

*Application for
approval after
accreditation*

2.4.2.1. At the request of the Embassy a diplomatic or special residence permit will be issued to him according to his rank by the Protocol Directorate Upon arrival of the person concerned,. Such a residence permit will not allow contacts to be established with the Belgian Police without obtaining an approval issued by the latter. To obtain approval from the Belgian Police, the Embassy should make a separate request to the Protocol Department. A curriculum vitae of the person concerned must be attached to this request.

*Replacement of
residence permit*

2.4.2.2. The request will be examined by the competent Belgian authorities and the result will be officially notified by diplomatic note to the Embassy. The Ministry of Foreign Affairs of the sending State will also be informed via the competent Belgian Embassy. It is only after obtaining the approval that, at the request of the mission, the special residence permit will be replaced by a new title which will mention the function "Police liaison officer" allowing him to establish contacts with the Belgian police services.

2.5. Members of the administrative and technical staff

2.5.1. Preliminary comment

Tasks and responsibilities assigned to administrative and technical staff

2.5.1.1. According to common practice, the secretaries, administrative employees and assistants, translators, clerical staff, office staff, ICT technicians, etc., belong to the administrative and technical staff of the diplomatic mission because they occupy "an auxiliary function", unlike the members of the service staff employed in the domestic service of the mission. The administrative and technical staff contribute directly to the operation of the diplomatic mission and physically perform their tasks there.

Permanent resident

2.5.1.2. The following provisions only apply to administrative and technical staff registered in the Protocol Register and therefore holding a special residence permit and privileged status. Persons who have Belgian nationality - even in case of a dual nationality Belgian and other - or should be regarded as permanent residents¹¹ do not obtain this privileged status. Recruitment of these persons must respect the conditions stipulated in the chapter "Locally recruited staff" (see point 3.5).

Local staff

2.5.1.3. It is reminded that local staff recruited directly in Belgium by the Diplomatic Mission of the sending State is subject to immigration restrictions, the formalities for the registration of foreign nationals and regulation on the employment of foreign workers in Belgium. Locally recruited staff cannot be granted a special residence permit; their obtaining of a residence permit and possibility to work is governed by common law.

Mention in the National Register

2.5.1.4. However, it should be noted that members of the administrative and technical staff holding a special residence permit are mentioned in the National Register, which enables them to benefit from certain services offered by the municipality, such as the local residents' card, etc.

¹¹In Belgium, a member of the administrative and technical staff is regarded as a permanent resident if he was already present on Belgian territory before taking up his/her duties for a reason other than his/her entry into service. A person who puts an end to his stay as a permanent resident in Belgium for departure abroad will not be able to benefit from a privileged status in Belgium as a member of the staff of a diplomatic mission, other than a diplomat, before a reasonable period (of at least six months) has elapsed after the cancellation of his registration in the Population Register and after having actually left Belgian territory for a residence abroad.

2.5.2. Prior to the arrival of members of the administrative and technical staff

2.5.2.1. In order to be accredited as a member of administrative and technical staff, it is mandatory that the Ministry of Foreign Affairs of the sending State makes the request by verbal note to the Belgian Embassy established in the sending State or the competent Belgian post before the person in question travels to Belgium. This note must clearly indicate :

*Verbal note of designation-
Mission order*

- the category under which the person needs to be accredited;
- a description of his duties and future activities;
- whether it is a new function or a replacement; in this case the identity of the predecessor will also be indicated (in accordance with No. 2.1.2 in fine, supra).

Where appropriate, the visa application will mention this information.

2.5.2.2. A member of administrative and technical staff carries at least a service passport which also indicates their function¹². If the person concerned does not hold a service passport, the diplomatic mission must submit by Verbal Note to the Protocol Directorate the regulations of the sending state stating that in his case no service passport is issued.

Passeport de service

2.5.3. The arrival of members of the administrative and technical staff

2.5.3.1. The procedures to be followed for arrival in Belgium and obtaining special status here are similar to those for diplomatic officials. In the event of approval by the European Union or NATO, it is that date that will be taken into account if the date of the verbal note announcing their arrival is earlier. With regard to the military, the diplomatic mission will have to specify in the verbal note the functional authority on which the official depends.

2.5.3.2. A special residence permit is issued to the member of the administrative and technical staff for a total period not exceeding 10 consecutive years, including any prior stay. Is considered as a consecutive stay, the obtaining of a privileged non-diplomatic status in Belgium as a member of the staff of a diplomatic mission before a reasonable period of time (minimum six months) has elapsed after the cancellation of the registration in the Protocol Registers and in the National Register, and after having actually left Belgian territory for a domicile abroad.

Maximum 10 years

¹²If the function is mentioned in the diplomatic passport it must correspond to the function exercised at the mission.

Transition to permanent resident status

2.5.3.3. If the diplomatic mission deems it necessary to extend the stay of the member of administrative and technical staff in Belgium beyond a period of ten years, the staff member in question will be considered to have established their permanent residence in Belgium. As a result, the official will no longer enjoy privileges and immunities and their special residence permit will no longer be renewed. Their stay will fall under ordinary law, without prejudice to the provisions applicable to officials seconded by an EU Member State.

Social security

2.5.3.4. The members of the administrative and technical staff are, with respect to services rendered for the sending State exempt from the social security provisions in force in Belgium (see Articles 33 and 37, §2 of the Vienna Convention on Diplomatic Relations). However, this exemption is only applicable if they are not nationals of Belgium or do not have a permanent residence in Belgium.

Health care

2.5.3.5. Staff members benefiting from the exemption from the social security provisions in force in Belgium cannot, in principle, join the health care insurance through Belgian mutual societies. The Protocol Directorate requests the sending State to take the necessary steps to ensure that health care coverage is provided for, whether under the social security scheme in force in that State or by a private insurer in Belgium or elsewhere.

2.5.4. End of function of members of the administrative and technical staff

2.5.4.1. The diplomatic mission must inform the Protocol Directorate, by verbal note, of the ending of functions of the member of administrative and technical staff registered in the Protocol Register. This notification should be made on the day of the termination of duties at the very latest. The definitive departure of family members must also be notified.

2.5.4.2. The Protocol Directorate kindly reminds missions of the obligation specified above in point 2.2.6.1 to return the objects mentioned therein when the member of administrative or technical staff their function.

2.6. Members of the service staff

2.6.1. Preliminary comments

At the service of the mission

2.6.1.1. Service staff refers to staff employed in the domestic service of the diplomatic mission, and not the private service of another member of staff.

Posted employee

2.6.1.2. The Ministry of Foreign Affairs of the sending State is the employer of the member of the service staff posted to its diplomatic mission in Belgium. The former assumes the responsibility and the costs involved in the posting, recruitment and, at the end of their employment, the return or transfer of the member of the service staff.

2.6.1.3. The following provisions only apply to service staff registered in the Protocol Register and therefore holding a special residence permit. Persons who have Belgian nationality - even in case of a dual nationality Belgian and other - or should be regarded as permanent residents¹³ do not obtain this special residence permit. Recruitment of these persons must respect the conditions stipulated in the chapter "Locally recruited staff" (see point 3.5.)

2.6.1.4. It is reminded that local staff recruited directly by the Diplomatic Mission of the sending State, either in Belgium or abroad, is subject to immigration restrictions, the formalities for the registration of foreign nationals and regulation on the employment of foreign workers in Belgium. Local staff cannot be granted a special residence permit; their obtaining of a work permit and residence permit is governed by common law.

Indication in the National Register

2.6.1.5. However, it should be noted that members of the service staff are mentioned in the National Register, which enables them to benefit from certain services offered by the municipality, such as the local residents' card, etc.

Standard passport

2.6.1.6. To obtain this special residence permit linked to registration in the Protocol Register as a member of the service staff, the person in question must have a standard passport that is still valid for at least six months¹⁴.

¹³In Belgium, a member of the service staff is regarded to be a permanent resident if he was already present on Belgian territory before taking up his/her duties for a reason other than his/her entry into service. A person who puts an end to his stay as a permanent resident in Belgium for departure abroad will not be able to benefit from a privileged status in Belgium as a member of the staff of a diplomatic mission, other than a diplomat, before a reasonable period (of at least six months) has elapsed after the cancellation of his registration in the Population Register and after having actually left Belgian territory for a residence abroad.

¹⁴Certain conditions apply, subject to the free movement of persons provided for by the European Union.

2.6.2. Prior to arrival

Official note from the Ministry for Foreign Affairs of the sending State

2.6.2.1. In an official note to the competent Belgian Embassy in the country, the Ministry of Foreign Affairs of the sending State notifies of its intention to post an employee as a member of the service staff to its diplomatic mission in Belgium.

The note will include:

- the surname and first name of the person in question;
- their date and place of birth;
- their nationality;
- their current residence;
- if it is a new function or a replacement: in that case the identity of his predecessor should also be mentioned (in accordance with point 2.1.2., in fine, above);
- as well as proof of social security coverage in force in the State in question. In the absence of this document, the Ministry of Foreign Affairs of the sending State will bear all the costs (excluding net salaries) of private insurance in Belgium for a minimum of one year, covering medical expenses and possible repatriation, and will provide proof of this in advance.

Favourable opinion of the Ministry of Foreign Affairs of the sending State

2.6.2.2. The Belgian Embassy in question forwards this declaration, accompanied by supporting documents, to the Protocol Directorate. In absence of a negative opinion, the Protocol Directorate then starts the visa application procedure if a visa is required and notifies the Belgian Embassy in question. The Embassy will notify the sending State of this opinion.

2.6.2.3. Only after the Belgian Embassy in question has notified the sending State of the favourable opinion can the visa procedure begin, or a person exempt from the visa requirement can travel to Belgium.

2.6.3. Arrival of the member of the service staff, first steps

2.6.3.1. Immediately after the arrival in Belgium, the mission in question submits a special residence permit application to the Protocol Directorate. This application must be accompanied by the documents indicated in point 5.1.3.1 below.

Maximum 10
years

2.6.3.2. A special residence permit - valid for a maximum of 2 years and renewable (on condition of the consent of the Protocol Directorate) is issued to the member of service staff for a total period not exceeding 10 consecutive years, including any prior stay. It should be noted that the validity period of a special residence permit may not exceed the validity date of the passport. Is considered as a consecutive stay, the obtaining of a privileged non-diplomatic status in Belgium as a member of the staff of a diplomatic mission before a reasonable period of time (minimum six months) has elapsed after the cancellation of the registration in the Protocol Registers and in the National Register and after having actually left Belgian territory for a domicile abroad.

2.6.3.3. The members of the service staff are, with respect to services rendered for the sending State, exempt from the social security provisions in force in Belgium (see Articles 33 and 37, §2 of the Vienna Convention on Diplomatic Relations). However, this exemption is only applicable if they are not nationals of Belgium or do not have a permanent residence in Belgium.

2.6.3.4. In order to determine whether the member of the service staff will benefit from this exemption, each individual case will be evaluated according to the hierarchy of the various international legal standards in force. The general principle is that the person is effectively covered by a social security scheme.

Subject to
Belgian social
security

Members of the service staff holding a residence permit « S » card are not subject to Belgian social security, except:

- if they are governed by Belgian social security law pursuant to an international or European agreement or a bilateral social security agreement. (see the list of countries which have concluded a bilateral social security agreement with Belgium – Annex II);*
- if they are exempt from Belgian social security law pursuant to the Vienna Conventions, but their employer subjects them to the Belgian scheme on a voluntary basis.*

2.6.3.5. Staff members benefiting from the exemption from the social security provisions in force in Belgium cannot, in principle, join the health care insurance through Belgian mutual societies. The Protocol Directorate requests the sending State to take the necessary measures to ensure that health care coverage is provided for, whether under the social security scheme in force in that State or by a private insurer in Belgium or elsewhere.

2.6.3.6. For members of the service staff who voluntarily join the Belgian social security system or who are covered by the provisions of an international or European agreement, or of a bilateral agreement on social security, health care is taken care of by the Belgian social security.

2.6.4. End of function and departure of the member of the service staff

*Definitive
departure/
end of functions*

2.6.4.1. The diplomatic mission is requested to inform the Protocol Directorate by verbal note of the date of final departure or end of function of the member of service staff recorded in the Protocol Registers. This notification must be made no later than the date of termination of service. The final departure of family members must also be notified.

*Mission
responsibility*

2.6.4.2. It is recalled that following the secondment, the diplomatic mission assumes all responsibility for organizing the return of the person concerned to his country at the end of his duties.

2.6.4.3. At the end of the mission, the member of the service staff in question must return their special residence permit to their employer. The special residence permit must then be returned to the Protocol Directorate together with a verbal note.

2.7. Private servants¹⁵

2.7.1. Preliminary comment

2.7.1.1. Private servants refers to persons employed in the service of a member of staff of the mission, who are not employees of the sending State. Under the 1961 Vienna Convention on Diplomatic Relations, private servants are not regarded as staff of the mission.

2.7.1.2. The following provisions only apply to private servants registered in the Protocol Register and therefore holding a special residence permit. Persons who have the nationality of the receiving State, in this case Belgium, or who should be considered as permanent residents, do not obtain this privileged status. Recruitment of these persons must respect the conditions stipulated in the chapter "Locally recruited staff" (see point 3.5).

2.7.1.3. The Protocol Directorate grants a special residence permit only to private servants in the service of:

*Employment
contract*

a Head of diplomatic mission (max 2 servants);
a Head of career consular post (max 2 servants).

These employers undertake to grant the servant a full-time and exclusive job, in compliance with Belgian labour legislation, as stipulated in the standard employment contract.

¹⁵For consular posts, this category corresponds to 'members of the private staff'.

<i>Conditions</i>	2.7.1.4. Private servants must meet the following conditions¹⁶:
	<ul style="list-style-type: none"> - Not be staying in Belgium temporarily (e.g. as a tourist, au pair, student, etc.); - Not be illegally resident in Belgium - Be at least 18 years old; - Hold a national passport with a remaining validity of at least 6 months.
<i>Request for approval</i>	2.7.2. Prior to arrival
	2.7.2.1. Before the worker travels to Belgium, the employer must ask the Protocol Directorate for its approval in principle of hiring a private servant. This request is made by verbal note from the diplomatic mission.
<i>Documents to be attached</i>	<p><i>The verbal note must be accompanied by:</i></p> <ul style="list-style-type: none"> - the employment contract (original version or high-quality colour copy in French, Dutch, German or English), - the declaration of departure, signed by the employer and the worker, - a copy of the worker's detailed job description, which will also mention the worker's job category (for private servants: 1, 2 or 3, explanations concerning the procedure and models of the document in question are available on the site web of the Joint Committee 323, responsible for domestic workers (see under Domestic (cleaning), Domestic (housework) and Domestic (childcare)); - the questionnaire concerning social security for private servants, - a high-quality colour photocopy of the passport pages, including the identity data and the period of validity.
	2.7.2.2. The Protocol Directorate can only accept a contract that meets the requirements of the legislation in force in Belgium, and requires the use of the template contract for private servants in Annex III.
<i>Employment contract</i>	2.7.2.3. The employer and the worker must each keep a copy of the contract, the detailed job description and, if necessary, a translation of these documents into a language understood by the worker.
	2.7.2.4. The declaration of departure stipulates the terms of the worker's return to their country when the contract ends. The employer undertakes to pay for the return of the worker and his family; the employee undertakes to return to his country with his family of origin on expiry or termination of the contract.
<i>Declaration of departure</i>	2.7.2.5. After examining the employment contract, the Protocol Directorate will decide whether the private servant can be recruited.

¹⁶Certain conditions apply, subject to the free movement of persons provided for by the EU.

- 2.7.2.6. If the response from the Protocol Directorate is positive, the latter will ask the mission to advise the servant to contact the competent Belgian Embassy (consulate or visa office). Any person requiring a visa for a 90-day tourist stay in the Schengen territory is subject to the visa requirement - even if they already have a residence permit in another country which is part of the Schengen territory;
- 2.7.2.7. The Protocol Directorate can only give a favourable opinion for the issuance of the visa by the competent Belgian Embassy, Consulate or Visa Office, after the arrival of the employer in Belgium and the submission of the application for his first special residence permit to the Protocol Directorate.

*Visa
application*

In order to process their visa, the private servant must be able to produce:

- a medical certificate drawn up by a doctor recognised by the Belgian Embassy;*
- a certificate of good conduct or a similar certificate;*
- a residence certificate, issued by the competent local authorities of the country of residence;*

If the servant is not subject to a visa requirement, the same documents must be produced when they apply for a special residence permit.

2.7.3. Arrival of the private servant, first steps

*Application for an
residence permit*

- 2.7.3.1. Immediately after the arrival of the private servant, the employer will request a special residence permit for the worker. The mission will send a verbal note to the Protocol Directorate and will attach, in addition to the documents mentioned below in point 5.1.3.1, the required certificates, confirmation and proof (see also point 2.7.4.1 and 2.7.4.2).

Documents to be attached

Depending on the case, the following documents must be attached to the application for a special residence permit:

- for private servants enjoying from exemption from Belgian social security, for whom the social security system in the sending State or third State covers the reimbursement of healthcare costs (also in Belgium):
 - proof of affiliation to the respective social security system,
 - proof of cover of the medical costs by the latter,
 - confirmation of the validity of these documents in the accompanying verbal note;
- for private servants enjoying from exemption from Belgian social security, for whom the social security system in the sending State or third State DOES NOT cover the reimbursement of healthcare costs (also in Belgium):
 - proof of affiliation to the respective social security system,
 - proof of affiliation to healthcare insurance via a private insurer in Belgium or elsewhere,
 - confirmation of the validity of these documents in the accompanying verbal note;
- for private servants who DO NOT enjoy from the exemption from Belgian social security, or affiliated to Belgian social security on the basis of an international, European or bilateral agreement, or subject to Belgian social security on a voluntary basis:
 - the certificate of affiliation to the Belgian social security (NSSO); namely: the "Dimona" Declaration (Immediate Declaration/Onmiddellijke Aangifte) and, after the first quarter following the date of entry into service, the "DmfA" Declaration "(Multifunctional declaration/multifunctionele Aangifte);
 - proof of affiliation to a mutual company or the Auxiliary Sickness & Invalidity Insurance Fund (CAAMI);

For all private servants, proof that the worker is covered by insurance in the event of a workplace accident and medical repatriation to their country of origin must be attached to this application.

Return of the special residence permit

2.7.3.2. At the invitation of the Protocol Directorate, the worker must collect their special residence permit in person during an interview concerning their working conditions. This special residence permit is valid for 1 year and is renewable. Its period of validity may not exceed that of the employer's special residence permit, and may not exceed 10 consecutive years, including any prior stay.

2.7.4. Instructions regarding social security and healthcare

2.7.4.1. Social security

2.7.4.1.1. It is possible that a private servant with a special "S" type residence permit issued by the Protocol Directorate may benefit from an exemption from the social security provisions in force in Belgium, pursuant to the Vienna Convention.

- 2.7.4.1.2. In order to determine whether the private servant will benefit from this exemption, each individual case will be evaluated according to the hierarchy of the various international legal standards in force (see also the list of countries which have concluded a bilateral social security convention with Belgium - Annex II).
- 2.7.4.1.3. The general principle is that the private servant is effectively covered by a social security scheme. Private servants holding an S card are not subject to Belgian social security, except:
- if they fall under Belgian social security law pursuant to an international agreement or a bilateral social security agreement.
 - if they are not exempted from Belgian social security law under the Vienna Convention.
 - if they are exempt from Belgian social security law pursuant to the Vienna Conventions, but their employer subjects them to the Belgian scheme on a voluntary basis.
- 2.7.4.1.4. It should be noted that the exemption from the social security provisions in force in the receiving State provided for in the Vienna Convention (arts. 33 and 37) on diplomatic relations is only granted on condition that members of private serving staff:
- are not nationals of the receiving State or have permanent residence there; and,
 - are covered by the social security provisions in force in the sending State or a third State.

2.7.4.2. Healthcare

- 2.7.4.2.1. Private servants benefiting from the exemption from the social security provisions in force in Belgium cannot, in principle, join the health care insurance through Belgian mutual societies. The Protocol Directorate requests the sending State to take the necessary steps to ensure that health care coverage is provided for, whether under the social security scheme in force in that State or by a private insurer in Belgium or elsewhere.
- 2.7.4.2.2. For private servants who voluntarily join the Belgian social security system or who are covered by the provisions of an international or European agreement, or of a bilateral agreement on social security, health care is reimbursed by the Belgian social security.

2.7.4.3. General instructions

2.7.4.3.1. The employer of the private servant must also take out insurance to cover workplace accidents and, if necessary, medical repatriation to their country of origin.

2.7.4.3.2. The insurance policies specified under points 2.7.4.1 and 2.7.4.2 are borne exclusively by the employer.

2.7.5. Stay in Belgium

Renewal

2.7.5.1. For each renewal of the special residence permit, the procedure is the same as for submitting an application for a new special residence permit, except that a copy of the last two payslips of the private servant will be attached to the renewal application.

Disputes

2.7.5.2. In the event of a dispute concerning the performance of the contract, the employer and/or the worker may contact the Commission of Good Offices, whose email address appears under the heading 'useful addresses'.

2.7.5.3. The address of the private servant's temporary residence in Belgium is shown on the special residence permit. It is communicated to the municipal authorities. The vast majority of administrative formalities are also carried out via the municipalities.

2.7.6. Termination of the contract

Return of the special residence permit

2.7.6.1. When the contract has ended, for whatever reason, the private servant must leave Belgium and return to their country of origin. The costs of this return are borne by the employer. At the end of the contract, the private servant must return their special residence permit to the employer. The special residence permit will be returned to the Protocol Directorate together with a verbal note.

Useful addresses	
Commission of Good Offices:	of commissiondesbonsoffices@emploi.belgique.be a commissievangoedendiensten@werk.belgie.be
Annexes	
Annex I	Model 8 departure for abroad
Annex II	List of countries which have concluded a bilateral social security agreement with Belgium
Annex III	Employment contract for private servant
Annex IV	Social Security questionnaire private servants

Chapter 3. Staff of the diplomatic mission who do not enjoy privileges under the Vienna Convention

3.1. Civil servants on an official mission in Belgium

3.1.1. Preliminary comment

3.1.1.1. Civil servants on mission are not considered as members of staff of the diplomatic mission. Consequently, they are not covered by the Vienna Convention on Diplomatic Relations. The FPS Foreign Affairs may nonetheless issue a special residence permit to civil servants and persons entrusted with an official mission in the Kingdom. The civil servants on mission benefit the following immunities¹⁷:

immunity from execution (and inviolability) which protects him, during the period of his stay, from any act of constraint relating to the exercise of public action.

- functional immunity from jurisdiction (immunity limited to acts performed in their official capacity during the mission, with the exception of acts constituting international crimes (crime of genocide, war crimes and crimes against humanity)).

3.1.1.2. The Protocol Directorate of the FPS Foreign Affairs can nevertheless issue a special residence permit model "S" to the officials and persons charged with an official mission in the Kingdom.

¹⁷Under customary international law, the civil servant on mission can benefit from functional immunity provided that his mission:

- is temporary: he will therefore benefit from immunities for a reasonable period of time enabling him to carry out his mission (the immunity will begin and end within a period allowing him to arrive in the territory before the beginning of his mission and to leave the territory after the end of his mission);
- is representative of the sending State;
- has received the consent of Belgium to come to Belgium or is invited by an international organization with its seat in Belgium: it goes without saying that if the Protocol delivers a special residence permit to the civil servant on mission, this amounts to giving the consent of Belgium.

Conditions

3.1.1.3. The conditions for the granting of the status of civil servant on an official mission are the following:

- be charged with an official mission by a national government administration of the sending State;
- be on an official mission in Belgium with a government administration in the sending State which is not for profit, or with a Belgian government administration;
- be on a mission for a minimum period of 3 months;
- for the duration of their mission, be in the paid employment of their national government administration;
- be employed on a full-time basis as part of their assignment;
- have a special, diplomatic, service or standard¹⁸ passport.

3.1.2. Prior to arrival

*Demande
d'accréditation*

3.1.2.1. At least three months before the anticipated departure, the sending State must send the competent Belgian Embassy (or Consulate) the request for accreditation of the civil servant on an official mission. This is done by verbal note from the Ministry of Foreign Affairs of the sending State.

The verbal note must indicate:

- the nature and content of the mission;
- the government administration where the mission will be carried out;
- the expected duration of the mission;
- possible family members living under the same roof.

It must also specify whether the person to be accredited, and their family members, have an official passport.

3.1.3. Arrival of civil servants on an official mission, first steps

Inscription

3.1.3.1. The request for registration in the Register of the Protocol Directorate and for a special residence permit must be submitted by verbal note from the diplomatic mission of the sending State of the civil servant.

The verbal note must include an explanation of the nature, content, and expected duration of the civil servant's mission. It must be accompanied by a certificate of employment of the civil servant from the organisation where the mission will be carried out, as well as the documents referred to in point 5.1.3.1 below.

Other documents may also be requested by the Protocol Directorate, such as, the special residence permits of the predecessor of the person in question.

¹⁸If the service or special passport does not exist in the sending State, this must be stated in the verbal note by means of which the sending State sends its request for the status of the civil servant on official mission.

3.1.3.2. Following this registration with the Protocol Directorate, the person in question no longer has to report to the municipality of temporary residence. The Protocol Directorate will directly inform the municipal administration of the registration of the civil servant on official mission in the Protocol Registers. However, for all subsequent administrative procedures, including applications for documents and certificates, the person in question must report to their municipal administration.

Special residence permit

3.1.3.3. The special residence permits of officials on official missions are valid for one year, and can be renewed on an annual basis up to a maximum of 5 years for a certain mission. In any case, the official's official presence in Belgium may not exceed 10 consecutive years in all positions assigned to him by the sending State and any prior stay in Belgium.

3.1.3.4. The renewal is done according to the same procedure as all new applications (see below point 5.1.4).

3.1.3.5. Security staff officially recognised as government officials are considered as civil servants on a mission.

Security staff

The application for registration in the Protocol Register and the special residence permit must be submitted by note verbale by the diplomatic mission of the State sending the security staff member. This note verbale must clearly mention:

- the request for accreditation under the status of member of the security staff,
- a description of functions and future activities.

It will be accompanied by the documents mentioned below in no. 5.1.3.1¹⁹.

3.1.4. End of duties of a civil servant on official or similar mission

3.1.4.1. The diplomatic mission is requested to inform the Protocol Department by note verbale of the date of the final departure or the termination of the functions of the official on official mission or assimilated entered in the Protocol Registers. This notification must be made at the latest on the day of termination of duties. The final departure of family members must also be notified.

¹⁹Given that the security personnel will be considered as civil servants on mission without specific immunities, the box to be ticked on the information form is that of "civil servant on official mission".

3.1.4.2. At the end of the mission, the concerned civil servant or official or similar mission must return his special residence permit to the diplomatic mission. The special residence permit will be returned to the Protocol Directorate, together with a note verbale.

3.2. Officials on short-term special mission on Belgian territory

3.2.1. In accordance with customary international law, a State may send a special mission with privileged status to another State subject to the following conditions:

- the mission is temporary;
- the mission fulfils a specific task;
- the mission is representative of the sending State;
- the mission has received the (prior) consent of the receiving State or has been invited by an international organization having its headquarters in the territory of the receiving State.

Under these conditions, the member of the special mission can then benefit during this mission from inviolability and immunity from jurisdiction.

3.2.2. The consent of the receiving State must be obtained beforehand through diplomatic channels or through any other agreed or mutually acceptable channel. Failing this, the mission will be conducted under common law status and its members will not benefit from any privileged status.

3.2.3. The consent of the international organization to which a special mission is sent must be obtained according to the internal procedures of the organization.

3.2.4. In order to be able to give its consent as provided for by customary international law, Belgium as the receiving State must be notified in advance of the dispatch of a special mission.

The Protocol Directorate is one of the channels through which Belgium can agree to the sending of a special mission. To this end, the sending country will send a prior notification by note verbale to the Protocol Directorate announcing the special mission. This note verbale must clearly indicate:

- the surnames and first names of the members of the mission;
- the place and date of birth of the members;
- the arrival and final departure of the members of the mission;
- the termination of their functions in the mission / the expected duration of their mission concerned (maximum 3 months).

A copy of the relevant pages of the mission members' passport will be attached to the NV.

3.2.5. If necessary, the member of a short-term special mission must be in possession of the appropriate visa allowing him access to the territory. The purpose of such a visa must be clearly mentioned when submitting the application, which will be accompanied by the aforementioned note verbale announcing the special mission of the person concerned.

3.3. Seconded national experts

3.3.1. Preliminary comment

3.3.1.1. Seconded national experts are officials or staff members of a national, regional or local public administration of the sending State seconded to an International Organisation established in Belgium and officially recognised by a headquarters agreement. As such, they are not covered by the Vienna Convention on Diplomatic Relations. They only enjoy immunity in respect of acts performed in the exercise of their functions (ie functional immunity).

3.3.1.2. The conditions for granting a status to officials or other staff members who are seconded from a public, regional or local administration to an International Organisation are therefore similar to those for civil servants on official missions, in particular with regard to the duration of their stay, and whether the person in question and their family members have an official, service or standard²⁰ passport.

Conditions

²⁰If the service or special passport does not exist in the sending State this must be stated in the verbal note by means of which the sending State sends its request for the status of the seconded national expert.

3.3.2. Arrival of seconded national experts, first steps

Inscription

3.3.2.1. The request for registration is submitted by verbal note from the diplomatic mission of the sending State. This will be the multilateral mission in the case of a secondment to a European Union or NATO institution, or the bilateral mission in all other cases.

The verbal note will specify the exact nature of the secondment and is accompanied by a certificate of employment from the organisation where the expert will carry out their mission, as well as the documents referred to in point 5.1.3.1.

Other documents may also be requested by the Protocol Directorate, including the special residence permits of the predecessor of the person in question.

3.3.2.2. Following this registration with the Protocol Directorate, the person in question no longer has to report to the municipality of temporary residence. The Protocol Directorate will directly inform the municipal administration of the entry of the seconded national expert in the Protocol registers. However, for all subsequent administrative procedures, including applications for documents and certificates, the person in question must report to their municipal administration.

Special residence permit

3.3.2.3. Special residence permits cards are valid for the duration of the secondment to the international organisation, with the maximum duration of validity being 5 years. In any case, the official's official presence in Belgium may not exceed 10 consecutive years, all functions assigned to him by the sending State and any prior stay in Belgium included.

3.3.2.4. The renewal is done according to the same procedure as all new applications (see below point 5.1.4).

3.3.3. End of duties of a seconded or assimilated national expert

3.3.3.1. The diplomatic mission is requested to inform Protocol Directorate by note verbale of the date of the final departure or termination of duties of the seconded or assimilated national expert registered in the Protocol Registers. This notification must be made at the latest on the day of termination of duties. The final departure of family members must also be notified.

3.3.3.2. At the end of the mission, the national expert seconded or assimilated concerned must return his special residence permit to the diplomatic mission. The special residence permit will be returned to the Protocol Directorate, together with a note verbale.

3.3.4. The members of the EUMS (European Union Military Staff)

EUMS

3.3.4.1. The members of the EUMS (military personnel) in the European External Action Service (EEAS) are assimilated to the category of "seconded national experts". They receive the same special residence permit model "S". The application procedure and the privileges and immunities of the members of the EUMS are therefore similar to those provided for seconded national experts, as described in point 3.3 above and point 7.6.2.17.6.3.1 below.

3.4. Military trainees

3.4.1. Applications for special residence permits for military trainees (including these for their resident family members) must be submitted by the Directorate General of Training - External Relations Division - Bilateral Activities & Cooperation Section of the Ministry of Defence.

3.5. Locally recruited staff

Conditions

3.5.1. All persons who are eligible to work in Belgium can be recruited by an accredited diplomatic mission in Belgium. This category of staff does not receive any special residence permits from the Protocol Directorate.

Students

Students who reside temporarily in Belgium with a provisional special residence permit to study here are not authorised to remain in Belgium after completing their studies, and therefore cannot be recruited locally by a diplomatic mission.

3.5.2. Persons recruited in Belgium, irrespective of their nationality, are subject to the provisions of Belgian employment law and Belgian laws on social security.

3.5.3. The most relevant Belgian laws and decrees are the following:

Application of the Belgian labour law and social security legislation

- the law of 3 April 1978 on the employment of workers of foreign nationality;
- the law of 3 July 1978 on the employment contracts of salaried employees;
- the law of 27 June 1969 on social security;
- the law of 5 December 1968 on collective agreements and joint committees;
- the Law of 12 April 1965 on the protection of wages.

These legal provisions apply to the locally recruited staff of the diplomatic mission. Employers and workers may not conclude contracts which violate these provisions, under penalty of nullity.

*Obligation to pay
social security
contributions*

- 3.5.4. The law of 5 December 1968 concerning the collective labour agreements and the Business Sector committees (amended by the law of 15 January 2018) also applies to the locally recruited staff of foreign diplomatic missions established in Belgium. As of 15 February 2018, diplomatic missions employing locally recruited staff are obliged to respect the employment and remuneration conditions, reimbursement of transport costs and other benefits as determined by the competent joint committees. The activity carried out by the locally engaged staff is decisive for determining which Business Sector Committee is competent²¹.
- 3.5.5. For more information on the Business Sector Committees, the Protocol directorate advises the diplomatic missions to contact the Belgian Federal Public Service Employment, Labour and Social Dialogue, 'Direction de la gestion des commissions paritaires', 'Direction générale Relations collectives de travail' (see contact details in the list "useful addresses").
- 3.5.6. The employer must pay the social contributions due to the National Social Security Office (NSSO) in good time. Non-payment or late payment of social security contributions gives rise to default interest, increases, and does not allow the Protocol Directorate to issue special residence permits under the best possible circumstances.
- 3.5.7. The Protocol Directorate stresses the importance of affiliating the diplomatic mission to a recognised social secretariat for the administrative management of the local employee.

²¹A diplomatic mission falls normally under the joint subcommittee for the non-profit sector (PC No. 337), except for employees who are mainly engaged in gardening and who fall under the joint committee for the horticultural business (PC No. 145) or for employees recruited under a contract for domestic work and for whom the joint committee for servants (PC No 323) is responsible.

*Dispute between
employee and
employer*

The Commission of Good Offices was set up in 2013 to prevent and resolve labour disputes between employers and employees. The following employers and employees fall within the remit of this Commission:

Employers:

- the sending State of the members of staff of a diplomatic mission;*
- the sending State of the members of staff of a consular post,*
- The members of staff of the diplomatic mission or consular post enjoying privileges and immunities.*

Employees:

- members of staff of the diplomatic mission or consular post, or of a diplomatic official or consular official accredited in Belgium who are nationals of or have permanent residence in the Kingdom of Belgium;*
- members of staff of the diplomatic mission or consular post who are subject to the legislation applicable in Belgium;*
- private servants who are not employees of the sending State;*
- members of the service staff.*

It is an advisory commission which does not prejudice the jurisdiction of the courts and tribunals. As soon as the competent courts are seized, the Commission is no longer competent to examine the dispute in question.

The Commission carries out the following missions:

- Proposing opinions aimed at reaching an amicable settlement for a dispute between a worker and an employer;*
- Analysing existing treaties, laws and regulations, and making proposals to improve these provisions.*
- Making proposals to improve the working conditions for workers subject to the legislation applicable in Belgium.*
- Making proposals for the drafting of a Code of Conduct.*

The secretarial functions of the Commission are carried out by a member of staff of the Directorate General for the Inspectorate of Social Laws of the FPS Employment, Labour and Social Dialogue.

A copy of the Ministerial Circular on the creation of this Commission is attached in Annex III.

Useful addresses

Commission des Bons offices :	commissiondesbonsoffices@emploi.belgique.be commissievangoedediensten@werk.belgie.be
Federal Public Service Employment, Labour and Social Dialogue- 'Direction générale Relations collectives de travail'	www.meta.fgov.be mail : rct@emploi.belgique.be coa@werk.belgie.be
National Social Security Office:	www.onss.be
Ministry of defence - military trainees	DG HR/HRC - Division Competence Development - Tel. 02/441.44.10 or 02/443.91.96 Campus Renaissance Avenue de la Renaissance, 30 B-1000 Brussels Contact person: Bertrand Pierre-André Tel. 02/441.44.10 or 02/443.91.96

Annexes

Annex I	Specific employment contract template for staff who are employed full-time by diplomatic missions in Belgium and to whom Belgian legislation applies.
Annexe II	Specific employment contract template for staff who are employed part-time by diplomatic missions in Belgium and to whom Belgian legislation applies.
Annexe III	Ministerial circular on the creation of a Commission de Bons Offices.

Chapter 4. Family members of diplomatic mission staff and other collaborators

4.1. Preliminary comments

- Right to family reunion*
- 4.1.1. Family members are entitled to a special residence permit from the Protocol Directorate under the conditions and limitations listed below.
- 4.1.2. According to customary practice in Belgium, the Protocol Directorate considers to be family members:
- Family members*
- the spouse/unmarried legal partner;
 - the children of the holder of the function or of his spouse/unmarried legal partner.
- 4.1.3. In order to obtain the privileged status, a status which will be analogous to that of the member of the staff of the mission, the members of the family of the latter mentioned in nr. 4.1.2 above must meet the following three conditions::
- live under the same roof as the holder of the function;
 - be dependent on the holder of the function;
 - have no income of their own, regardless of the source (see also below point 4.5).
- Persons who are part of the family*
- Family members who do not reside with the member of staff with privileged status of the diplomatic mission, such as children studying abroad or who do not study in Belgium or in a neighbouring country²², or who remain in the sending country, cannot obtain a special residence permit from the Protocol Directorate.
- 4.1.4. Once the conditions set out in point 4.1.3 have been fulfilled, the privileged status granted to the family member in accordance with the Vienna Convention on Diplomatic Relations prevails with the exception of the situations mentioned in the box under point -o- below. Indeed, as long as the holder of the function is on duty, his family members fall under the protection of this agreement, to the exclusion of any other residence status.
- Primacy of the Vienna Convention on Diplomatic Relations*

²²See below point 4.2.3.1.

4.1.5. For the member of the family of the diplomatic agent referred to in point 4.1.2 above who, at the time the holder takes up his duties is registered in the population registers of the commune of residence in Belgium, the mission must at the latest when applying for the diplomatic agent's special residence permit:

- either attach to the verbal note of application for the special residence permit the personal declaration and the form certifying removal from the registers, mentioned above in point 2.2.1.6,
- or inform the Protocol Directorate by verbal note that this mission definitively and irrevocably renounces the privileged status which the person concerned could claim.

4.1.6. The mission must also inform the Protocol Directorate by Note verbale that this mission definitively and irrevocably renounces the privileged status which the person concerned could claim when the family member, referred to in point n° 4.1.2 above, arrives in Belgium and registers in the population registers of the municipality of residence in Belgium.

4.1.7. Taking into account the principle of the primacy of the Vienna Convention, the Protocol Directorate will consider the non-respect of the diplomatic mission concerned of the provisions above as equivalent to a definitive and irrevocable renunciation of the privileged status of the family member.

4.1.8. A privileged status, equivalent to that of the holder of the function, is granted to the family member referred to in point 4.1.2 above who fulfils the conditions listed in point 4.1.3 above and carries the same type of passport as the holder of the function. If the sending State does not issue the issuance of the same type of passport to the family member, the mission is requested to communicate this regulation with a verbal note to the Protocol Directorate.

Type of passport

Nationality,
residence in
Belgium

As a reminder, the Protocol Directorate will not issue special residence permits to family members who are:

- Belgian nationals (including those with dual nationality);
- permanent residents (see, however, point no 4.1.5 above).

These persons must report to the municipality where they are staying in order to register in accordance with common law.

A person who terminates their stay as a permanent resident in Belgium for departure abroad will not be able to benefit from a privileged status in Belgium as a family member of a member of the staff of a diplomatic mission, other than a diplomat, until a reasonable period (at least 6 months) has elapsed, after their registration in the National Register has been removed and after having actually left Belgian territory for residence abroad (see also below point 2.2.1.6).

Certificate of family composition

The Protocol Directorate draws attention to the fact that certificates of family composition are only issued to diplomats and consular officials registered in the Protocol Register, who are in possession of a valid "D" special residence permit. This provision also applies to the family members of the diplomat or consular official in question.

Only family members in possession of a valid special residence permit must be indicated on the certificate.

The above-mentioned certificate may be requested from the Protocol Directorate by verbal note drawn up by the diplomatic mission to which the diplomat in question belongs. However, requests for certificates of family composition for registration with a "healthcare" insurance agency must be submitted directly by the insurance agencies.

Non-diplomatic officials with P and S type special residence permits must request these certificates directly from the administration of the municipality in which they have their temporary residence.

- 4.1.9. In accordance with Article 10, 1(b), of the Vienna Convention on Diplomatic Relations, the diplomatic mission must inform the Protocol Directorate of the fact that a person becomes or ceases to be a member of the family of a member of the mission. In the latter case, the special residence permit must be returned by the mission.

The return of the special residence permit will imply that the Protocol Directorate will put an end to its registration in its registers as a family member. The interested party is supposed to leave the territory within the time limits mentioned in point 2.1.9 above.

4.2. General conditions

4.2.1. Spouse

Civil marriage

- 4.2.1.1. In Belgium, the term spouse is used for two persons united as a couple by the institution of civil marriage. Civil marriage may be between persons of the opposite sex and between persons of the same sex.

4.2.2. Legal partner

Legal and official partnership

- 4.2.2.1. Only legal and official partners whose partnership or cohabitation has a legal basis, and whose long-term relationship is officially recognised by the Ministry of Foreign Affairs of the sending State, may submit an application with a view to obtaining a privileged status in the receiving State similar to that of the holder of the function,.
- 4.2.2.2. In other words, the legal partner must therefore be officially recognised by the sending State in order to be recognised in the Belgian diplomatic system.

4.2.2.3. The legal basis of a legal partnership consists of any legal institution or specific contract, executed before the Civil Registry of the domicile of one of the partners or passed before a competent official authority of the sending or receiving State, which recognises or records the commitment of the partners to live as a couple and take on the rights and duties deriving from this partnership with respect to each other.

Legal basis

Polygamy

Like polygamous marriage, polygamous partnership is considered in Belgium to be contrary to public order and morality. Therefore, neither a polygamous marriage nor a polygamous partnership are accepted as legal marriage or partnership in Belgium.

*Partnership
without legal
basis*

A partnership without a legal basis, i.e. de facto cohabitation, cannot give rise to privileged legal status. De facto cohabitants must therefore report to the municipality of their place of residence in order to regularise their temporary stay in Belgium, after having obtained the appropriate visa from the Belgian diplomatic or consular post competent for their country of origin. Once arrived in Belgium, the de facto cohabitation can, where appropriate, be legally recognised, see point 4.3.2.4 below.

4.2.3. Children

4.2.3.1. As a reminder, the children of holders of a function or their spouse/legal partner must be dependent on the holder of the function and live under the same roof. In addition, in order to benefit from a special status similar to that of the holder of the function, they must meet the following specific conditions:

Conditions

- be under the age of 18 for children of holders of a special residence permit model "S" and for children placed under guardianship;
- be under the of age 25 for biological or adoptive children of holders of a special residence permit model "D", "C" or "P";
- be unmarried;
- for children aged between 6 and 18: be subject to school obligation in Belgium or a neighbouring country, excluding the accrediting country;
- from the age of 18: to pursue as a regular student²³ higher education or spend a preparatory year ahead of higher education²⁴ in an educational establishment organized, recognized or subsidized by the public authorities in Belgium or a neighbouring country, with the exception of the accrediting state.

Preparatory year ahead of higher education

Preparatory year ahead of higher education means:

- either the completion of secondary education;
- or the seventh year of secondary education in preparation for higher education. In other words, a year of studies organized specifically to prepare the student for higher education and supplement his knowledge in one or more fixed disciplines;
- or a year of languages (French, Dutch, German) followed in an educational establishment organized, recognized and subsidized by the public authorities, provided that said year is in preparation for higher education (12 hours minimum lesson per week during one year).

Higher education

Three attestations are taken into consideration:

- the attestation of registration as a regular student in secondary education or in a programme of courses of university or non-university higher education,
- the attestation of admission or pre-registration in a programme of courses of university or non-university higher education. This document must specify the conditions accompanying the definitive registration, and
- the attestation of registration for an admission examination (a test or set of tests which must be passed before registration).

²³Registrations as a free student, as a listener, or for individual courses are not taken into account. On the other hand a course with a limited timetable, may be taken into account if, based on a comprehensive study plan, proof is provided that this course will be the main activity and the preparation or the complement of a course with a full curriculum.

²⁴A complete curriculum is required. Evening education does not suffice.

A complete annual plan is:

- a minimum of 15 hours per week and
- a minimum of 54 credits ([ECTS credits](#))

If the study program does not work with credits, but with periods, the educational institution must be asked to convert the periods into credits.

Adopted children

The adopted children of the parent-holder of a function or their spouse/legal partner are considered family members and can therefore obtain a special residence permit, provided they have met the general conditions above.

Children under guardianship

The children under guardianship of the parent-holder of a function or their spouse/legal partner are considered family members and can therefore obtain a special residence permit until the age of 18, and provided they have met the general conditions above.

Children who are not entitled to a special residence permit

A special residence permit may not be issued, inter alia:

- to children notified as being "in the guardianship of...";
- to the grandchildren of a member of staff of a diplomatic mission.

Child birth

Children born in Belgium or abroad during the term of office of one of the parents:

- **Birth in Belgium:**
 - As a rule, the municipality of the child's birthplace is notified of this birth. Parents therefore receive a notification from this municipality that they can "register" their child at the municipality;
 - However, holders of a special residence permit may under no circumstances register their newborn child with the municipality. They must request a birth certificate from the municipality and on this basis, an application for a special residence permit may be submitted to the Protocol Directorate and a special residence permit will be issued to the newborn child until his or her first birthday.
 - If a newborn child already has a passport of the same type as the holder of the function, this passport may be attached to the application for a special residence permit; if not, the passport must be attached to the application for renewal after the first birthday.
- **Birth outside Belgian territory :**
 - Comply with point 5.1.3.1

4.3. Arrival in Belgium of family members, first steps

4.3.1. General

Notification of arrival

4.3.1.1. The diplomatic mission notifies the Protocol Directorate of the arrival of a new member of staff or other category of collaborator, their function and the category to which they belong. They will also provide information on their accompanying or joining family members (adult spouse, legal partner, children).

4.3.2. Spouse/legal partner

Registration of spouse

4.3.2.1. The spouse/legal partner will only be registered in the Protocol Directorate's Register if a special residence permit is requested.

- Passport*
- 4.3.2.2. If the spouse/legal partner has the same type of passport (including, where applicable, the same type of visa issued) as the holder of a function, a special residence permit of the same type as that of the holder of the function may be issued under certain conditions.
- Proof of family ties*
- 4.3.2.3. If the passport does not indicate the civil link between the holder of the function and the person in question and the precise function of the holder, these must be specified by verbal note at the time of registration. In addition, the Protocol Directorate reserves the right to request a certified and duly legalised copy of the certificate of civil status in one of the Belgian national languages or in English²⁵. In the absence of such, the copy must be accompanied by a duly legalised translation into one of these languages. This certified copy must be automatically attached to any application for a special residence permit for the issue of type P and S cards.
- Registration of the legal partner*
- 4.3.2.4. If the authorities of the sending State are unable to provide the legal document justifying the status invoked (e.g. because the institution of "domestic partnership" does not exist in their country), they are kindly requested to confirm this fact by verbal note from their diplomatic mission. A legal recognition of the stable and long-term relationship, which would not have a legal basis in the country of origin of the persons in question, can in this case be obtained by executing a contract of domestic partnership before a Belgian notary. This document can then be presented as the legal basis for recognised cohabitation in Belgium.
- 4.3.3. Children**
- Registration*
- 4.3.3.1. At the time of registration, the Protocol Directorate reserves the right to request written confirmation (with supporting documents where applicable) from the diplomatic mission and the holder of the function in question that the child for whom a special residence permit is requested is in fact eligible for obtaining it, as indicated above under point 4.2.3.1.
- Family name*
- 4.3.3.2. Finally, if the child does not have the same family name as the parent holding the function, the Protocol Directorate will request a true copy of the birth certificate, duly legalised.

²⁵With the exception of countries that have adhered to the Brussels Convention of 25 May 1987 on the abolition of the legalization of documents in the Member States of the European Communities.

*Adopted
children/children
under
guardianship*

For adopted children, the Protocol Directorate will also request the following documents:

- a true copy of the birth certificate, duly legalised;*
- a true copy of the legal deed of adoption, duly legalised;*

For children under guardianship, the Protocol Directorate will also request the following documents:

- a true copy of the birth certificate, duly legalised;*
- a true copy of the official deed of guardianship drawn up by a court and duly legalised.*

4.3.4. Particular cases

- 4.3.4.1. If the family member does not have the same nationality as the holder but nevertheless holds an official passport of the sending State, the procedure is similar to that for spouses/partners of the same nationality.
- 4.3.4.2. If the family member does not have the same nationality as the holder and does not have a passport of the sending State of the same type as the holder, the Directorate of Protocol asks the mission to kindly send an official note confirming that the regulations of the sending State do not provide for the issuance of official passports (diplomatic or service passport) for the family member who does not have the same nationality as the holder of the function, while expressing the wish of the sending State to obtain a privileged status for the family member of third nationality. Finally, the text must stipulate that "the sending State undertakes, if circumstances so warrant, to look sympathetically and decide on any requests to waive diplomatic immunity addressed to it in respect of this person and in a manner justified by the receiving State".

4.4. Visit and stay in Belgium of other family members

4.4.1. Family members who are part of the household

Long stay visa

- 4.4.1.1. The family member who is part of the household but does not meet the conditions listed in point 4.1.2 above to obtain a special residence permit must, before traveling to Belgium, apply for an authorization to stay in Belgium for more than 3 months (visa D) at the appropriate Belgian diplomatic or consular post. The Belgian diplomatic or consular post must send the request for a residence permit to the Belgian Immigration Office.

*Processing of
the application*

- 4.4.1.2. With a view to accelerated processing of the application by the Belgian Immigration Office, the mission is requested to immediately forward the reference number of the application file to the Protocol Directorate, together with a copy of the passport of the person concerned.

4.4.2. Family members who are not part of the household

Short stay visa

4.4.2.1. Holders of a function and their spouse/partner may invite their family members subject to a visa requirement for a short stay (maximum three months per semester) in Belgium.

Proof of
sufficient means
of subsistence

4.4.2.2. The first and second degree family members in question (father, mother, grandparents, children, grandchildren, brothers and sisters) must be able to prove that they have sufficient means of subsistence for the duration of their stay in Belgium, as is the case for any visa applicant.

Sworn
declaration

4.4.2.3. The invited family member has the possibility of providing proof of their own means of subsistence when submitting their visa application. Alternatively, proof of the invitation by the holder of the function in Belgium can be provided through the "Sworn Declaration" form.

4.4.2.4. The person inviting must be aware that they are financially responsible for the invited person, and that they must guarantee that the latter will return to their country of residence. The Protocol Directorate and the diplomatic or consular post in question retain the right to request proof that the invited person has indeed left Belgian territory after their stay. If the invited person has not returned to their country, the Protocol Directorate must be informed immediately.

The "Sworn Declaration" procedure is reserved for family visits and may not be used for visa applications for the purpose of visiting friends, or professional, tourist, medical or study purposes. These visits are subject to the provisions of common law.

The document in Annex I, duly completed by the holder accredited in Belgium and bearing the official seal of the diplomatic mission and the holder's signature, as well as a colour copy of the holder's valid special residence permit, must be sent to the invited person and attached to their visa application.

A copy of the form and the special residence permit must also be sent to the Protocol Directorate via the official email address of the diplomatic mission at protocol.invitation@diplobel.fed.be.

The visa application must be submitted no later than 3 weeks before the trip to the competent diplomatic or consular post.

Please note that presenting the "Sworn Declaration" form does not imply the automatic issuance of the visa. As such, there is no need to contact the Protocol Directorate in this regard.

The Belgian diplomatic or consular post acts on the instructions of 'the Immigration Office', which has absolute discretionary power and may, if it deems it necessary, to request additional information from the visa applicant. As such, the applicant may be required to prove the family link via supporting documents, as is customary at the location where the visa application is submitted. If these foreign official documents are written in a language other than German, English, French or Dutch, they must be translated by a sworn translator, and the translation must be legalised.

4.5. Exercise of a professional or commercial activity by family members

4.5.1. Principle

Family members

- 4.5.1.1. The family members referred to in nr. 4.1.2 above who hold a special residence permit also have no access to the labour market, except in the case of a bilateral agreement between the accrediting country and Belgium.

For reasons of the inviolability of the temporary residence of a diplomatic official or member of the administrative and technical staff, it is not appropriate for the spouse/legal partner to exercise their gainful activities in the residence of the holder of the function.

4.5.2. Procedure in the event of bilateral agreement²⁶

- 4.5.2.1. The diplomatic mission informs the Protocol Directorate by verbal note of the intention of the spouse/legal partner or minor child (student job) to engage in gainful activity. If necessary, the verbal note will be accompanied by a copy of the business card.

- 4.5.2.2. The Protocol Directorate verifies that the conditions have been met and informs the administration of the municipality of the place of residence of the person in question, if need be. The Protocol Directorate confirms the authorisation to exercise a gainful activity to the diplomatic mission. A copy of that verbal note can be handed over to the employer as proof that the person concerned is entitled to work.

Lifting of immunities

- 4.5.2.3. The civil and administrative jurisdiction immunities shall be lifted with regard to the professional activity of the spouse/legal partner or minor child. In accordance with the provisions of the Vienna Conventions on Diplomatic and Consular Relations, immunity from criminal jurisdiction will not be lifted in advance. However, the sending State undertakes to authorise the lifting of immunity from criminal jurisdiction when asked to do so by the Protocol Directorate, acting at the request of the Belgian judicial authorities.

- 4.5.2.4. The beneficiaries of the authorisation to exercise a gainful activity are subject to the labour law, tax regimes and social security of the host State in all matters relating to the exercising of this activity within this State. No tax privileges will be accorded by the Protocol Directorate to the employee or professional in question.

²⁶See annex II

4.5.3. Procedure outside a bilateral agreement

4.5.3.1. If the concerned person is an EU or European Economic Area (EEA) national, the Diplomatic mission informs the Protocol Directorate by verbal note that the spouse/legal partner/adult child wishes to exercise a professional or commercial gainful activity. This verbal note, to which the applicant's residence permit is attached, also explicitly states that the authorities of the sending State accept the revocation of the special status of the person in question. Due to their residence under privileged status, family members of a member of a diplomatic mission who are third-country nationals are not allowed to work.²⁷

4.5.3.2. If the above conditions are met, the Protocol Directorate issues a certificate of return of the special residence permit (see point no. 5.1.6.4 below).

The EU or European Economic Area (EEA) national must within ten days report to the municipal administration of the place of residence, which will issue a declaration of presence. Registration in the municipality is mandatory within three months;

The revocation of the special status means that the spouse/legal partner falls under the provisions of ordinary law for the remainder of the stay.

4.6. Criminal record extract

Criminal record extract

4.6.1. Applications must be submitted personally in writing (without going through the diplomatic mission or the Protocol Directorate) to the FPS Justice, for which the address appears under the heading "Useful addresses".

4.6.2. A photocopy of the special residence permit or a photocopy of the passport must be attached to the application. Applications must be signed by the person in question, must indicate their full identity (surname, first names, date of birth, etc.), the reason for requesting this document, the authority from which it must be submitted, the personal address of the person in question, and the period of stay in Belgium.

²⁷Articles 61/25-1 et seq. of the Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners do not include the special residence permit, issued by the Protocol Directorate, as one of the types of residence documents for which a single permit may be applied for.

In accordance with Article 1 of the Royal Decree of 2 August 1985 implementing the Law of 19 February 1965 on the exercise of self-employed professional activities by foreigners, the application for a professional card must be submitted to the Belgian diplomatic or consular post with jurisdiction in the country where the applicant, who does not benefit from a bilateral agreement, is authorised to reside.

Useful addresses

FPS Justice:	
Sworn Declaration:	protocol.invitation@diplobel.fed.be
Brussels-Capital Region - work permits:	Ministry of the Brussels-Capital Region, Directorate for Employment Policy and the Social Economy, Work Permits Unit C.C.N., Noordstation, Vooruitgangsstraat 80, 1035 Brussels Tel.: +32 (0)2 204 13 99 email: travail.eco@sprb.brussels Website: http://werk-economie-emploi.brussels
Walloon Region - work permits:	Walloon Public Service, Operational Directorate for the Economy, Employment and Research, Department for Employment and Work Permits Place de Wallonie 1, 5100 Jambes Tel.: +32 (0)81 33 43 62 email: permisdetravail@spw.wallonie.be Website: http://emploi.wallonie.be/home/travailleurs-etranagers/permis-de-travail.html
Flemish community – work permits:	Migration and Job-placement Service Flanders KoningAlbert II-laan, 35 bus 21, 1030 Brussels Tel.: +32 (0)2 553 39 42 email: arbeidskaart@vlaanderen.be Website: www.werk.be
German-speaking community – work permits	Ministry of the German-speaking community Gospertstrasse 1, 4700 Eupen Telephone :32 (0)87 59 63 00 email: ministerium@dgov.be Website: www.dglive.be

Annexes

Annex I	Sworn Declaration form for a short stay in Belgium
Annex II	List of bilateral agreements

Chapter 5. Special residence permits - immunities of the diplomatic mission, its members and their family members

5.1. The special residence permits

5.1.1. Introduction

- Temporary stay in Belgium - minimum period of validity*
- 5.1.1.1. A special residence permit is issued free of charge by the Protocol Directorate. It is a temporary residence permit containing information on the identity and status of the staff of the diplomatic mission and their family members. Belgian law obliges the holder of this document to carry it with them at all times and present it at the request of any official agent. The Protocol Directorate does not issue special residence permits valid for less than 3 months.
- Use of languages*
- 5.1.1.2. The special residence permits are drawn up in accordance with Belgian language legislation; i.e. in the language of the language area, if the applicant lives in a monolingual area, and in the language of the information sheet chosen by the applicant if they live in a bilingual area, or in an area with language facilities.
- 5.1.1.3. For example, applicants for an residence permit of the Protocol Directorate may choose French or Dutch if they live in one of the 19 municipalities of the Brussels-Capital Region and one of the 6 municipalities with language facilities, while Dutch will be used for those who live in the Flemish Region and French for those who live in the Walloon Region.
- 5.1.1.4. Holders of a special residence permit must have their (temporary) residence in Belgium. The only exception to this rule is the allocation of a special residence permit from the Protocol Directorate to a Head of Mission, a military attaché, a Defence attaché or a police liaison officer accredited in Belgium but residing abroad.
- 5.1.1.5. Family members of a non-resident holder, as well as non-resident family members, are not entitled to a special residence permit.
- Schengen Visa*
- 5.1.1.6. Although a special residence permit is not, in itself, a travel document, it can serve as a visa for Belgium and for Schengen Area Member States, if it is presented in conjunction with a valid passport.

- Identification data*
- 5.1.1.7. The special residence permit is not a valid identity document. This means that the holder of a special residence permit is always obliged to present a valid identity document (passport or national residence permit).
- Number of special residence permits per official*
- 5.1.1.8. Each person registered with the Protocol Directorate may only obtain one special residence permit, even if this person exercises two or three functions in the same diplomatic mission or an additional function in another diplomatic or consular mission, or International Organisation where he represents his country in accordance with Article 5 § 3 of the 1961 Vienna Convention on Diplomatic Relations ²⁸. A person in possession of a identity card or residence permit issued by a Belgian municipality may not simultaneously obtain a special residence permit from the Protocol Directorate.
- Special residence permits issued on the basis of incorrect information*
- 5.1.1.9. If the Protocol Directorate discovers that a special residence permit has been issued based on incorrect information, it reserves the right to cancel the said special residence permit and demand its immediate return from the mission in question. This rule also applies in the case of errors committed by the Protocol Directorate when issuing special residence permits and, therefore, a correction is required in order to comply with the principle of equality.
- 5.1.1.10. It should be remembered that according to Article 8 of the Royal Decree on the residence documents of certain categories of foreign nationals in Belgium, the residence permit must be applied for "upon the arrival of interested persons in the Kingdom".
- 5.1.2. The 5 types of special residence permits**
- 5.1.2.1. The Protocol Directorate issues 5 types of special residence permits, according to the status of the holder²⁹ :

²⁸It should be noted that functions with bilateral missions take precedence over functions with other missions.

²⁹The validity date of special residence permits issued to family members of a holder may not exceed the validity date of the holder's card.

Category of staff	Type of special residence permit	Validity
<i>Diplomatic officials, holders of diplomatic passports and their family members</i>	<i>Special residence permit D</i>	<i>5 years, renewable once after 3 years, then on an annual basis.</i>
<i>Consular officers and their family members</i>	<i>Special residence permit C</i>	<i>5 years, renewable once after 3 years, then on an annual basis.</i>
<i>Members of the administrative and technical staff and their families</i>	<i>Special residence permit P</i>	<i>5 years, renewable once for a period not exceeding 10 years of presence in Belgium after 3 years, then on an annual basis</i>
<i>Consular employees and members of their family</i>		
<i>Members of the service staff of the diplomatic mission or consular post and their family members</i>	<i>Special residence permit S</i>	<i>2 years, renewable for a period not exceeding 10 years of presence in Belgium</i>
<i>Private servants of diplomats and their family members</i>		<i>1 year, renewable for a period not exceeding 10 years of presence in Belgium; the validity period may not exceed that of the employer's special residence permit</i>
<i>Civilian servants on an official mission and their family members</i>		<i>1 year, renewable, 5 years maximum, not exceeding 10 years of presence in Belgium</i>
<i>Seconded national experts and their family members</i>		<i>Duration of the secondment, but maximum 5 years, not exceeding 10 years of presence in Belgium</i>
<i>Children under the age of 5</i>		<i>Special residence permit E</i>

5.1.3. Applications for special residence permit

5.1.3.1. The documents to be provided with a verbal note when applying for a special residence permit are the following:

Required documents

- Two copies of the document entitled « Application form to obtain a special residence permit issued by the Protocol Directorate » (see Annex I), each with a photograph, meeting the requirements outlined in Annex VI, duly completed by the holder and their accompanying family members, and signed by the Head of Mission;
- The original of the blue-coloured document (Part III, see Annex II) with a photograph meeting the requirements outlined in Annex VI, the surnames and forenames and the signatures of the registered persons³⁰; These originals must be obtained from the Protocol Directorate;
- A legible colour photocopy of the relevant pages of a valid passport and an appropriate visa where necessary;
- A certificate of school attendance (see above point 4.2.3.1 in fine) for children aged 18 and older³¹.

5.1.3.2. Where appropriate, supporting documents relating to civil status (certified copies, official translations, legalised translations) are requested, as well as documents regarding the category of staff to which the staff member and their family members belong, as described in Chapters 1, 2 and 3.

Use of names

As determined by international law, the national legislation to which the person in question is subject determines the use of names. As such, the special residence permit will bear the name indicated in the person's passport, but will not, however, indicate the military or academic grade nor the name of use or spouse (e.g.: colonel, doctor, engineer)³². When the identity is indicated in several scripts, the Latin script will be taken into account.

³⁰Parents cannot sign on behalf of children. For children under 12 years of age, the signature is replaced by a "CHILD" stamp, affixed by the Protocol Directorate. Children older than 12 are deemed to have signed the document themselves.

³¹The Protocol Directorate may, if necessary, issue a provisional special residence permit, valid until 30 March or 30 November according to the date of arrival, to allow the registration to be regularized.

³²For Belgium, the only legally recognised name is the one on the birth certificate. According to Belgian regulations, it is under this name that the person must be registered in the population registers by the municipality of his stay; the Directorate of Protocol follows the same guidelines.

Recommendations of the ICAO

If a discrepancy is noted between the surname and first names in the blue section and/or the information sheet and those mentioned in the machine-readable zone of the passport, the mission is invited to correct these documents since in Belgium the recommendations of the International Civil Aviation Organization (ICAO³³) take precedence in such situations. Only a true copy of the birth certificate, duly legalized and presented in one of the national languages or English will be accepted to prove that the passport contains an error. The mission is expected to carry out the adaptation of the passport and to present a copy of the adapted passport as soon as possible.

References on special residence permits

The category of Members of the Diplomatic Mission is indicated on the back of the special residence permit: diplomat, member of the administrative and technical staff, member of the service staff. The diplomatic grade is not indicated, except for the Head of Mission, Military Attachés and Liaison Officers³⁴.

The address of the temporary residence in Belgium of diplomatic officials and their family members is not indicated on the special residence permit. It is not communicated to the authorities of the municipality in which the temporary residence is located: all administrative formalities are therefore carried out via the Protocol Directorate.

The temporary address in Belgium of the card holders, other than diplomats, appears on the special residence permit³⁵. It is also communicated to the municipal authorities. The vast majority of administrative formalities are also carried out via the municipalities.

Issuance of the special residence permit

5.1.3.3. The special residence permit is issued after the complete set of documents has been received. The waiting period for the special residence permit is from two to four weeks, provided that the application has been properly submitted. However, the procedure for issuing a special residence permit will only be initiated after the actual date of arrival in Belgium, except for the exceptions listed in point no 2.2.5.2 above.

5.1.3.4. Failure to comply with the formalities prescribed, submission of incomplete or unsigned information forms or illegible copies of supporting documentation may significantly delay the registration procedure with the Protocol Directorate, as well as the issuing of special residence permits. Diplomatic Missions are therefore asked to ensure that the information and documents requested are submitted in proper and due form.

³³See annex VII.

³⁴For consular posts, see below.

³⁵After moving, you must therefore apply for the renewal of the special residence permit.

- 5.1.3.5. The special residence permit will be available at the reception desk of the Protocol Directorate, Egmont Palace, Petit Sablon No 8, 1000 Brussels, where it can be collected by the applicant himself or by an authorised person from diplomatic missions. Except in special circumstances which will be notified in advance, the office is open Mondays, Wednesdays and Fridays, from 9.00 am until 12.00 pm.³⁶
- 5.1.3.6. The diplomatic missions must communicate to the Protocol, by verbal note, the identity (surname and first name, identity document number) of one or more persons responsible for collecting residence permits. Residence permits are only given to authorised persons. These persons receive a plastic card from the Protocol Directorate with which they can collect special residence permits at the desk.

5.1.4. Renewal or extension of special residence permits

Request for renewal

- 5.1.4.1. A request for renewal or extension of special residence permits is made by verbal note from the diplomatic mission. This request does not have to be accompanied by a new information form, provided that the information indicated on the previous form has not changed. Only part III of the information form, with a recent photo and signature, must be enclosed with the verbal note, with, where appropriate, a copy of a valid passport attached (if the copy previously sent to the Protocol Directorate is no longer valid).
- 5.1.4.2. The request for renewal or extension can be made 3 months before the expiry date of a special residence permit. In accordance with article 10, paragraph 2, of the Royal Decree of 30 October 1991, the request for renewal must be made no later than 8 days before the expiry date. Failing this, a new accreditation must be attached to the application or, in the case of a family member, an application for family reunification.
- 5.1.4.3. If the Protocol Directorate notes that a mission does not return special residence permits after having received new special residence permits, it reserves the right to no longer issue new special residence permits to this mission, until all older special residence permits have been returned.

³⁶Private servants are summoned

5.1.5. Loss or theft of the special residence permit

*Declaration of
loss*

5.1.5.1. The loss or destruction of a special residence permit in Belgium or abroad must be immediately communicated to the Protocol Directorate by verbal note, accompanied by a copy of the duly completed declaration form³⁷ - see Annex VI. Following this communication, the Protocol Directorate will modify the administrative status of the special residence permit and inform the competent police authorities, so the special residence permit number can be traced internationally.

*Declaration of
theft*

5.1.5.2. Victims of theft (namely, the holder of a special residence permit or their legal representative in the case of a minor) must immediately report the incident to the competent police authorities so that the special residence permit number can be traced internationally. In principle, the theft must be reported in the country where the offence was committed. Nevertheless, a holder who has failed to report the crime in the country where it was committed can still report the theft to the local police in Belgium upon their return. In Belgium, the declaration to the local police must be made using the declaration form in Annex. If the declaration is made abroad, the declaration form in Annex does not need to be completed, but the report drawn up by the foreign police must at least indicate the number of the stolen special residence permit. The theft of the special residence permit is then communicated to the Protocol Directorate by verbal note, with the declaration form and/or the copy of the police report. Following this communication, the Protocol Directorate will modify the administrative status of the special residence permit.

*Issuing a
duplicate*

5.1.5.3. In accordance with Article 14 of the Royal Decree of 30 October 1991³⁸, the diplomatic mission will then be able to request the issuance of a duplicate of the special residence permit, by verbal note sent to the Protocol Directorate in accordance with point no .5.1.4 above.

5.1.6. Return of special residence permits

5.1.6.1. All holders of a special residence permit must return it to the Protocol Directorate when they terminate their duties and definitively depart abroad. Similarly, special residence permits must be returned in the event of a transition to common law.

³⁷Stamp of the mission with signature of the Head of Post or their delegate, date and signature of the staff member in question if still in their function.

³⁸See Annexes III and IV.

Non-return of the special residence permit

5.1.6.2. If the diplomatic mission fails to return a special residence permit at the time of departure of a staff member, there may be repercussions when it comes to issuing a special residence permit or CD plates to new members of staff. In addition, the police authorities of the Schengen Area States will be alerted to non-returned special residence permits.

Certificate of return of the special residence permit

5.1.6.3. At the request of the diplomatic mission, the Protocol Directorate will issue a certificate of return of the special residence permit. The verbal note requesting the issue of a certificate for the return of a special residence permit must :

- state that the authorities of the sending State accept the definitive and irrevocable abandonment of the special status of the person concerned;
- return the attached relevant special residence permit.

5.1.6.4. This certificate will only be issued:

- to the official and to the members of his family, at the end of his functions, if within a maximum period of 3 months from this date an extension of stay on the basis of common law is requested;
- to the official and to the members of his family who, in the situation where the official continues his function after a stay of 10 years in Belgium, continue their stay under common law (see above in points no 2.5.3.3 and 2.6.3.2);
- to a child who has reached the age of majority and who wishes to continue his studies in Belgium under ordinary law after at the end of the function of the official or after its 25th birthday, in both cases if requested within three months;
- to minor children in the context of family reunification;
- to a child under guardianship or under a special "S" type residence permit if requested within a maximum period of 3 months before or after their 18th birthday;
- to the adult family member who is an EU or EEA national in the situation described above in point 4.5.3.1.

5.2. Immunities of the diplomatic mission, its members and their family members³⁹

5.2.1. Introduction

5.2.1.1. In accordance with the 1961 Vienna Convention on Diplomatic Relations, members of the diplomatic mission enjoy criminal civil and administrative immunities. However, the extent of these immunities varies according to the category of staff. The comparative table below shows the extent of these immunities by category of staff:

Category of the holder of the function	Immunity
<i>Diplomatic agents and their family members</i>	<i>Complete immunity</i>
<i>Members of the administrative and technical staff and their family members</i>	<i>Complete criminal immunity. Civil and administrative immunity for acts performed in the exercise of their functions</i>
<i>Service staff and their family members</i>	<i>Immunity from jurisdiction for the acts performed in the exercise of their functions</i>
<i>Private servants and their family members</i>	<i>No immunity</i>
<i>Civil servants on an official mission and their family members</i>	<i>Immunity for acts performed in the exercise of their functions - no immunity for the family members</i>
<i>Seconded national experts and their family members</i>	<i>Immunity for acts performed in the exercise of their functions for seconded national experts - no immunity for their family members</i>

5.2.1.2. It should be mentioned that the privileges and immunities do not relieve staff members of diplomatic missions from the obligation to respect the laws and regulations of the receiving State. The preamble of the Vienna Convention states inter alia that the purpose of privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing third States.

5.2.1.3. In addition to the notification of adjustments and/or changes to the contact details of the mission (see supra no. 1.2.1.5), any change of address of the holder of a special residence permit must also be communicated to the Protocol Directorate via verbal note, so that privileges and immunities are guaranteed at all times.

Change of address

³⁹For consular posts, see below point 10.7.

5.2.2. Legal disputes, litigations and debts involving diplomatic missions and staff members of diplomatic missions.

5.2.2.1. The Protocol Directorate keeps an up-to-date record of outstanding debts, legal disputes and litigations that have been reported by creditors or their lawyers. This list only includes clearly defined cases (e.g. unpaid invoices for supplies, services, rental disputes). The list also includes both the debts of diplomatic missions and those of the staff members of diplomatic missions who enjoy privileges.

*Role of the FPS
Foreign Affairs*

5.2.2.2. The Protocol Directorate merely acts as a facilitator in this regard, to enable creditors and debtors to assert their respective rights in a manner other than through the conventional judicial procedures

5.2.3. Legal disputes, litigations and debts in which a diplomatic mission is involved.

5.2.3.1. If the Protocol Directorate is informed of the existence of debts, legal disputes and litigations to which a diplomatic mission is a party, it may send the diplomatic mission a verbal note to remind the mission to fulfil its financial, contractual and legal obligations.

5.2.3.2. This action is repeated if necessary. However, if the level of the debts of the diplomatic mission remains high for a relatively long period, the Protocol Directorate may contact directly the Head of the diplomatic mission (and/or the Belgian Embassy can contact the Ministry of Foreign Affairs of the sending State) in order to obtain a rapid settlement of the matter.

5.2.3.3. At the same time, other measures may be taken (e.g. in the area of tax privileges), or a quota may be established regarding the number of diplomats or staff members of the diplomatic mission. In such cases, the FPS Foreign Affairs will request the sending State not to increase (or even reduce if necessary) the staff of the diplomatic mission until the debt is settled.

5.2.4. Debts, disputes and litigations involving a staff member enjoying privileges.

5.2.4.1. If the Protocol Directorate is informed of the existence of personal debts, disputes and litigations, to which a member of staff enjoying privileges is a party, the diplomatic mission is informed by verbal note. The majority of disputes are resolved at this point.

5.2.4.2. If this is not the case, the Protocol Directorate will ask the Head of the diplomatic mission to intervene by urging the staff member to settle the matter amicably.

5.2.4.3. If the situation of debts or disputes persists or recurs, the Protocol Directorate may consider revoking or suspending certain specific advantages with regard to the person in question (e.g. in the field of fiscal advantages, etc.).

Declaration of "persona non grata"

5.2.4.4. If necessary, the refusal to find a solution, which also compromises the credibility of the privileged person as to his ability to function effectively as a representative of his country, may result in a "declaration of persona non grata" (see Article 9 of the 1961 Vienna Convention on Diplomatic Relations).

5.2.5. Seizure of bank accounts

5.2.5.1. It may occur that creditors bring an action through a judicial bailiff on the basis of an enforceable title (e.g. a judgement) and may wish to the bank account of a diplomatic mission.

5.2.5.2. Article 22 § 3 of the Vienna Convention stipulates that the premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution (see also Chapter 6). Article 24 stipulates that the archives and documents of the mission shall be inviolable wherever they may be found. As such, the bank account of the mission cannot be seized or be subject to any enforcement action until it has been demonstrated that the account is not used for the functioning of the mission.

5.2.5.3. Article 1412 quinquies of the Belgian Judicial Code stipulates in this regard that bank accounts used for the exercise of the functions of the diplomatic mission are, in principle, exempt from seizure. A creditor - who has an enforceable title or an authenticated or private title on which the seizure is based - may nevertheless lodge a seizure after having received the authorisation by an enforcement judge, provided that he demonstrates that one of the following conditions have been met:

- if the sending State has expressly and specifically consented to the assets being seized;
- if the sending State has reserved or allocated these assets to the satisfaction of the seizure which is the subject of the enforceable title or the authenticated or private title on which the seizure is based;
- if it has been established that these assets are specifically used or intended to be used for purposes other than non-commercial public services.

5.2.5.4. The best way to avoid a legal dispute and a seizure is to try to reach an amicable settlement on the grounds of the dispute. The Protocol Directorate can play a useful role in this respect as a mediator between the parties, if the dispute is linked to the activities of the diplomatic mission in Belgium (see point no 5.2.2.2 above). If the attempts at mediation prove fruitless, the Protocol Directorate will advise the mission to consult a lawyer who can take the following steps:

- attempt to reach an appropriate settlement with the creditor, the judicial bailiff and/or the bank in question;
- take the necessary legal steps to avoid the funds deposited in the bank account may be subject to the seizure;
- where appropriate, lodge an appeal with the court of seizure with a view to lifting the seizure.

Useful addresses

Annexes

Annex I	Information form in order to obtain a special residence permit issued by the Protocol Directorate
Annex II	Section III (blue form)
Annex III	Royal Decree of 30.10.1991 on the residence documents of certain categories of foreign nationals in Belgium
Annex IV	Royal Decree of 25.05.2005 amending the Royal Decree of 30.10.1991 on the residence documents of certain categories of foreign nationals in Belgium
Annex V	Declaration form in the event of loss or theft
Annex VI	Requirements for photos to be used in passports, Kids-ID, electronic residence permits for Belgian citizens and residence permits for foreigners (only available in French)
Annex VII	Machine Readable Travel Documents

Chapter 6. Security of foreign diplomatic missions and international organisations established in Belgium

6.1. Protection of official buildings

6.1.1. Definition of official buildings

- 6.1.1.1. The following buildings are considered, after recognition by the Protocol Directorate, as official buildings in Belgium:
- the Diplomatic Chancellery and its annexes where the other sections of diplomatic missions are installed (as well as garages purchased or rented separately from the Chancellery);
 - the official residence of the Head of Mission.⁴⁰
- 6.1.1.2. Conditions to be recognised as an annex to the Chancellery:
- use the official name in full, i.e. "..... section of the Embassy in Brussels", both in oral and written communications and in the letterhead of the official paper, on the Internet and on the nameplate affixed to the building where the service is located;
 - there must be no commercial activities;
 - the manager must have a diplomatic function and rank;
 - the entire organisation, structure and activities are under the responsibility of the Head of Mission;
 - it must be ensured that this section operates within the Embassy and does not take any autonomous action;
 - the staff must be either registered in the Protocol Register (for the persons falling under the Vienna Conventions of 1961 and 1963) or recruited locally, under contract with the Embassy (for the locally engaged staff);
- 6.1.1.3. The private residence of a chargé d'affaires a.i. does not fall into the category of official buildings, neither do the residences of other members of staff of the diplomatic mission.

⁴⁰The buildings and grounds forming an integral part of the official residence are exclusively intended for activities related to this residence. They are considered as annexes. For consular posts, see below point 9.6

6.1.1.4. The Protocol Directorate requests compliance with certain principles:

- The addresses of the Chancellery (address of the main building and, where applicable, of the annex buildings) and the official Residence of the Head of Mission must be communicated by verbal note to the FPS Foreign Affairs - Protocol Directorate.
- For all purchased buildings, a copy of the deed of purchase must be sent by verbal by verbal note to the Protocol Directorate.
- For all rented buildings and premises, a copy of the registered rent contract must be sent by verbal note to the Protocol Directorate.
- The sending State must have the consent of the receiving State to set up offices which are part of the mission in sites other than those where the mission itself is established
- the mission is subject to the particular obligation to maintain its official buildings so as not to increase the obligation of protection imposed on the receiving State, under penalty of running the risk of losing the status of official building.

6.1.1.5. If an official building is renovated with the result that official functions cannot be performed in this building, the diplomatic mission must inform the Protocol Directorate by verbal note and:

- indicate the start date of the works and their expected duration;
- keep the Protocol Directorate informed of the progress every 6 months.

The Protocol Directorate stresses that if the works go on for longer than 4 years without valid justification, the building may lose its status as an official building and also the privileges and immunities attached to it.

6.1.2. Inviolability of official buildings

6.1.2.1. The prohibition on entering official buildings without the authorisation of the Head of Mission applies to all bodies of the receiving State (members of the armed forces, police, tax, social or customs officials, etc.) (see Article 22, §1 Vienna Convention on Diplomatic Relations). It also applies with regard to judicial bailiffs, as for example in the case of the notification of judicial acts by the bailiff.

6.1.2.2. This prohibition also applies in emergency or exceptional situations, in cases of suspected illegal activities, in cases of criminal offences or flagrante delicto. The only exception which authorises an official of the Belgian State to enter the premises of a diplomatic mission is when he has received the explicit consent of the Head of the Mission.

6.1.2.3. The inviolability of the premises of the mission goes hand in hand with the prohibition of any coercive measure (search, requisition, seizure or execution). Not only the premises of the mission, but the furnishings and other property thereon and the means of transport of the mission are inviolable from search, requisition, seizure or execution (Art. 22 §3 of the Convention). Archives and documents are also inviolable.

6.1.3. Protection of official buildings

6.1.3.1. Providing the external security for the official buildings and diplomatic staff is an obligation incumbent on the Belgian authorities under the Vienna Conventions (1961 and 1963) and the headquarters agreements concluded with international organisations. The duty to protect implies in the first place the adoption of preventive measures to ensure adequate protection.

6.1.3.2. As regards security, the Protocol Directorate plays an essential intermediary role between, firstly, the foreign diplomatic missions and international organisations established in Belgium and, secondly, the range of Belgian services responsible for granting protection and implementing security measures.

6.1.3.3. Protection for the official buildings of diplomatic and consular missions and international organisations is mainly provided by the federal and local police services in the form of police patrols, along with, if necessary, enhanced security provisions (including military presence/patrols). This protection is reserved for the exterior of the building. Inside the building, the mission must take itself the necessary security measures.

- 6.1.3.4. Specific security measures are taken on the basis of information sent in advance to the Protocol Directorate by the diplomatic mission. The request for protection is made by verbal note by verbal note containing relevant information (e.g. date of the event, number of guests and any other useful information). The IPS (Information, Prevention and Support) service of the Protocol Directorate (see mail address mentioned in useful addresses), will then communicate this information to the crisis centre of the FPS Home Affairs, which will take the necessary measures after evaluating the situation. If necessary (e.g. in case of suspicion of a terrorist threat), the crisis centre of the FPS Home Affairs can send the security request to the Coordination Unit for Threat Analysis (CUTA).
- 6.1.3.5. In the event of an emergency (burglary, theft, vandalism, threat), diplomatic missions must immediately contact the local police, who draw up an official on-site report ("process-verbal"). The security incident must always be reported to the Protocol Directorate by verbal note. In addition, it is important that the mission provides accurate information, for example a description of the suspects, their registration plates or vehicle type. The Protocol Directorate will contact the crisis centre of the FPS Home Affairs and the relevant security services. The investigation may lead to additional security measures being put in place.
- 6.1.3.6. The same procedure applies to assaults on foreign diplomatic staff and their family members. The Protocol Directorate plays an intermediary and facilitatory role so that the relevant security services can take the specific or additional measures required.
- 6.1.3.7. To the extent possible, the Protocol Directorate provides information and advice to victims of assault in terms of the steps (legal or otherwise) to be taken, or it refers them to other competent bodies.
- 6.1.3.8. The Protocol Directorate must also be kept informed of any demonstrations taking place in front of the building of the mission. In the context of freedom of expression, peaceful demonstrations are authorised by the mayor of the municipality in the vicinity of the buildings of a mission or an international organisation. However, demonstrators must comply with certain provisions, for reasons of public order. In practice, the police keeps demonstrators at a distance from the buildings of the mission and provides staff members of the mission with free access to the buildings. Additional security measures may also be put in place.

- 6.1.3.9. The illegal occupation of official buildings (as laid down in 6.1.1 et seq.) of the diplomatic mission (squatters) must be reported as soon as possible to the police. The Protocol Directorate must also be alerted. Measures can be taken pursuant to Article 22 of the Vienna Convention.

6.2. Organising elections

Embassy premises

- 6.2.1. It happens that during elections in the sending State, the community residing in Belgium is invited to participate in these elections. In general, Belgium has no objection to the fact that the election sessions take place in the premises of the diplomatic mission.

Opening dates and hours of polling stations

- 6.2.2. The diplomatic mission is kindly requested to inform the Protocol Directorate in good time of the opening hours of polling stations and the number of people participating in these elections. The Protocol Directorate also requests that the diplomatic mission also informs the local authorities.

Security

- 6.2.3. The election campaign and the elections themselves must be organised internally within the communities in Belgium, without the use of the public media. Belgium also considers that, for obvious security reasons, the organisers must take all possible precautions to avoid demonstrations or rallies around the polling station.

6.3. Protection of persons

6.3.1. Possession and carrying of weapons

Classification of weapons

- 6.3.1.1. The Law of 8 June 2006 regulating economic and individual activities involving weapons classifies weapons into three categories: (i) prohibited weapons, (ii) weapons requiring a licence and (iii) freely accessible weapons. It is illegal to possess prohibited weapons. For example, Belgian legislation regards “pepper sprays” as prohibited weapons; which means that its possession, sale and transport are prohibited in Belgium. A series of important rules applies to weapons requiring a license and freely accessible weapons.

*Import and
export of
weapons*

6.3.1.2. Arms trade is regionalized in Belgium and falls within the competence of the regions. The import, export or transit of weapons, ammunition and equipment for military use or law enforcement and the associated technology always require a permit from the competent region (see list of “useful addresses”). When importing, exporting or transiting these goods, the Belgian customs always checks whether the necessary permit is present.

*Central Weapons
Register*

6.3.1.3. All weapons manufactured or imported into Belgium (see Annex II) must be registered in the Central Weapons Register, where they are given a unique identification number.

6.3.1.4. It is important to make a distinction between the weapon ownership licence and a licence to carry the same weapon.

6.3.1.5. The ownership licence allows a person to acquire a weapon, either from an approved gunsmith, or by transfer from a third party, or by import; as well as to transport it unloaded and duly packed (placed in a locked box or with the trigger locked or equipped with an equivalent security device) to their home or residence. Under no circumstances does it allow the carrying of the weapon in question. Separate authorisation the licence to carry a weapon, is required in this case.

6.3.2. Ownership licence

*Ownership
licence*

6.3.2.1. The ownership licence allows ownership of a weapon. It may only be transported between the holder's home and residence, or between the holder's home or residence and the shooting range or hunting ground, or between the home or residence and an authorised person. The holder must be able to justify the transport of weapons.

6.3.2.2. The licence is granted to individuals who meet the following criteria :

Conditions

- At least 18 years old;
- Have no convictions as a perpetrator of or accomplice to an offence;
- Have not been subject to a decision ordering hospital treatment;
- Have not been interned;
- Not be under current suspension and have not been the subject of a revocation of an ownership licence or a licence to carry a weapon;
- The application must not be opposed by any adult living with the applicant.

Reasons for ownership

The Weapons Law recognises 6 legitimate reasons allowing ownership of a firearm:

- *Hunting and wildlife management activities;*
 - *Sports and recreational shooting;*
 - *Practising a profession that presents specific risks or requires possession of a firearm;*
 - *Personal protection of individuals at significant and objective risk. They must therefore demonstrate that the ownership of weapons reduces this significant risk and may protect them;*
 - *The intention to create a collection of historical weapons;*
 - *Involvement in historical, traditional, cultural or scientific activities.*
- The type of weapon must correspond to the reason for which it has been requested.*

Application procedure

The procedure to apply for an ownership licence is the same for persons with diplomatic status and those without it.

The applicant must:

- Submit a medical certificate. This certificate must confirm that the applicant is fit to handle weapons without danger to themselves or others.
- Submit a certificate of achievement for the knowledge test on applicable regulations and weapons handling. The applicant must repeat the test every 2 years after the previous successful test.
- Provide a legitimate reason for the acquisition of the weapons in question.

Weapons belonging to a diplomatic mission must be requested by a mission official or the Head of the Diplomatic Mission. This person will be responsible for the weapon. These authorisations must be requested for any acquisition in Belgium, import from abroad or weapon sale between individuals.

The application from the diplomatic mission must be submitted to the High Official of the Brussels Agglomeration using the form, "Application for a weapons ownership licence - Individual". In addition, the "Form for the authorisation for a weapons ownership licence" (see Annex III) must be completed for each weapon. The original copy must be sent by mail to this department, with a copy to the Protocol Directorate. An advanced copy of the request can be sent via email to the Provincial Weapons Services - BRUSSELS-CAPITAL (see mail address in Annex IV) and IPS in copy (Annex I).

The weapon is, a priori, the property of the individual who will remain responsible for its ownership. The weapon must be exported upon the person's departure, or transferred to another owner who must follow the same procedure in order to legalise their ownership.

If the application for authorisation is admissible and contains all the required administrative elements, the ownership licence can only be issued on the recommendation of the local Police Chief of the applicant's residence, within 3 months of the request. The High Official of the Brussels Agglomeration may also restrict, suspend or revoke ownership licences if it appears that ownership of a weapon may breach public order or if the legitimate reason to obtain the authorisation no longer exists.

The authorisation for ownership is valid for an indefinite period, but subject to a five-year review.

Upon definitive departure from Belgium, the diplomat must return his ownership licence and licence to carry weapons to the High Official of the Brussels Agglomeration.

Loss or theft of a weapon or ownership licence

In the event of loss or theft of a weapon subject to a licence, the licence holder must inform the local police immediately. The same applies for the loss or theft of ownership licences or licences to carry weapons.

6.3.3. Licence to carry a weapon

Licence to carry a weapon

- 6.3.3.1. The licence to carry a weapon allows a person to carry a weapon outside their residence. Carrying a weapon must always be justified with a legitimate reason.

- 6.3.3.2. The licence to carry a weapon is compulsory for anyone carrying a firearm for defence. This permit is always issued in the name of the person who will carry the weapon, whether the weapon in question belongs to the mission or the bearer. In the case where the weapon is permanently held at the diplomatic mission and used by several persons, the ownership licence will be issued in the name of the Head of Mission or the person in charge of the weapon, but the users must each have an appropriate licence to carry the weapon.

Application procedure

- *The licence to carry a weapon for individuals without diplomatic status:*
Applications for a licence to carry a weapon must be sent to the High Official of the Brussels Agglomeration using the "Application for a licence to carry weapons" form (see Annex V). The original copy of this form must be sent to this department, with a copy to the Protocol Directorate. An advanced copy of the request can be sent via email to the Provincial Weapons Services - BRUSSELS-CAPITAL CAPITAL (see mail address in Annex IV) and IPS in copy (Annex I).

- *For individuals with diplomatic status who wish to have a licence to carry weapons under diplomatic and state interests subject to a threat (protection of property and people):*
Applications for a licence to carry a weapon must be sent to the High Official of the Brussels Agglomeration using the "Application for a licence to carry a weapon Embassy - European Union - NATO" form (see Annex VIII). The original copy of this form must be sent by email to this department, with a copy to the Protocol Directorate. An advanced copy of the request can be sent via email to the Provincial Weapons Services - BRUSSELS-CAPITAL CAPITAL (see mail address in Annex IV) and IPS in copy (Annex I).

- *For individuals with diplomatic status who wish to have a licence to carry a weapon for their personal protection:*
These requests must be sent directly to the Ministry of Justice (State Security) via the mail address in Annexe X a copy to the IPS (Annex I).
Temporary licences to carry weapons are always issued by the State Security. For every application for a licence to carry a weapon, the recommendation of the local police, the prosecutor's office, the State Security and the Crisis Centre of the FPS Home Affairs is requested.
The validity period of the licence to carry weapons may be laid down by the Head of the Diplomatic Mission. This period will correspond to the length of time the holder of the licence to carry a weapon resides in Belgium. The licence to carry a weapon will be issued for a maximum term of 3 years, renewable twice.
On the final departure from Belgium, the diplomat must return his ownership licence and licence to carry a weapon to the High Official of the Brussels Agglomeration.

6.4. Hunting leave and license

- 6.4.1. To obtain a hunting license or hunting leave, the applicant must contact the regional authority competent for the region where the hunting takes place (see list of "useful addresses").

6.4.2. With the exception of the Brussels-Capital Region, where all hunting is prohibited, hunting in Belgium can only be practiced in contiguous areas of:

- 25 ha north of the Walloon Region;
- 50 ha south of the Walloon Region;
- 40 ha in the Flemish Region.

Useful addresses	
Contact details regions for the import and export of weapons	<p>Flemish Region : Dienst Controle Strategische Goederen Departement internationaal Vlaanderen Boudewijnlaan 30, bus 80 1000 Brussel phone: 02/553.57.92 e-mail: csg@iv.vlaanderen.be www.vlaanderen.be/csg</p> <p>Walloon Region: SPW DGO6 Direction Licences Armes Chaussée de Louvain, 14 5000 NAMUR http://economie.wallonie.be/Licences_armes/Accueil.html</p> <p>Brussels Capital Region: Public service Brussels Capital Region Direction-Générale Brussels International Cellule Licences Boulevard du Jardin Botanique 20, 1035 Brussels E-mail: du-arms@gob.brussels http://du-arms.brussels/fr/</p>
High Official of the Brussels Agglomeration:	Prevention and Security Department ("Armes – Wapens" department) Rue de Ligne 40 1000 BRUSSELS
Walloon Region : contact details hunting permits and licenses	<p>At the level of the Walloon Region, hunting permits can be requested at the "Direction générale de pouvoirs locaux" (https://www.wallonie.be/demarches/20501-demander-un-permis-de-chasse):</p> <ul style="list-style-type: none"> - Direction du Luxembourg, Place Didier 45, 6700 ARLON, tel. +32 63589075 - Direction de Liege, Montagne Sainte Walburge 2, 4000 LIEGE, tel. +32 42245411 - Direction du Hainaut, Site du Beguinage, Rue Achille Legrand 16, 7000 MONS, tel. +32 65328111 - Direction de Namur, Place Falmage 1, 5000 NAMUR, tel. +32 81715611 - Direction du Brabant wallon, Chaussee des collines 52, 1300 WAVRE, tel. +32 1023550
Flemish Region : contact details hunting permits and licenses	<p>Hunting permits for Flanders can be requested from the district commissioner of the Flemish Region:</p> <ul style="list-style-type: none"> - Vlaamse dienst van de Gouverneur, Afdeling West-Vlaanderen, Burg 3, 8000 BRUGGE tel. +32 50405812 - jacht.west-vlaanderen@vlaanderen.be - Vlaamse dienst van de Gouverneur, Afd. Oost-Vlaanderen, Kalandberg 1, 9000 GENT, tel. +3292678826 - jacht.oost-vlaanderen@vlaanderen.be - Vlaamse dienst van de Gouverneur, Afdeling Antwerpen Team Jacht, Lange Kievitstraat 111-113 bus 8, 2018 ANTWERPEN tel. +32 32249783 - jacht.antwerpen@vlaanderen.be - Dienst Vlaamse dienst van de Gouverneur, Afdeling Vlaams-Brabant, Diestsepoort 6 bus 3, 3000 LEUVEN, tel. +32 16666230 - jacht.vlaams-brabant@vlaanderen.be - Vlaamse dienst van de Gouverneur, Afdeling Limburg, Universiteitsweg 1, 3500 HASSELT, tel. +32 11238005 - jacht.limburg@vlaanderen.be, - General website: https://www.vlaanderen.be/nl/natuur-en-milieu/natuurbeheer/jachtverlof-en-jachtvergunning

Annexes	
Annex I	IPS@diplobel.fed.be
Annex II	Note on imports of firearms (work in progress)
Annex III	Application for a weapons ownership licence (work in progress)
Annex IV	armes.wapens@bps.brussels
Annex V	Information on the storage and transport of firearms subject to a licence - Annex 1 (work in progress)
Annex VI	Application for a weapons ownership licence - Annex 2 (work in progress)
Annex VII	Application for a licence to carry weapons (work in progress)
Annex VIII	Application for a licence to carry weapons for an Embassy, the European Union, NATO (work in progress)
Annex IX	Notice of transfer of a hunting or sporting firearm (work in progress)
Annex X	vs@vsse.be

Chapter 7. Tax privileges

7.1. Exemptions from taxes and excise duties

7.1.1. According to Article 23 of the Vienna Convention on Diplomatic Relations, the diplomatic mission and the Head of the Mission are exempt from all national, regional or municipal excises and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

7.1.2. The tax exemption provided for in this Article does not apply to these taxes and duties if, according to the legislation of the receiving State, they are borne by the person who deals with the sending State or the Head of Mission, including the owner of a property leased to the diplomatic mission or the Head of Mission.

7.1.3. Article 34 of the Vienna Convention on Diplomatic Relations provides that: "A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, **with the exception of certain taxes specified in this article.**"

7.1.4. The principle of tax exemption allows the sending State to organise the activities of its diplomatic mission without taxation, as well as allowing staff members and their families to operate normally in Belgium and to purchase goods and services for their personal use in Belgium. The purpose of privileges and immunities "is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States."⁴¹

7.1.5. The staff members of the mission, holders of a special residence permit issued by the Protocol Directorate, enjoy tax privileges depending on the status granted to them. The holders of a permanent residence permit and Belgian nationals are not exempt under any circumstances.

Beneficiaries

⁴¹According to the preamble to the 1961 Vienna Convention on Diplomatic Relations.

Reciprocity

7.1.6. It should be noted that tax privileges are not unlimited. Some tax privileges are applied generally, others are subject to reciprocity. Referring to points 5.2.3.3 and 5.2.4.3 above, the Protocol Directorate draws attention to the fact that such situations do not allow to process requests for tax exemptions under the best possible circumstances.

Permanent Representations, Diplomatic Missions

7.1.7. In applying specific tax provisions for diplomatic missions and their staff, Belgium makes no distinction between Embassies, Permanent Representations (EU), Permanent Delegations (NATO), and Diplomatic Missions (EU/NATO).

Disclaimer

7.1.8. This chapter informs diplomatic missions of the principles of Belgian tax privileges. The following paragraphs are for informational purposes only and do not constitute regulatory text; no rights can be derived from it. With regard to tax matters that fall under the exclusive competence of the FPS Finances, diplomatic missions are invited to contact this administration for any information on the content and extent of the tax exemptions from which they may benefit (see “useful addresses”). Unless otherwise stated, the procedure for obtaining a tax exemption also goes through this administration⁴².

*Certain taxes, duties, contributions and charges collected as remuneration for specific services rendered, such as wastewater taxes, collection of household and bulky waste, parking fees or road charges, etc., are not exempt. The towing of a vehicle registered by a holder, to clear a public road on the order of the police is also interpreted in the same way.
It is the responsibility of the authority requesting payment to determine whether it is a contribution, a tax, a duty or a charge, on the basis of the criteria for classification as a fee.*

7.2. Delegations of signature in tax matters

- 7.2.1. The head of post may delegate his signature in matters of taxation to any person. Delegations are authorised for the following documents:
- Form 136F;
 - Certificate 151.

⁴²See the publication on [Fisconet](#) (only available in French and Dutch).

*Person not listed in
the Protocol
Register*

Delegations must be presented to the Protocol Directorate by verbal note with the ad hoc form attached. Each amendment will be the subject of a new "delegation of signature" form which will include all existing delegations. Only the last "delegation of signature" form submitted will be taken into account. If the person who has been authorised to sign the documents is not listed in the Protocol Directorate Registers as the holder of a special residence permit, this fact must be clearly stated in the verbal note from the diplomatic mission accompanying the ad hoc form. The Protocol Directorate will then communicate the file number assigned to this person to the mission, so that it can be used on all the documents.

7.3. Exemption of VAT

7.3.1. Principle

7.3.1.1. Official use refers to goods acquired and services carried out in direct connection with the performance of the functions of the diplomatic missions in question and for which the cost is definitively borne by the budget of the diplomatic mission.

7.3.1.2. Personal use refers to transactions carried out by office holders (hereinafter referred to as beneficiaries) in order to provide for their personal needs in Belgium and those of their dependent family members who are part of their household, living under the same roof, and who are registered in the Protocol Directorate Register.

7.3.1.3. The criteria and limits for the exemption from VAT on supplies of goods and provisions of services for official or personal use within the European Union are similar to those in force in Belgium. The application must be made with a Certificate 151.

7.3.2. Procedure for requesting VAT exemption

7.3.2.1. The E-Certificate

7.3.2.1.1. The E-certificate is only used for purchases in Belgium, both for official use and personal use by diplomatic missions and their staff and assumes the prior conclusion of a cooperation agreement with an accredited firm.⁴³

⁴³In accordance with the publication in the Belgian Official Gazette of June 27, 2018.

7.3.2.1.2. Diplomatic missions or beneficiary persons must conclude a cooperation agreement with an accredited firm⁴⁴ by mandating it to draw up the E certificates and to claim the VAT amounts from suppliers and service providers, this in relation to the operations for which the E-certificate is requested. This agreement includes at least the services of the issuance of an E-certificate and the reimbursement of VAT amounts. This minimal service is free.

7.3.2.2. The Certificate 151

7.3.2.2.1. The Certificate 151 is used for official and personal use:

- for purchases in an EU Member State other than Belgium;
- in Belgium, in all cases where the use of the E-Certificate is not authorised⁴⁵.

7.4. Customs and Excise

7.4.1. Imports to Belgium

*Goods for official
use - goods for
personal use*

7.4.1.1. Applying the principle of reciprocity, diplomatic missions and their privileged staff members are exempted, using declaration 136F, from all customs duties, taxes and other related charges for authorised goods imported from outside the European Union and intended for the official use of the mission.

*First establishment
in Belgium*

7.4.1.2. In addition, privileged staff members have the right to import free of duties and taxes, used personal property intended for their personal use, on the occasion of their first establishment in Belgium (the "diplomatic movement ") without the rule of reciprocity being applicable, provided that the importation takes place within 12 months of the date of entry into service in Belgium. Used goods are goods that have been used by the beneficiary and in his possession for a minimum of 6 months in a country outside the EU.

⁴⁴The Protocol Department is not involved in the approval procedure for these firms. Any problems encountered by the missions in their relations with approved operators should be reported to the competent departments of the FPS Finances whose contact details appear under the heading "useful addresses".

⁴⁵Except for excisable goods where Form 136F must be used.

Quotas

7.4.2. Duty-free quotas for diplomatic purchases for spirits, wine, tobacco products and fuel

7.4.2.1. Quotas are granted for each calendar year, free of diplomatic duties, as regards purchases of spirits, wine, tobacco products and fuel for vehicles registered in Belgium under CD. Every year in December, diplomatic missions will receive the table showing the quantities allocated for the following year. The quantities granted may be reviewed following the application of the rules on reciprocity.

7.4.2.2. Payment of the fuel for vehicles can only be made via a "Postpaid" system, to be ordered from one of the companies recognised by the FPS Finance.⁴⁶

7.5. Exemptions from other taxes and duties

7.5.1. Registration fees and recording fees

7.5.1.1. Principle

7.5.1.1.1. The obligation to register a purchase or rent contract is the rule in Belgium. Registering for free, exemption from recording fees and possibly VAT in the event of purchase or rental are all granted for the official buildings⁴⁷ of the diplomatic mission.

7.5.1.1.2. It should be noted that the deed of purchase or lease relating to an official building must be concluded either by the sending State, or by its Embassy, or by a person acting in the name and on behalf of the sending State. As regards the official residence of the Head of Mission, the rent contract can be subscribed directly by the latter.

7.5.1.1.3. These exemptions from registration fees, recording fees (and possibly VAT) are, however, always subject to the condition of reciprocity.

⁴⁶The Protocol Department is not involved in the approval procedure for these firms. Any problems encountered by the missions in their relations with approved operators should be reported to the competent departments of the FPS Finances whose contact details appear under the heading "useful addresses".

⁴⁷As specified above in 6.1.1 et seq.

Notification of purchase or rental

7.5.1.2. Exemption procedure

7.5.1.2.1. In the event of purchase/rental, in order to obtain free registration, exemption from the recording fee (and possibly from VAT), the diplomatic mission must inform the Protocol Directorate by verbal by verbal note of its intention to purchase a building and to use it as premises of the diplomatic Chancellery, or as an annex to the latter, recognised by the Protocol Directorate, or as the official residence of the Head of Mission.

7.5.1.2.2. In the event of purchase the verbal note must contain the following elements:

- the address of the building;
- an undertaking of reciprocity as regards exemption from registration fees, recording fees and VAT on the part of the sending State;
- the date of ratification of the Vienna Convention of 18 April 1961 on diplomatic relations;
- the name of the two notaries who will draw up the official document, specifying which of the two will register the deed at the registration office, as well as the planned date of the deed's signature;
- a request for exemption from property tax;
- a draft authentic instrument;
- an undertaking of reciprocity as regards exemption from property tax;
- an undertaking to send a copy of the deed of sale to the Protocol Directorate after it has been executed.

7.5.1.2.3. In the event of rental the verbal note must contain the following elements:

- the address of the building;
- an undertaking of reciprocity as regards exemption from registration fees, recording fees and VAT on the part of the sending State;
- the date of ratification of the Vienna Convention of 18 April 1961 on diplomatic relations;

The note is accompanied by two original copies of the lease and a copy.

In the event of an amendment to a lease, the procedure is identical.

Rent contract

A rent contract can be concluded in authenticated form as a deed of purchase, i.e. before a notary. The procedure required to request registration for free, exemption from the recording fee and possibly VAT on purchases (described above in 7.5.1.2.3 is valid in this case. It may also be executed as a "private deed", only between the parties in question. In this case, only the request for free registration fees needs to be submitted. Two originals and 3 copies of the rent contract are necessary for the registration.

- Leasing* 7.5.1.2.4. In the event of leasing, the registered contract can be considered as a property transfer under conditions, or as a lease with a purchase option. In both interpretations, the diplomatic mission may be exempted from paying duties.
- Exemption agreement* 7.5.1.2.5. If free registration and exemption are granted by the FPS Finance, the Protocol Directorate will officially inform the diplomatic mission by verbal note and a copy of the registered rent contract will be sent back to the mission.
- 7.5.2. Other taxes and levies**
- 7.5.2.1. Property tax**
- Property* 7.5.2.1.1. This tax is always payable by the owner of the building. Provided that the diplomatic mission or the sending State owns the official buildings⁴⁸, exemption from property tax will be granted. The other properties of the sending State remain subject to the property tax.
- 7.5.2.1.2. To obtain exemption from property tax, it is essential that the mission sends a certified copy of the deed of purchase to the Protocol Directorate after it has been executed, in accordance with the undertaking of the mission. Indeed, this document is indispensable for continuing the exemption procedure.
- 7.5.2.1.3. If the mission in question is a tenant in a building and the terms of the rent contract (freely accepted by both parties) stipulates that certain taxes will be paid by the said tenant, the mission must pay them as a rental expense. In this case, the mission may not invoke exemption from this property tax, which will have lost its tax nature.
- Residence, offices* 7.5.2.1.4. For the rental of residences, the Belgian legislator prohibits the charging of property tax to tenants.

⁴⁸As specified above in 6.1.1 et seq.

7.5.2.2. Regional and municipal taxes

Property

7.5.2.2.1. The Brussels-Capital Region collects a tax on occupants of built property and holders of a right in rem on certain immovable property. This annual "regional tax" comprises a portion paid by the heads of household and a portion paid by office occupants. Diplomatic missions, as owners of official buildings⁴⁹, are exempt from paying this tax.

Renting

7.5.2.2.2. A rent contract may stipulate payment of this tax by the tenant, despite the fact that it is in principle payable by the owner. This tax then loses its fiscal character and is considered as an element of the rental expenses. In this case, no exemption is provided as it is a voluntary contractual commitment.

Tax on office space

7.5.2.2.3. The same exemptions apply to the tax on office space, levied at the municipal level. This tax is almost always passed on to the owner, but it also loses its fiscal character for the tenant by being inserted in a rent contract. Consequently, the tenant will not be able to benefit from the exemption.

7.5.2.3. Annual tax on insurance operations and INAMI parafiscal deductions

Conditions

7.5.2.3.1. Insurance policies that meet the following conditions are automatically exempt from the tax on insurance and INAMI contributions ("*Institut national d'assurance maladie-Invalidité*"):

- Be concluded by a foreign State (by its Embassy or by a person acting in the name and on behalf of this State);
- Have as its purpose material insurance (excluding personal insurance) which directly relates to:
 - either the building where the diplomatic mission (and its annexes) of this State is situated or the official residence (and its annexes) of the Head of the diplomatic mission;
 - or the furnishings in the above-mentioned buildings.

Insurance policies for other elements (civil liability, car insurance, life insurance, group insurance, etc.) do not benefit from this exemption.

7.5.2.3.2. The exemption must be applied for directly by the insurer or the Belgian broker who transferred the risk to a foreign insurer.

⁴⁹As specified above in 6.1.1 et seq.

7.5.2.4. Withholding tax

7.5.2.4.1. The interest earned by diplomatic missions on cash deposits made in banks established in Belgium and in public credit institutions, savings banks or Belgian financial enterprises in the name of diplomatic missions accredited in Belgium are paid without formalities to diplomatic missions, free of withholding tax.

7.5.2.5. Tax on first registration and annual road tax

7.5.2.5.1. All vehicles registered in Belgium in "CD" series are exempt from both of these taxes. The tax remains payable for vehicles registered in normal series or in "international" series.

7.5.2.6. Application for exemption from the above-mentioned direct taxes and duties

7.5.2.6.1. All requests for exemption from direct taxes and duties (other than VAT, import duties and excise duties) must be sent by verbal note accompanied by the duly completed form in Annex 9, , and the original of the taxation, to the Protocol Directorate, which will assess whether the conditions for tax exemption have been met. If this is not the case, the request will be returned to the diplomatic mission with the reason for refusal, requesting it to kindly pay the tax. If the exemption is accepted, the Protocol Directorate will inform the competent authority of the exemption

7.5.2.6.2. It may occur that a member of staff with privileges directly receives a notice of assessment for a tax, levy or income tax return. Diplomatic missions are requested to meticulously observe the time limits within which an objection can be made to said taxation, in order to avoid possible costs of proceedings, legal fees, lawyers, etc. following a late submission. If this is the case, the person in question must pay these additional charges.

7.5.2.6.3. The objection must be made by submitting a request for exemption in accordance with the procedure described above. If the exemption can be accepted, the Protocol Directorate will inform the competent authority.

7.5.3. Taxes/duties which are not subject to exemption

7.5.3.1. Airport tax

7.5.3.1.1. The airport tax collected by airlines is actually remuneration for services rendered (airport installation and services). No exemption is granted.

7.5.3.2. Withholding tax on earned income

7.5.3.2.1. Belgian domestic law does not oblige a foreign State to subscribe to a declaration of withholding tax on earned income. Diplomatic missions declare the withholding tax on earned income and pay it to the Treasury on a voluntary basis.

7.5.3.3. Social contributions

7.5.3.3.1. Locally recruited staff must be affiliated to the Belgian social security system. To this end, the employer must pay social security contributions due on time to the National Social Security Office (NSSO). The non-payment or late payment of social security contributions gives rise to default interest and increases.

7.5.3.3.2. In order to facilitate the steps to be taken in order to assure a good management of its local employees, the diplomatic mission must issue them every year a form showing the amount of their remuneration and other taxable benefits. It is recommended that diplomatic missions use a Belgian social secretariat which can manage the administrative work in terms of salaries for locally recruited staff.

7.5.3.4. Remuneration payable to authors and publishers

7.5.3.4.1. According to Belgian law, only the author of a literary or artistic work has the associated rights to reproduction, or the right to authorise its reproduction. In practice, however, an exemption from copyright is provided for partial or complete reproduction for private or educational use. It is as compensation for this exception that Belgian law recognises a right to remuneration for authors and publishers. This remuneration is in fact payment in return for a service and cannot therefore be equated to a tax or duty. As such, diplomatic missions are not exempt from paying this remuneration. Moreover, it is not paid to the State or a public authority, but to authors and publishers, via a private management company, under the name REPROBEL or SABAM.

7.5.3.4.2. In order to be in compliance, diplomatic missions can either make a declaration or conclude a contract with Repobel.

7.6. Exemptions from other taxes and duties - staff members of the mission and other categories of personnel

7.6.1. Diplomatic officials and members of administrative and technical staff

7.6.1.1. Article 34 of the Vienna Convention on Diplomatic Relations provides that: "A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- a. Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- b. Dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- c. Estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of article 39;
- d. Dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- e. Charges levied for specific services rendered;
- f. Registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 23".

- *Withholding tax: For the exemption from withholding tax for diplomatic officials accredited in Belgium and known as such (if the capacity of these persons is indicated when the accounts are opened), the provisions to be applied are similar to those in force for official use.*

- *"Vlaamse Zorgverzekering": The Flemish Government requires all persons aged 25 or over, living as permanent residents in the territory of the Flemish Region, to sign up to a recognised health insurance fund, called the "Zorgkas" (see: www.vlaamsezorgverzekering.be). The purpose of this insurance is to provide support to those needing it for non-medical expenses. This insurance is not compulsory for persons who are temporarily registered in the Protocol Directorate Registers.*

Explanations of the exceptions to the general rule:

- *The indirect taxes of a kind which are normally incorporated in the price of goods or services. If a tax (other than VAT) appears on an invoice, the person liable for payment must pay the total amount of the invoice.*
 - *As an indirect tax, the annual tax on insurance transactions is of such a nature that it is normally incorporated into the price of the service. As such, no exemption is granted.*
 - *The dues and taxes on private immovable property situated in the territory of the receiving State (unless the diplomatic official holds it on behalf of the sending State for the purposes of the mission).*
 - *The estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39 of the Vienna Convention.*
 - *The dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State.*
 - *The charges and duties levied for specific services rendered.*
- Certain contributions and charges collected as remuneration for specific services rendered, such as wastewater taxes, collection of household waste, etc., are not exempt.*
- *For the tax on first registration and the annual road tax, vehicles registered in Belgium in "CD" series, for which the number is identical to the number of exempt vehicles, are exempt from both of these taxes. The tax remains payable for vehicles registered in normal series or in "international" series.*

7.6.2. Members of service staff of the diplomatic mission and private servants

7.6.2.1. These categories of staff of a diplomatic mission, who have a special residence permit, do not benefit from any exemption from taxes, except on taxes and duties on salaries they earn as a result of their services. They can therefore use the standard procedure indicated above in point 7.5.2.6.

7.6.2.2. For private servants living under the same roof as their employer and having their temporary residence there, the diplomatic mission may request exemption from taxes payable by heads of household in the Brussels-Capital Region.

7.6.3. Exemption request procedure

7.6.3.1. The procedure to request exemption indicated below point no 7.5.2.6 is valid for the members of the mission and private servants with a special residence permit issued by the Protocol Directorate.

7.6.3.2. Employees of the diplomatic mission, referred to above in Chapter 3, holders of a special residence permit, do not benefit from any exemption on the basis of the Vienna Convention on Diplomatic Relations. These persons are invited to report directly to the competent tax authority in order to regularise their tax situation. Locally recruited staff with a residence permit from the municipality does not benefit from any exemption.

Useful addresses

FPS FINANCE – General administration of Taxes - Operational expertise and Support	International Relations Boulevard du Roi Albert II, 33, box 517 1030 Brussels vat.diplomat@minfin.fed.be Opening hours: business days between 9.00am and 11.30am
FPS FINANCES - Customs and Excise General Administration	Administration Operations – Central Component – Douane 3 Boulevard du Roi Albert II, 33 - PO box 372 1030 Brussels da.operations.diplomat@minfin.fed.be Opening hours: business days between 9.00am and 11.30am, except Fridays
INAMI:	Institut national d'assurance maladie-invalidité (INAMI) Specific Resources Services Rue du Collège Saint-Michel 17 box 8 1150 BRUSSELS Contact person: Nicolas HEUSSCHEN Tel: 02 739 79 25 Fax: 02 739 79 05 Email: jnicolas.heusschen@inami.fgov.be - www.inami.be
REPROBEL:	REPROBEL Place de Brouckère, 12 1000 BRUSSELS, Contact person: Karline VANDER LINDEN Tel: 02.551.08.84 Email: kvanderlinden@reprobel.be
AFCN:	Federal Agency for Nuclear Control - AFCN Tel: 02 289.21.11 Email: facturation@fanc.fgov.be .

Annexes

Annex I	"Delegation of signature" form
Annex VII	Template text for requesting free registration and exemption from the recording fee (and possibly VAT) for a deed of purchase.
Annex VIII	Template text for requesting free registration and exemption from the recording fee for a rent contract.
Annex IX	Request for exemption from taxes and duties for diplomatic missions and/or their staff
Annex XV	Publication in the Belgian Official Gazette of June 27, 2018

Chapter 8. CD Vehicles

8.1. Introduction

8.1.1. Legal basis

8.1.1.1. Pursuant to Article 20, § 4, first member, of the Royal Decree of 20 July 2001 relating to the registration of vehicles, the "CD" registration mark is allocated on the proposal of the Protocol Department "either to persons who are members of the diplomatic or consular corps in Belgium, or who benefit there from immunities similar to those of the diplomatic corps, either to diplomatic missions or to fixed establishments of international institutions governed by public law, for service vehicles that last two use. »

8.1.2. Means of transport referred to

8.1.2.1. The means of transport taken into consideration for a CD registration plate are the following:

- Cars intended to transport people ("passenger vehicles") and dual-use cars (estate cars);
- Minibuses (vehicles having a maximum of eight passenger seats in addition to the driver's seat);
- Van-type pick-ups (with a maximum authorised weight of no more than 3,500 kg, including the maximum load capacity);
- Motorcycles with a maximum speed exceeding 45 km/h.

8.1.2.2. The diplomatic mission may request the registration for its official use of other types of cars, e.g. a bus and similar vehicles under CD plate. Such a request will be made by NV and will be duly substantiated and justified.

8.1.2.3. No vehicle other than those mentioned above can be registered under a CD plate. A non-exhaustive list of these vehicles can be found in appendix IX.

8.1.3. Beneficiaries of CD registration plates

8.1.3.1. Diplomatic missions and their privileged staff⁵⁰ may register their official and personal cars in CD series.

⁵⁰Only diplomats and administrative and technical staff of diplomatic missions in Belgium qualify in this respect. Their family members do not qualify!

8.1.3.2. Official cars must be registered in "CD" series in the name of the official holder. Whereas personal vehicles can only be registered in the name of the holder of the function.

8.1.4. Number of CD vehicles authorised ("quota")

8.1.4.1. The maximum number of CD plates authorised for official use may not exceed the number of diplomats serving in the diplomatic mission.

8.1.4.2. A diplomatic official may register two (2) cars under CD plates for personal use, while a member of administrative and technical staff may only register one (1) car under CD plates for personal use.

8.1.4.3. The number of vehicles authorised may be limited in some cases, namely:

by principle of reciprocity.

when the beneficiary:

- has proven debts ;

- consistently violates traffic rules;

- has not (sufficiently) insured his/her vehicle(s);

if violations of tax or customs legislation have been identified.

The missions in question will be notified by individual verbal note

8.2. Taxation applicable to vehicles registered in "CD" series

8.2.1. The following paragraphs, included in point 8.2, inform diplomatic missions of the principles of the tax regime applicable to vehicles registered in the "CD" series. They are for informational purposes only and do not constitute a regulatory text. No rights can be derived from this. With regard to tax matters that fall under the exclusive competence of the FPS Finances, diplomatic missions are invited to contact this administration for any information on the content and extent of the tax exemptions from which they may benefit (see "useful addresses")⁵¹.

8.2.2. The diplomatic mission may benefit from exemption from import duties and VAT when importing from a third country, and/or exemption from VAT for the purchase, rental or leasing in Belgium or another Member State of vehicles intended for their official use which must therefore be registered in "CD" series in the name of this official holder.

⁵¹ See the publication on [Fisconet](#) (only available in French and Dutch).

- 8.2.3. The privileged staff member is eligible for tax privileges for the purchase (in Belgium or in another Member State of the European Union) or import of a vehicle intended for their personal use and for which the registration in "CD" series has been authorised by the Protocol Directorate. As such, if registration in 'CD' series is not authorised, no exemption will be applied.
- 8.2.4. In order to benefit from the exemption, one of the following documents must be attached to the registration application, at the same time as the invoice:
Certificate 151 for purchases in Belgium and in the EU, or,
- form 136F for imports from a non-EU Member State.
- 8.2.5. The exemption of VAT is only possible by means of an invoice. This definitive invoice with VAT accompanies the Certificate 151. For vehicles purchased in Belgium, this invoice will be drawn up with VAT.
- 8.2.6. Proof that the vehicle is present in Belgium can be provided by the original foreign registration or a transport document (CMR).

8.3. Registration procedure

8.3.1. Registration application

Given that the procedure is dependent on services outside the Protocol Directorate, in particular the FPS Finance, FPS Mobility and BPost, the Protocol Directorate regrets not being able, given the large number of files in progress, to provide information by telephone on individual files and on the progress of the procedure.

On the other hand, questions related to information relating to the registration, cancellation and regularization of vehicles in the CD series which are sent by email to the address Protocol.CD@diplobel.fed.be will be answered as soon as they are received.

- 8.3.1.1. The request is made using the form "Request for registration or tax regularization of a vehicle under CD plate" (see Annex X) and accompanied by the DIV registration request (the pink form)⁵² duly completed and signed, on which in Case Z the insurer's sticker has been affixed. These forms must be sent in original to the Protocol Directorate. It is also recommended to send an electronic copy of the request to Protocol.CD@diplobel.fed.be.

⁵²The DIV registration request (the pink form) can be obtained either from the seller, from the insurance company, from Customs or from Technical Control or DIV. It is requested not to change the form during processing, otherwise the request will be canceled.

8.3.1.2. Upon receipt of the original request, it is verified and processed by the Protocol Directorate and when tax intervention is required, systematically submitted to the competent tax authorities, then sent to the DIV for registration under CD. The CD plate and the registration certificate of the vehicle are issued by BPOST to the Mission, while the certificate 151 validated by the SPF Finances must be obtained from the Protocol Directorate.

8.3.1.3. The average duration of the registration process is 3 to 4 weeks; the Protocol Directorate can provide information on the status of the request, but this is only possible by email.

(Pink) registration application form:

- Box X3: tick "special plate" (CD plate) and possibly "20x33 cm square format". A smaller format exists, only with the authorisation of the technical inspection authority.
- Box P1: mention the engine capacity (cc).
- Box P2: mention the engine power (kw).
- Box P3: mention the fuel type.
- Box C1.1 and C 1.2: name of the applicant (official holder or personal holder).
- Box C1.3: always the address of the diplomatic mission (postcode and official name of the municipality - e.g.: 1150 Woluwe-St-Pierre and not 1150 Brussels).
- Box X8: signature of the applicant + the stamp of the vendor and that of the mission.
- Box X10: for a private vehicle, the private address of the personal holder (postcode and official name of the municipality - e.g.: 1190 Forest and not 1190 Brussels).
- Box X13: the stamp of the technical inspection authority (if required).
- Box Y: the stamp of the vendor when required (see table).
- Box Z: vignette of the Belgian insurer or of the foreign insurer, approved by the Insurance Supervisory Body, with the name and signature of its representative/deputy.

8.3.1.4. Depending on the type of operation, documents must be attached or appended to the registration request. A detailed description of the forms and administrative documents to be submitted according to the different possible situations is also provided in Annex VI.

The international motor insurance card, the certificate of conformity and the technical inspection certificate must remain in the vehicle. It is not necessary to attach these documents to the application.

8.3.2. Registration certificates (RC) and plates

8.3.2.1. The registration certificates (RC) and plates are delivered by Bpost on a cash-on-delivery basis. As such, payments by bank transfer are not accepted.

- The cost of the RC by itself, e.g., for a transfer of the plate from one car to another, is €26.
- The cost of the RC and the official plate is €30.
- The cost of the official plate by itself is also €30.

8.3.2.2. The delivery address is that of the mission. Delivery to a private temporary residence address is not possible.

8.3.2.3. While awaiting a CD plate, it is prohibited to apply for a transit plate (plate with red background and white characters) or an international plate. If this is done, no tax exemption will be granted.

Since 1 January 2013, the RC has been composed of two parts. Each element must be kept separately: one part in the vehicle and the other part at home. On receipt, the holder must separate them carefully.

- *No additional copies of the RC will be provided. As such, unlike registration plates, damaged RC will not be replaced. In such cases, a request for a new CR must be submitted.*
- *In the event of loss/theft (of a single component) of the RC it must be declared to the Police who will proceed to signal the complete document. A duplicate should be requested from the Protocol Directorate through a new registration request (pink sheet), attaching, if necessary, the "remaining" part to the declaration issued by the Police.*
- *In the event of loss / theft of the official plate (placed on the back with the SPF Mobility badge), it must also be declared to the police.*

A registration certificate issued by another EU Member State is kept for six months by the DIV. The authority that issued this document may request it from the DIV during this period. The document is then destroyed.

CD registration plates have seven ruby red-coloured characters on a white background and are of European dimensions. They exist in long format (52x11 cm), square format (34x21) and small format (21x14 cm). The latter is subject to the authorisation of the technical inspection.

Only the DIV issues the official plates (for the rear of the car). The copy of the plates (for the front of the vehicle) is mandatory and must be produced at the expense of the holder of the plate. Various companies offer this service.

Transferring a CD plate from one car to another is always authorised provided that:

- *it is the same owner;*
- *a registration application is submitted;*
- *if applicable, the replaced car has been regularised;*

The plate number must be shown on the registration certificate of the new vehicle. This process is no longer possible if the plate to be transferred belongs to the old series (plates with green and red characters on a white background).

8.4. Use of a vehicle registered in CD series

8.4.1. Valid driving licences in Belgium

8.4.1.1. General principle

- 8.4.1.1.1. In Belgium, all drivers of vehicles must have a valid driving licence, or a foreign national or international driving licence under the conditions laid down for international road traffic.
- 8.4.1.1.2. Only drivers with diplomatic or consular status, i.e. holders of a special residence permit type C and D issued by the Protocol Directorate, are entitled to drive on public roads in Belgium with their foreign driving licence (whether or not recognised by Belgium), for the duration of their accreditation with the diplomatic mission. Exchanging their national driving licence for a Belgian driving licence is not required. An official translation of the driving licence must be made available at all times, on request.
- 8.4.1.1.3. Holders of non-diplomatic special residence permit type P and S must apply directly to the municipalities where they are registered. The issuance of Belgian driving licences and the exchange of their foreign national driving licences falls under the exclusive competence of the municipal authorities and not the FPS Foreign Affairs. The persons in question can request more clarification from the municipal authorities.

Administrative and technical staff and service staff (holders of a Special Resident permit P or S) are advised to contact their municipal administration, in order to register their national driving license, or to have it exchanged if necessary.

8.4.1.2. Basis for issuing a Belgian driving licence

- 8.4.1.2.1. A Belgian driving licence can be obtained by exchanging a valid foreign national driving licence - recognised by Belgium - which is issued by the Protocol Directorate to holders of a diplomatic residence permit.
- 8.4.1.2.2. The maximum validity of a European national driving license is 15 years. The member states mutually recognize their driving licenses. As long as the validity of a European driving license does not expire, there is no need to exchange it for a Belgian driving license. In order to ensure that the exchange procedure is completed on time, it is recommended to exchange any European driving license with a validity expiring within three months.

8.4.1.2.3. Holders of a national foreign driving licence which is not recognised by Belgium can only obtain a Belgian driving licence after passing theoretical and practical tests at a recognised examination centre (see Annex V).

8.4.1.2.4. A recognized non-European national driving license can be exchanged for a Belgian national driving license under the following conditions:

- recognized
- valid
- obtained when the person concerned was not registered in Belgium
- the nationality of the holder is the same as that of the driving license
- authentic

8.4.1.2.5. The application forms for driving licences can be obtained from the driving license examination centre or from the website of the FPS Mobility (see Annex VI).

8.4.1.3. Administrative formalities for the registration for a theoretical and practical test at a recognised examination centre

8.4.1.3.1. All diplomats accredited in Belgium and their family members who wish to register for a theoretical and practical driving test at an official examination centre, or those who wish to exchange a validly recognised national driving licence for a Belgian driving licence, must apply in advance to the Protocol Directorate for a licence holder number. This licence holder number replaces the Belgian national register number necessary for the registration and creation of a Belgian driving licence.

8.4.1.3.2. If an application is submitted for a 36 month provisional driving licence, an identification number will also be required for non-Belgian accompanying person(s).

8.4.1.4. 36 month provisional driving licence (with an accompanying person)

8.4.1.4.1. The Protocol Directorate may issue a provisional driving licence, valid for 36 months, from the age of 17, within a period of three years after passing the theoretical test.

8.4.1.4.2. The conditions and provisions for accompanying persons can be consulted on the website of the FPS Mobility.

8.4.1.4.3. The diplomatic mission submits the application to the Protocol Directorate, along with the following annexes, by verbal by verbal note:

- "Application form for a provisional driving licence", issued and stamped by the examination centre, completed and signed on both pages by the applicant and co-signed by the accompanying person(s);
- 2 recent identity photos meeting the requirements outlined in Annex VII (format 35mm x 45mm);
- a copy of the driving licence and residence permit of the accompanying persons.

8.4.1.5. 18 month provisional driving licence (without an accompanying person)

8.4.1.5.1. The Protocol Directorate may issue a provisional driving licence, valid for 18 months, from the age of 18, within a period of three years after passing the theoretical test. The relevant conditions and provisions can be consulted on the website of the FPS Mobility.

8.4.1.5.2. The diplomatic mission submits the application to the Protocol Directorate, along with the following annexes, by verbal by verbal note:

- "Application form for a provisional driving licence", issued and stamped by the examination centre, completed and signed on both pages by the applicant;
- 2 recent identity photos meeting the requirements outlined in Annex VII (format 35mm x 45mm);
- original certificate of competence issued by a driving school for at least 20 hours of practical driving lessons.

8.4.1.5.3. The provisional driving licence without accompanying person may only be issued once and may not be extended or renewed. During its period of validity, it may be exchanged for a provisional driving licence with accompanying person(s).

8.4.1.6. Belgian driving licence

8.4.1.6.1. The administrative validity of a Belgian driving licence is limited to 10 years.

8.4.1.6.2. The diplomatic mission submits the application to the Protocol Directorate, along with the following annexes, by verbal by verbal note:

- "Application form for a driving licence" completed by the applicant and signed on both pages;
- The form must have the stamp of the examination centre confirming that the person in question has passed their theoretical and practical tests;
- 2 recent identity photos meeting the requirements outlined in Annex VII (format 35mm x 45mm).

8.4.1.6.3. After receipt and approval of the application, the applicant is requested to appear in person for a digital signature in the offices of the Protocol Directorate.

*Protocol Directorate: Egmont Palace, Petit Sablon 8, 1000 Brussels.
Public opening times: Wednesday and Friday between 9.00am and 12.00pm
(except national holidays).*

8.4.1.7. International driving licence

8.4.1.7.1. An international driving licence may be issued by the Protocol Directorate to officials of diplomatic missions who hold a diplomatic residence permit and a valid Belgian or recognised foreign driving licence. The international driving licence is valid for a maximum of 3 years or takes over from the expiry date of the accompanying national driving licence if this is less than 3 years.

8.4.1.7.2. The diplomatic mission submits the application to the Protocol Directorate, along with the following annexes, by verbal note:

- "Application form for an international driving licence", completed and signed by the applicant;
- a copy of the valid Belgian or foreign (recognised by Belgium) driving licence of the applicant;
- 2 recent identity photos meeting the requirements outlined in Annex VII (format 35mm x 45mm).

8.4.1.8. Loss or theft of a driving licence

8.4.1.8.1. In the event of theft or loss of a Belgian national driving licence or an international driving licence issued by the FPS Foreign Affairs, a certificate of non-intentional dispossession must be requested from the police. The person in question can submit a new application (see procedure under driving licence) along with the certificate from the police referred to in Annex

8.4.1.8.2. A diplomatic official cannot obtain a Belgian driving licence if they have terminated his functions in Belgium.

8.4.1.8.3. The Protocol Directorate may draw up a certificate of the Belgian driving licence issued by their departments at any time, even if the diplomat has left Belgium.

8.4.1.9. Payment

8.4.1.9.1. Payment can be made - following reception and approval of the application - by bank transfer or postal order.

*Beneficiary: FPS Foreign Affairs
Bank account: BE27 6792 0038 0273
BIC code: PCHQBEBB
reference: file number at the Protocol Directorate and name of the applicant*

8.4.1.9.2. The current rates are:

International driving licence: €16;
- all other driving licences: €20.

8.4.1.10. Issuance and receipt

8.4.1.10.1. Following payment and receipt of the digital signature, the driving licence is created. It can be collected from the reception desk of the Protocol Directorate, Egmont Palace, Petit Sablon 8, 1000 Brussels, during the public opening hours (Wednesday and Friday from 9.00am to 12.00pm). The offices are closed on national holidays.

8.4.2. Obligation to comply with the Belgian Highway Code - fines for violations

8.4.2.1. The Protocol Directorate kindly reminds diplomatic missions that the Belgian road traffic regulations and prescriptions (the "Belgian Highway Code") must be respected, including by all drivers of vehicles with a CD plate.

8.4.2.2. It is also reminded that in the event of failure to respect the Highway code, persons with privileged status are obliged to pay any transactional fines applied by the public prosecutor's office. The Protocol Directorate reserves the right to take the compliance of the missions with the Highway code into consideration at the time of the issuance of CD plates and to take adequate measures.

8.4.2.3. In the event of serious violation of the Highway code and non-payment of a proposal for out-of-court settlement by a diplomatic mission or privileged person ("traffic fine"), the Protocol Directorate reserves the right to temporarily suspend the duty-free fuel access.

Conducteur

8.4.2.4. The Protocol Directorate also takes this opportunity to reiterate that official cars with CD number plates only can be driven by the members of the mission or by drivers of the diplomatic mission's or consular post. Personal cars with CD number plates are linked to the holder's function and can only be driven by the holder (and their family members) or by the designated driver⁵³ of the diplomat or diplomatic mission.

8.4.2.5. The Protocol Directorate reiterates the existence of dual liability, both for the owner of the vehicle and for the driver.

Assurance

8.4.2.6. The attention of diplomatic missions is also required with regard to the obligation of a "civil liability" insurance for the vehicle. The Protocol Directorate reserves the right to request the holder for the insurance certificates for his vehicle and to link the possibility of the duty-free purchase of fuel to the presentation of an insurance certificate. A lack of insurance may also lead to the automatic cancellation of registration and the payment of import duties or VAT.

8.4.2.7. **Documents required on board the vehicle:**

- A valid international insurance card (green card).
- A Belgian or foreign driving licence valid and recognised in Belgium, or a valid international driving licence.
- The original of the registration certificate ("vehicle" part).
- The original of the certificate of conformity.
- The technical inspection certificate, if applicable.

8.4.3. Technical inspection

Contrôle technique

8.4.3.1. In accordance with Belgian regulations, the owner of a four year old vehicle is automatically invited by the services of the Automobile Technical Inspection Authority ("CTA") to present the vehicle for the annual or two year technical inspection (as the case may be). This obligation also applies to CD registered vehicles.

⁵³In other words, the car under CD plate cannot occasionally be driven by anyone other than the holder and their family members. The designated driver is any person recruited to drive the car or for whom driving the car is part of their job description. On the other hand, it is perhaps advisable to check with your insurance company what is possible for authorized drivers.

8.4.3.2. If the vehicle is sold, the above-mentioned inspection must also be carried out on the vendor's initiative, prior to any registration application by the new owner. The administrative and technical inspection takes place in an Automobile Technical Inspection Centre.

8.4.4. CD parking spaces

8.4.4.1. Applications for "CD" parking spaces must be addressed by verbal note to the Protocol Directorate, which forwards them either to the Mayor of the municipality or to the Directorate for Roads of the Ministry of the Brussels-Capital Region, depending on whether it is a municipal or regional road. Diplomatic Missions are reminded that they should under no circumstances contact directly the municipal or regional authorities concerned. The only channel for all requests, reminders, information or other matters relating to CD parking spaces is to contact the Protocol Directorate.

8.4.4.2. The Protocol Directorate kindly reminds diplomatic missions that it is customary to grant a maximum of 2 "CD" parking spaces in front of the main building (not the annexes) housing the diplomatic Chancellery, for which the address has been officially communicated to the Protocol Directorate and has been accepted by it, as well as a maximum of 1 "CD" parking space in front of the official residence of the Head of Mission⁵⁴. The creation of these reserved spaces is however not guaranteed: it depends on the material and technical constraints of the nearby road network.

8.4.4.3. These "CD" parking spaces are not personalised. As such, any vehicle registered with a diplomatic plate can park there for a reasonable period.

8.4.4.4. Given the scarcity of parking spaces on the public road in Brussels, missions are encouraged to approach the private sector for their parking needs. In many car parks and garages, it is possible to rent spaces for the long term.

⁵⁴The temporary residences of chargés d'affaires a.i. are not considered to be the official residence of the head of office.

8.5. Return of CD plates - procedure for obtaining transit plates

- 8.5.1. The CD plate of a vehicle should be cancelled if the destination indicated for said vehicle clearly no longer corresponds with its official or personal use in Belgium. In this case, the official CD plate must be returned so that it can be officially cancelled, unless the holder is authorized to reuse it for another vehicle in his name (transfer of plate).
- 8.5.2. The physical return and cancellation/deletion of the official CD plate is preferably done directly by the holder with his official CD plate at a BPOST point. Once the official CD plate is returned, its cancellation is carried out immediately and BPOST directly issues a cancellation notice.
- Physical restitution*
- To check the status of the CD plate, simply go to the following site later: "[My car.my.plate](#)".
- 8.5.3. Holders who, at the end of their duties, wish to leave with their vehicle registered in "CD" series, cannot keep the CD registration. They are obliged to re-register their car under transit plates (validity limited to 3 months), before leaving Belgium.
- End of duty, departure with car*
- 8.5.4. This re-registration may be obtained from the DIV, at the same cost as for the other plates (payable by bank card) after verification of the application by the General Administration for Customs and Excise, with a view to the possible regularisation of the tax situation of the vehicle. The transit plate received does not need to be sent back to Belgium following the registration of the car abroad.
- Transit plate*
- 8.5.5. If the holder leaves Belgium with his vehicle registered in "CD" series at the end of his function, the Protocol Directorate reserves the right to suspend the issue of new plates to the mission, as well as the non-return of this plate within 30 days at a BPOST point following the termination of the function.
- Suspension of the issue of new plates*

Useful addresses

FPS FINANCE – General administration of Taxes - Operational expertise and Support	International Relations Boulevard du Roi Albert II, 33, box 517 1030 Brussels vat.diplomat@minfin.fed.be Opening hours: business days between 9.00am and 11.30am.
FPS FINANCES - Customs and Excise General Administration	Administration Operations – Central Component – Douane 3 Boulevard du Roi Albert II, 33 - PO box 372 1030 Brussels da.operations.diplomat@minfin.fed.be Opening hours: business days between 9.00am and 11.30am, except Fridays
DIV	FPS Mobility and Transport Directorate Traffic - DIV City Atrium Rue du Progrès 56 1210 Brussels

Annexes

Annex I	Formulaire de demande d'un permis international
Annex II	FAQ Certificat d'immatriculation
Annex III	FAQ Leasing
Annex IV	Coordonnées des instances compétentes en matière de permis de conduire étrangers expirés
Annex V	http://www.goca.be/nl/p/examencentra Centres d'examen reconnus
Annex VI	Procédure d'immatriculation
Annex VII	Exigences pour les photos de passeports, Kids-ID, cartes d'identité électroniques pour les Belges et documents de séjour pour les étrangers
Annex IX	Liste non exhaustive des véhicules qui ne peuvent pas être enregistrés sous plaque CD
Annex X	Request for registration of a vehicle under CD plate

Part II: Consular posts⁵⁵

Chapter 9. Opening of a consular post

- 9.1. A consular post may be established in the territory of the receiving State only with that State's consent (Article 4 of the 1963 Vienna Convention).
- 9.2. The Embassy of the sending State informs the Protocol Directorate by verbal note of the sending State's wish to open a consular post.
- 9.3. This verbal note must clearly indicate the category of the new consular post:
 - Consulate general;
 - Consulate;
 - Vice-consulate;
 - Consular agency;
 - Honorary consulate general;
 - Honorary Consulate;
 - Honorary consular agencyand the consular district of the new consular post.
- 9.4. The verbal note must also indicate the reasons why the sending State considers it desirable to establish a consular post. This is particularly important for the opening of new honorary consular posts.
- 9.5. The decision of the Belgian authorities is communicated by verbal by verbal note to the embassy of the sending State. This note contains a request for the embassy to nominate a candidate Head of post for the consular post.

⁵⁵Il convient tout d'abord de rappeler que la Convention de Vienne sur les relations consulaires du 24 avril 1963 (ci-après dénommée « Convention de Vienne de 1963 ») s'applique pour ce Chapitre. Cependant, sauf les dispositions reprises ci-dessous, la procédure relative aux missions diplomatiques s'applique normalement aux postes consulaires de carrière. Il convient cependant d'entendre par membres du personnel diplomatique, membres du personnel consulaire – fonctionnaires consulaires, par membres du personnel administratif et technique, employés consulaires.

- 9.6. According to "Article 1, j), of the 1963 Vienna Convention on Consular Relations", "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post. As such, they do not benefit from immunity according to Article 31, § 1.

Chapter 10. Appointment of the Head of consular post

10.1. Preliminary comment

- 10.1.1. A Head of consular post may only be appointed to an existing post. If this does not already exist, it must first be established according to the procedure described above.

10.2. Correspondence with the Protocol Directorate

- 10.2.1. All correspondence between consular posts and the Protocol Directorate always goes via the Embassy channel.

10.3. The Head of consular post

- 10.3.1. The Heads of consular posts are appointed by the sending State and admitted to the exercise of their functions by the receiving State (Article 10 of the 1963 Vienna Convention).
- 10.3.2. The procedure for appointing a Head of consular post begins by transmitting a verbal note from the Embassy to the Protocol Directorate.
- 10.3.3. The verbal note must indicate the applicant's full name and proposed capacity (consul general, consul, etc.).
- 10.3.4. The curriculum vitae of the applicant, drawn up in the language of the consular district, must accompany the verbal note.
- 10.3.5. This verbal note must also be accompanied by a consular commission or similar document indicating the capacity, surnames and forenames, category and class, consular district and seat of the consular post, in accordance with the provisions of Article 11 of the 1963 Vienna Convention.
- 10.3.6. If there are no objections, acceptance of the nomination is notified by verbal by verbal note to the embassy of the sending State.
- 10.3.7. The Head of a consular post is admitted to the exercise of his functions by an authorisation or exequatur of the State of residence.

- 10.3.8. Pending delivery of the exequatur, the Head of a consular post may be admitted on a provisional basis to the exercise of his functions (Article 13 of the 1963 Vienna Convention). If the required documents are not sent to the Protocol Directorate within 3 months, this provisional authorisation to exercise functions will be cancelled.
- 10.3.9. This admission is done by verbal by verbal note addressed to the embassy of the sending State.
- 10.3.10. If the Head of the sending State has signed the letter of authorisation or consular certificate, an exequatur signed by the Head of State of the receiving State is drawn up. In all other cases (certificate signed by the Head of Government, the Minister of Foreign Affairs, etc.), an authorisation signed by the Minister of Foreign Affairs is drawn up.
- 10.3.11. As soon as they are issued, the exequatur or the authorisation are sent to the embassy of the sending State with an accompanying verbal note.

10.4. Precedence

- 10.4.1. Article 16 of the 1963 Vienna Convention stipulates the precedence as between heads of consular posts.

10.5. The Head of an honorary consular post

10.5.1. Submission of the request

- 10.5.1.1. The diplomatic mission addresses a verbal note to the FPS Foreign Affairs, Protocol Directorate, stating the reasons for appointing an honorary consul. A candidate is proposed, with a clear description of the consular district (preferably per region) and the location of their function.
- 10.5.1.2. To allow the Belgian authorities to give their express consent, in accordance with Article 22, §2 of the Vienna Convention on Consular Relations of 24 April 1963 (hereinafter referred to as the Vienna Convention), the application must be accompanied by the following documents:
- the full and detailed curriculum vitae of the candidate,
 - the address where the honorary consulate will be based,
 - proof of the good standing and reputation of the candidate,
 - and
 - a copy of the residence permit of the candidate.

10.5.2. Criteria

10.5.2.1. The following criteria are taken into consideration for the exercise of duties:

- the professional activity (to avoid conflicts of interest);
- an impeccable reputation;
- to have the space and capacity to receive guests in an efficient manner;
- establishment of the seat in the consular district, and
- age (max. 80 years old).

10.5.3. Letter of appointment

10.5.3.1. An honorary consul is accredited for 5 years, with the possibility for extension.

10.5.4. Termination of the functions

10.5.4.1. The honorary consul or the sending State itself may terminate the functions at any moment.

10.5.4.2. Upon termination of the accreditation after five years, the Ambassador may submit a request for a new term of office. In the event of non-extension, notification is given to the Protocol Directorate.

10.5.4.3. The Belgian Minister for Foreign Affairs is entitled to unilaterally terminate the exequatur/powers of attorney in the event of misuse of the title by the honorary consul, or in the event of aggravating facts.

10.5.5. Honorary consulate without Head of Post

10.5.5.1. An honorary consulate cannot be without a Head of Post for longer than 12 months. After this period, if the honorary consulate is reopened, the Embassy will have to take new demarches towards the Protocol Directorate.

10.5.6. Competences and administration

10.5.6.1. Honorary consuls are competent to represent nationals of the sending State and defend their interests. Honorary consuls may draw up administrative and legal documents (e.g. visas, passports, certificates of civil status, etc.) to the extent permitted by the sending State. Honorary consuls are under the supervision, authority and responsibility of the Embassy. As such, the Embassy undertakes to immediately notify the Protocol Directorate of the FPS Foreign Affairs of any changes.

10.5.7. Facilities, privileges and immunities

- 10.5.7.1. The general provisions concerning the facilities, privileges and immunities of an honorary consul representing the sending State in Belgium are described in Chapter III (Article 58 et seq.) of the Vienna Convention.
- 10.5.7.2. Facilities, privileges and immunities are granted to an honorary consul and their honorary consulate. The consular archive and the documents are inviolable if they are separate from other papers and documents, in particular from the private correspondence of the honorary consul, and from any goods, books or documents relating to their professional activities.
- 10.5.7.3. The honorary consul is entitled to protection in relation to their official function.
- 10.5.7.4. The Protocol Directorate provides an accreditation pass in the name of the honorary consul, as well as two CC (Consular Corps) registration plates for the honorary consul's personal car, with an individual registration certificate. The procedure for issuing a legitimization card must be carried out via a verbal note from the foreign diplomatic mission, accompanied by the following documents:
 - information form ;
 - blue form (original copy) completed and signed by the honorary consul, and accompanied by a photo.
- 10.5.7.5. The honorary consul enjoys immunity from jurisdiction in respect of acts performed in the exercise of their duties as honorary consul.

10.5.8. Provisional Head

- 10.5.8.1. Article 15 of the 1963 Vienna Convention stipulates that if the Head of a consular post is unable to carry out his functions or when the position of Head of the consular post is vacant, an acting Head of post can provisionally act as Head of the consular post.

10.6. Members of staff of the consular post

10.6.1. Preliminary comments

- 10.6.1.1. According to Article 1 of the Vienna Convention on Consular Relations of 24 April 1963, "members of the consular post" refers to:
 - consular officers;
 - consular employees;
 - members of service staff of the consular post.

10.6.1.2. A "member of the private staff", i.e. a person employed exclusively in the private service of a member of the consular post, is not considered a member of the consular post. The Protocol Directorate equates the status of members of private staff with that of private servants. As such, members of private staff are not considered as employees in the service of the sending State.

10.6.2. Consular officers and employees

10.6.2.1. Article 1 of the 1963 Vienna Convention makes a clear distinction between "consular officers" and "consular employees".

10.6.2.2. Consular employees perform administrative and technical functions within the consular post and have a service passport.

10.6.2.3. The status of consular officer is normally only granted to officials exercising a clear consular function, and they are holders of a diplomatic passport.

10.6.2.4. In order to avoid any confusion between diplomatic status and consular status, the members of staff of consular posts who perform consular functions i.e. consular officers are accorded titles which are customary in consular posts. The Protocol Directorate recognises the following titles:

Consul General;
Consul;
Vice Consul;
- Consular agent.

10.7. Facilities, privileges and immunities

10.7.1.1. Section II of the 1963 Vienna Convention applies to consular officers and other members of the consular post..

Chapter 11. Family members of the staff of international organisations

11.1. Preliminary remark

- 11.1.1. The staff of international organisations, as well as their family members, are entitled to a special residence permit issued by the Protocol Directorate.

Right to family reunification

In accordance with the headquarters agreements between Belgium and the international organisations established in Belgium, officials of international organisations and their dependant family members are not subject to the measures restricting immigration, nor to the registration formalities for foreign nationals.

Unless the term 'dependant family members' is defined otherwise in the headquarters agreement, the Protocol Directorate considers this to refer to the following people: the spouse or legal partner registered with the Protocol Directorate, children under the age of 25 and direct relatives in the ascending line of the functionary and their spouse or legal partner registered with the Protocol Directorate. In the event of discrepancy between the headquarters agreement and this protocol guide, the provisions of the headquarters agreement shall apply.

Persons who are part of the household

Family members who wish to be eligible for privileged status (comparable status to that of the functionary), must fulfil three conditions:

- live under the same roof as the functionary;*
- be dependent on the functionary;*
- have no income of their own, regardless of the source.*

Family members who do not live under the same roof as the functionary with privileged status, such as children studying abroad or who continue to live in the State of origin, cannot obtain a special residence permit from the Protocol Directorate.

Nationality, residence in Belgium

It should be borne in mind that the Protocol Directorate does not issue a special residence permit to family members who:

- are Belgian nationals (including persons with dual nationality);*
- are permanent residents.*

Specifically, holders of the following common-law residence permits are not eligible for a special residence permit from the Protocol: B, C, D, E+ and F+.

⁵⁶First of all, it should be recalled that different headquarters agreements apply to this chapter. However, with the exception of the provisions below, the procedures relating to diplomatic missions apply to international organizations, mutatis mutandis.

Certificate of family composition

The Protocol Directorate would like to point out to all interested parties that it only issues certificates of family composition to international officials with diplomatic status who are registered in the Protocol Register, and who have a valid diplomatic residence permit (type D). This rule also applies to family members of the official in question.
This certificate only mentions the family members who have a valid diplomatic residence permit.
This certificate can be requested from the Protocol Directorate via a verbal note drawn up by the international organisation of the official with diplomatic status. However, a certificate of family composition for the purpose of taking out health insurance must be requested directly by the insurance company.
Non-diplomatic officials with a special residence permit type P and S must request these certificates in person from the municipal authorities of the commune where they reside.

11.2. General conditions

11.2.1. Spouse

Civil marriage 11.2.1.1. In Belgium, the term "spouse" is used for two people who are bound by civil marriage, which may be entered into in Belgium by people of the opposite sex or of the same sex.

Polygamy 11.2.1.2. In Belgium, polygamous marriage is considered to be contrary to public order and morality, and is therefore not accepted as a legal marriage.

11.2.2. Legal partner

Legal and official partnership 11.2.2.1. Only legal and official partners, whose partnership or cohabitation has a legal basis, can submit a request to the Protocol Directorate for a special residence permit.

Polygamous partnership 11.2.2.2. In Belgium, "polygamous partnership" is considered to be contrary to public order and morality, and is therefore not accepted as a legal partnership.

Legal basis

The legal basis for a legal partnership refers to: any legal institution or specific agreement established in a deed by the Registry of the domicile of one of the partners, or drawn up before a competent official body of the sending or receiving state, which confirms or records that the partners undertake to live together and comply with the rights and obligations arising from this partnership.
In line with the requirements for a spouse wishing to obtain privileged status, and in order to avoid any form of discrimination, the same administrative formalities apply to legal partners who wish to benefit from privileged status. The Protocol Directorate may also ask for similar supporting documents. For legal partners, this means a certified copy of the certificate of domestic partnership (like the marriage certificate for spouses). This document must be drawn up in English or in one of the national languages of Belgium or, failing this, must be accompanied by a duly legalised translation. A simple certificate is insufficient.

Partnership without legal basis

A partnership without a legal basis, also known as *de facto* cohabitation, does not entitle a person to privileged status. This means that persons who are in a *de facto* cohabitation should, if necessary, first apply for a correct visa at the competent Belgian diplomatic mission or consular post of their place of residence. They must then have their temporary stay in Belgium regularised by the administration of their commune of residence.

11.2.3. Children

11.2.3.1. Children of functionaries or their spouse/legal partner must fulfil the following conditions in order to obtain privileged status:

Conditions

- be fully dependant on the functionary and have no income of their own from a professional activity or gainful activity. (Student jobs and paid internships are therefore not permitted);
- live under the same roof;
- be under 25 years of age in the case of biological or adopted children, or under 18 years of age in the case of children placed under guardianship, and children of holders of an S card;
- be unmarried;

Adopted children
Children under guardianship

The adopted children of the parent who is a functionary, or of the spouse/legal partner, are considered family members and are therefore eligible for a special residence permit, provided that the above-mentioned general conditions are met.

The children under guardianship of the parent who is a functionary, or of the spouse/legal partner, are considered family members and are therefore eligible for a special residence permit, provided that the above-mentioned general conditions are met. The children in question can apply for a special residence permit until the age of legal majority in Belgium (18). After this, common law applies.

Children who are not eligible for a special residence permit

A special residence permit cannot be issued to (among others):

- children declared as "placed under the authority of ...";
- the grandchildren of an international official.

11.2.3.2. The direct relatives in the ascending line of an official or staff member of an international organisation or their spouse or legal partner are considered family members, and are therefore entitled to a special residence permit under the following conditions:

Direct relatives in the ascending line

- they live with the functionary under the same roof;
- they are fully dependant on the functionary and have no income of their own from a professional activity or gainful activity.

11.3. Arrival of the family members in Belgium - Initial formalities

11.3.1. General

Notification of arrival

11.3.1.1. In the notification of arrival, the international organisation must inform the Protocol Directorate of the category of staff to which the new member of staff belongs. In addition, details concerning the family members accompanying the staff member (spouse/legal partner, children) must also be provided.

11.3.2. Spouses/legal partners

Registration of the spouse

11.3.2.1. The Protocol Directorate requires the passport of the spouse/legal partner for registration in the Register.

Proof of family ties

11.3.2.2. The Protocol Directorate also reserves the right to request a certified copy of the marriage certificate from the Registry, in one of the national languages of Belgium, or in English. If the copy is drawn up in another language, it must be accompanied by a duly legalised translation into one of these languages.

11.3.3. Children

11.3.3.1. Children under the age of 5 receive a type E special residence permit, as specified in Article 5 of the Royal Decree of October 30, 1991 concerning the documents for the residence of certain foreign nationals in Belgium. The first card is valid until the age of 1, the second card is valid until the age of 3, the third card is valid from 3 to 5 years of age.

11.3.3.2. Children between the ages of 5 and 25 receive the same type of special residence permit as their parents. Depending on the case, the card is valid for five years, or up to the age of 25 or 18 (see 11.2.3.1 supra). However, the period of validity of this special residence permit may not exceed that of the parent who is the functionary. The Protocol Directorate requests that, from the age of 18, a letter of guarantee signed by the parent who is the functionary is attached to the application for a special residence permit.

Registration

11.3.3.3. The Protocol Directorate reserves the right to request, during the registration, that the official in question confirms in writing (if necessary with supporting documents) that the child for whom a special residence permit is requested does indeed meet the conditions for issuance set out above in point 11.2.3.1.

Family name

- 11.3.3.4. If the child does not have the same family name as the parent who is the functionary, the Protocol Directorate reserves the right to request a certified and duly legalised copy of their birth certificate.

*Adopted children
and children placed
under guardianship*

For adopted children, the Protocol Directorate also requests the following documents:

- a certified and duly legalised copy of their birth certificate;
- a certified and duly legalised copy of their legal adoption certificate. If these documents are not provided, common law applies.

For children placed under guardianship, the Protocol Directorate also requests the following documents:

- a certified and duly legalised copy of their birth certificate;
- a certified and duly legalised copy of the official certificate of guardianship drawn up by a court of law. If these documents are not provided, common law applies.

11.3.4. Direct relatives in the ascending line

*Direct relatives in
the ascending line*

- 11.3.4.1. The following supporting documents must be submitted with the application for the special residence permit, in addition to the standard documents (see below point 12.4.1)

- a copy of the passport,
- a medical certificate proving that the person in question does not suffer from any of the diseases listed in the Annex to the Law of December 15, 1980, drawn up by a doctor from the Embassy or a Belgian doctor for persons not subject to the visa requirement,
- official proof of kinship,
- a written declaration by the functionary that they provide financial, material or moral support to the person in question on a permanent basis,
- proof that the functionary has taken out insurance, valid in Belgium, for medical care, hospitalisation and repatriation, for his/her family members.

11.3.5. Visits to Belgium by family members who require a visa

Short stay visa

- 11.3.5.1. The staff members of an international organisation with its headquarters or a representation in Belgium and their spouse/legal partner may invite family members who require a visa to Belgium for a short stay (maximum three months per semester).
- 11.3.5.2. These first- and second-degree relatives (father, mother, grandparents, children, grandchildren, brothers and sisters) must be able to prove that they have sufficient means of subsistence for the duration of their stay in Belgium, as stipulated for each visa applicant.

Proof of sufficient means of subsistence

11.3.5.3. When submitting their visa application, invited family members can prove that they have sufficient means of subsistence of their own. Confirmation of the invitation to Belgium by the functionary via the "Sworn Declaration" form can also serve as proof.

11.3.5.4. The person inviting must be aware that they are financially responsible for the person invited and that they must ensure that the person invited returns to their country of residence. The Protocol Directorate and the diplomatic or consular post in question retain the right to request proof that the invited person has left Belgian territory after their stay. If the person invited has not returned to their country, this must be immediately communicated to the Protocol Directorate.

The "Sworn Declaration" procedure only applies to family visits and may not be used for visa applications for visits to friends or for professional, tourism, medical or study purposes. These visits fall under common law.

The document (see Annex 1) must be duly completed and signed by the international official and must bear the official stamp of the international organisation. It must be sent to the person invited, along with a colour copy of the valid special residence permit of the official, and must be attached to the visa application.

The international organisation must also send, via its official email address, a copy of the form and the special residence permit to the Protocol Directorate, at the email address indicated in "useful addresses".

The visa application must be submitted to the competent diplomatic or consular post no later than 3 weeks before the travel date of the person invited. It should be noted that submission of the "Sworn Declaration" form does not constitute automatic issuance of the visa. As such, it is no use to contact the Protocol Directorate in this respect.

The Belgian diplomatic or consular post has complete discretion in this regard and may, if necessary, ask the visa applicant for additional information. For example, evidence of kinship may be required in the form of supporting documents, as is customary in the area where the visa application is submitted. For foreign official documents in a language other than German, English, French or Dutch, a legalised translation drawn up by a sworn translator must be provided.

Sworn Declaration

11.4. Exercise of a professional or commercial activity by family members

Staff of international organisations

11.4.1. Staff members of international institutions who are not engaged in any gainful activity in Belgium, other than that arising from their function with the international organisations, as well as dependent family members who are not engaged in any gainful activity in Belgium, are not subject to Belgian legislation on the employment of foreign workers and on the exercise of independent professional activities by foreign nationals.

Family members

11.4.2. Working family members of an international official may not be in possession of a special residence permit issued by the Protocol Directorate. This applies to all professional activities, including those carried out on a part-time basis, as well as paid internships and student jobs.

Standard procedure

- 11.4.3. The Protocol Directorate calls the attention of the international organisations to the fact that the official's spouse/legal partner or children registered with the Protocol Directorate may exercise a professional or commercial activity provided that the following administrative steps have been taken:

The international institution informs the Protocol Directorate by verbal note of the fact that the spouse/legal partner/child wishes to exercise a professional or commercial activity in Belgium. The special residence permit is immediately returned to the Protocol Directorate with the verbal note. If the person in question is a citizen of Switzerland or of an EEA Member State, the Protocol Directorate will immediately send a notice of annulment of the special residence permit to the municipal administration of the place of residence of the international official, since these persons are exempt from applying for a single permit or a professional card.

Family members having the nationality of a third country applies for a "Declaration of arrival" from the municipal administration of the place of residence and initiate the procedure to apply for a single permit or a professional card. In the case of professional activity as an employee, the family member must be provided with a single permit which is issued by the regional authorities, through their future employer. Interested parties can find more information on the website of the FPS Employment, as well as on the websites of the Regional administrations, listed under the heading "useful addresses".

Family members wishing to exercise a professional activity as independents must apply for a professional card from the Economic Migration department of the competent Region. The necessary information can be found on the same websites of the Regional administrations.

As soon as Annex 46 (Decision granting a single permit) or the professional card is issued a residence permit can then be issued to the family member having the nationality of a third country in accordance with the provisions of common law.

In accordance with the provisions of the headquarters agreement or any other international convention, the beneficiaries of an authorisation to exercise a gainful activity are subject to the labour legislation, tax and social security system of the host country for all matters relating to the exercise of this activity. The Protocol Directorate does not grant any tax privileges to the employee or self-employed person in question.

11.5. Excerpt from the criminal record

Excerpt from the criminal record

Demande d'un extrait de casier judiciaire pour les personnes exemptées des formalités relatives à l'enregistrement des étrangers (à savoir, les fonctionnaires internationaux sous statut diplomatique) :

- La demande est introduite en personne et par écrit auprès du SPF Justice (et pas via l'organisation internationale ou la Direction du Protocole du SPF Affaires étrangères) (voir la rubrique « adresses utiles ») :
- Une photocopie de la carte d'identité spéciale ou du passeport est jointe à la demande. La demande signée par l'intéressé contient toutes les données personnelles (nom, prénoms, date de naissance, etc.), le motif de la demande, l'autorité auprès de laquelle la demande est introduite, l'adresse personnelle de l'intéressé et la durée du séjour en Belgique.
- Les titulaires d'une carte d'identité spéciale de type P ou S doivent s'adresser directement à leur commune de résidence afin de demander un extrait du casier judiciaire.

Useful addresses	
FPS Justice:	Directorate-General Judicial Organisation - Central Criminal Record Waterloolaan 115 1000 BRUSSELS Tel: 02 552 27 47 – Fax: 02 552 27 82
Sworn Declaration	Protocol.invitation@diplobel.fed.be
FPS Employment, Labour and Social Dialogue:	http://www.werk.belgie.be/defaultTab.aspx?id=4888
Regional public services	<p>Brussels Capital Region: Ministry of the Brussels-Capital Region, Directorate for Employment Policy and the Plural Economy, Work Permits Unit C.C.N., Noordstation, Vooruitgangsstraat 80, 1035 Brussels Tel. : +32 (0)2 204 13 99 email: travail.eco@sprb.brussels Website: http://werk-economie-emploi.brussels/ (general)</p> <p>Walloon Region: Walloon Public Service, Operational Directorate Economy, Employment and Research, Employment and Work Permits Department Place de Wallonie 1, 5100 Jambes Tel. : +32 (0)81 33 43 62 email: permisdetravail@spw.wallonie.be (work permits) Website: http://emploi.wallonie.be/home/travailleurs-etrangers/permis-de-travail.html (work permits) www.emploi.wallonie.be (general)</p> <p>Flanders: Migration and Employment Service, Flanders Koning Albert II laan, 35 bus 21, 1030 Brussels Tel.: +32 (0)2 553 39 42 email arbeidskaart@vlaanderen.be (work permits) Website: www.werk.be (general)</p> <p>German-speaking community: Ministry of the German-speaking community Gospertstrasse 1, 4700 Eupen Telephone: 32 (0)87 59 63 00 email: ministerium@dgov.be - Website: www.dglive.be</p>
Annexes	
Annex I	Sworn Declaration form for a short stay in Belgium

Chapter 12. Special residence permits and immunity for members of an international organisation and their family members

12.1. Special residence permits

12.1.1. A special residence permit is issued free of charge by the Protocol Directorate. It is a temporary residence permit containing information on the identity and status of the members of staff of an international organisation and their family members. The conditions relating to these special residence permits are laid down in the Royal Decree of October 30, 1991 concerning the documents for the residence of certain foreign nationals in Belgium (Belgian Official Gazette of December 17, 1991, p. 28669 and of June 13, 2005, p. 15092). According to article 11 of the above-mentioned Royal Decree, the holder of this document is obliged to carry it with them at all times, and to show it at the request of the authorities.

*Temporary stay in
Belgium*

12.1.2. The cards issued by the Protocol Directorate in the context of the Royal Decree of October 30, 1991 are not valid identity documents. This means that the holders of these cards are required to be able to present a valid identity document (passport or national residence permit) at all times.

It should be borne in mind that the Protocol Directorate does not issue a special residence permit to officials who:

- are Belgian nationals (including persons with dual nationality);*
- are permanent residents.*

However, if an international organisation wishes to recruit a person of foreign nationality, who is already registered in the national register of physical persons, as an official, it must return the ordinary residence permit to the Protocol Directorate together with the application for the special residence permit. The Protocol Directorate will return the ordinary residence permit to their municipality and check that the person is not registered as a permanent resident.

Their personal status in the period prior to registration in the Registers of the Protocol falls entirely under common law. For any dispute in which they are involved during the above-mentioned period, they must refrain from invoking the immunities of their privileged status. A personal declaration to this effect, supported by a verbal note from the international organisation, must be attached to the application for their special residence permit.

The foregoing procedure is not possible for holders of residence permits B, C, D, E+ and F+. Under no circumstances can these persons obtain a special residence permit.

12.1.3. The holder of the special residence permit must have their (temporary) place of residence in Belgium. Family members who are not residents are not entitled to a special residence permit.

- Schengen visa*
- 12.1.4. The special residence permit is not a travel document in itself, but can be used as a visa for Belgium and for the countries of the Schengen area, provided that it is presented with a valid passport.
- Number of cards per official*
- 12.1.5. A person registered with the Protocol Directorate can only receive one special residence permit, even if they exercise several functions within the same international organisation or hold an additional position within a diplomatic or consular mission or another international organisation. A person with a residence permit issued by a Belgian municipality cannot simultaneously obtain a special residence permit from the Protocol Directorate. A staff member of an international organisation cannot obtain a diplomatic residence permit from a diplomatic mission either.
- 12.1.6. If a foreign national who is mentioned (not registered) in the National Register of physical persons and who holds a special residence permit (type P or S) changes function (for example by changing status or diplomatic post in Belgium), he/she will be granted the status in accordance with their new function, as specified in the provisions of the headquarters agreement.
- 12.1.7. Locally recruited staff cannot benefit from privileged status.
- Address*
- 12.1.8. Any change of address of a staff member during their function must be communicated, so that they can enjoy the privileges and immunities of their function at all times.
- Use of languages*
- 12.1.9. The special residence permits are drawn up in accordance with Belgian linguistic legislation; i.e. in the language of the language area if the applicant lives in a monolingual area, and in the language of the information form chosen by the applicant if they live in a bilingual area, or in an area with language facilities.
- 12.1.10. For example, applicants for an residence permit of the Protocol Directorate may choose French or Dutch if they live in one of the 19 municipalities of the Brussels-Capital Region and one of the 6 municipalities with language facilities, while Dutch will be used for those who live in the Flemish Region and French for those who live in the Walloon Region.
- 12.1.11. Following registration with the Protocol Directorate, the functionary and their accompanying dependants are exempted from registration in the population register of the municipality where they are temporarily resident. The Protocol Directorate will immediately inform the municipal administration that these persons are registered in the Protocol Registers.

12.1.12. For all administrative formalities, such as requesting documents and certificates, the functionary and their accompanying dependants must refer directly to the administration of the municipality in which they are temporarily resident.

*Card issued based
on incorrect data*

12.1.13. If the Protocol Directorate ascertains that a special residence permit has been issued on the basis of incorrect data, it reserves the right to annul the card and request that the organisation in question return it immediately.

12.1.14. This rule also applies if the Protocol Directorate commits an error while issuing a special residence permit and if a correction is necessary in order to comply with the principle of equal treatment.

12.2. The 4 types of special residence permits

12.2.1. The International Organisations department of the Protocol Directorate issues four types of special residence permit, pursuant to the status of the functionary and pursuant to the Royal Decree of October 30, 1991 concerning the documents for the residence of certain foreign nationals in Belgium :

Staff category	Type of card	Validity
Officials with diplomatic status and their family members	D Card (model I)	5 years if the function is for an indefinite duration. Until the end of the function (with a maximum duration of five years per card) if the contract is for a fixed term. ⁵⁷
Officials and staff of international institutions of public law established in the Kingdom, members of the European Parliament residing in the Kingdom solely as part of their mandate, VNC' under the London Convention (see and their family members.	P Card (model III)	5 years if the function is for an indefinite duration. Until the end of the function (with a maximum duration of five years per card) if the contract is for a fixed term ⁵⁷ .
Staff members of all international institutions for which the Minister for Foreign Affairs has granted the right to request a special residence permit for their staff, and their family members.	S Card (model IV)	Until the end of the function (with a maximum duration of five years per card) ⁵⁷
Children under the age of 5 of all above-mentioned categories.	E Card (model V)	Up to the age of 1, then up to the age of 3 and finally up to the age of 5 ⁵⁸

12.3. The VNC (Voluntary National Contribution) under the London Convention (1951)

12.3.1. Preliminary remark

- 12.3.1.1. A Voluntary National Contribution (VNC) is a civilian or military expert who is temporarily seconded by a NATO member state or a "Partnership for Peace" partner country to carry out a mission at NATO, one of its agencies, a NATO subsidiary body, a NATO liaison office, a military NATO headquarters (HQ) or the International Military Staff. VNC's seconded by the Ministry of Defense of a NATO member state or a "Partnership for Peace" partner country fall under the status of the 1951 London Convention⁵⁹. They will be registered in the register of the Protocol Directorate with a corresponding status and receive the associated special residence permit.

⁵⁷For the family members of the functionary (spouse, children, legal partner), the expiry date cannot be longer than the expiry date of the special residence permit of the functionary.

⁵⁸See footnote number 57. For the expiry date of E cards, the child's birthday is used as a reference.

⁵⁹Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on June 19th, 1951.

12.3.2. Arrival of a VNC, first steps

12.3.2.1. The request for registration in the register of the Protocol Directorate and for a special residence permit must be submitted with a verbal note by the national military representative to SHAPE (NMR or PNMR/LNR in the case of "Partnership for Peace" partner countries) of the sending state of the VNC via the SHAPE Registration Office. The verbal note contains an explanation of the nature, content and expected duration of the official VNC mission, and clearly states that the VNC falls under the 1951 London Convention. It will be accompanied by:

proof of recruitment as a VNC from the organization with whom the mission is carried out, and;

- for a VNC who is a military expert:⁶⁰

- the individual mission order in the language of the State of origin as well as in English or French, issued by the Ministry of Defense of the sending State, certifying the status of the person as a member of a force, as well as the travel order;

- a color copy of good quality of the personal identity card issued by the State of origin, with a photograph and mentioning the names and surnames, date of birth, rank, service and , if applicable, the roll number;

- the documents mentioned in n° 12.3.1.

- for a VNC who is a member of the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party:

- the secondment note issued by the Ministry of Defense of the sending State, in the language of the State of origin, as well as a translation (except for a document in French, Dutch, German or English);

- the documents mentioned in n° 12.3.1.

Other documents can also be requested by the Protocol Directorate, such as, for example, the special residence permits of the VNC's predecessor. It bears mentioning that the passport of the members of the civilian personnel and of dependents must state their quality.

12.3.2.2. The request for special residence permits for family members of the VNC takes place according to the provisions set out in Chapter 11 above.

⁶⁰As decreed by the London Convention, military VNC's are not obliged to register, UNLESS they are accompanied solely by (minor) dependent children. Dependents of VNC's are always required to register.

- 12.3.2.3. A special residence permit type "P" - valid for the duration of the assignment, with a maximum validity of 5 years – is allocated to the VNC (and, if applicable, to the members of his/her family). The special residence permit type "P" of a VNC can be extended, provided that the mission is extended.
- 12.3.2.4. For every extension or replacement of the special residence permit, the procedure is analogous to the introduction of the first request for a special residence permit. However, if the mission order or the secondment note are still valid, these need not be resubmitted. The same goes for the identity card or the passport.

12.4. Application for an residence permit

- 12.4.1. Documents to be submitted when applying for an residence permit:
- verbal note stating the function of the official and the planned duration of the function;
 - Two copies of the document 'Information form for obtaining a special residence permit issued by the Protocol Directorate', duly completed and signed by the functionary and their family members, and signed by the head of the organisation in Belgium or an authorised staff member of the organisation;
 - three photographs (passport size) per person, meeting the requirements outlined in Annex VI, attached to the documents;
 - The *original* (blue) of the document (*volet III*)⁶¹ with a photograph, meeting the requirements outlined in Annex VI, the surname and first names and the signature⁶² of the persons applying for a residence permit;
 - A legible *colour* copy of the relevant pages of the valid passport or the valid national identity document⁶³ and if necessary the correct visa.
 - Where appropriate, a declaration of guarantee;
- The Protocol Directorate may request other documents if necessary.

⁶¹The blue form must always be submitted in its original format. Photocopies or scans will be rejected, which may delay the production process of the special residence permits.

⁶²Children under the age of 12 do not need to sign. The signature field on their blue form must therefore be left blank.

⁶³This identity document is only accepted for applications from European citizens.

- 12.4.2. When necessary, copies of the documents (certified copy, official legalised translation) proving civil status (marriage certificate, certificate of legal cohabitation, divorce certificate, birth certificate⁶⁴, guardianship certificate, etc.), as well as documents relating to the category of staff to which the official with family members belongs will be requested.

Use of names

Under international law, the national legislation to which the person in question is subject applies to the use of their name. This means that the special residence permit bears the name that appears in the passport of the person in question - albeit without indication of military or academic rank (e.g. colonel, doctor, engineer). As regards the indication of the maiden name of married women on the special residence permit, the Protocol Directorate will mention the name which appears in the passport or on the national residence permit of the person in question.

Indications on the card

The category of staff to which the members of the international organisation belong, will be indicated on the back of the special residence permit.

The address of the temporary residence in Belgium of international officials with diplomatic status and their family members is not indicated on the special residence permit. The address is not communicated to the administration of the temporary place of residence either: all administrative formalities are therefore handled via the Protocol Directorate.

The address of the temporary residence in Belgium of international officials is mentioned on the special residence permit, and is also communicated to the municipal administration. Most of the administrative formalities are also handled by the municipality.

Issuance of the special residence permit

- 12.4.3. The special residence permit is issued upon receipt of the complete application. The issuance of a special residence permit takes two to four weeks, provided that the application has been submitted completely and correctly.

- 12.4.4. Failure to comply with the formalities prescribed, submission of incomplete or unsigned information forms or unreadable copies of documents, as well as the submission of incomplete files may significantly delay the follow up of the procedure with the Protocol Directorate, as well as the issuing of special residence permits. International organisations are therefore asked to ensure that the information and documents requested are submitted in proper and due form.

Delivery of the special residence permit

- 12.4.5. Special residence permits may be collected at the reception of the Protocol Directorate by the applicant in person, or by an authorised member of staff of the international organisation by authorised persons of the international organisation during the opening hours of the Protocol Directorate reception desk, Egmont Palace, Petit Sablon 8, 1000 Brussels. Except in special circumstances which will be notified in advance, the Protocol Directorate reception desk is open on Mondays, Wednesdays and Fridays, from 9.00am until noon.

⁶⁴A birth certificate is always requested for applications for children born in Belgium.

- 12.4.6. The international organisations must notify the Protocol Directorate by verbal note of the identity (surname and first name, identity document number) of one or more persons who are authorised to collect the special residence permit. The permit will only be handed over to authorised recipients. These persons will receive a plastic card from the Protocol Directorate with which they can collect the special residence permits at the reception desk.

12.5. Renewal or extension of the special residence permit

- Request for renewal*
- 12.5.1. Renewal or extension of the special residence permits is requested by verbal note by the international organisation. The blue form⁶⁵ (part III) with a photograph meeting the requirements outlined in Annex VI, and signature is added to the verbal note and the information form in duplicate, together with the copy of the valid passport where appropriate (if the copy previously forwarded to the Protocol is no longer valid).
- 12.5.2. The application for renewal or extension can be submitted as of three months before the expiry date of the card.
- 12.5.3. At the end of the validity period, if the functionary remains in function with the international organisation, the Protocol Directorate can issue a new residence permit for 5 years, or until the date the function ends, whichever comes sooner. Extension is requested following the same procedure. The special residence permit must also be replaced if one of the elements of the functionary's situation changes (civil status, place of residence, function or status).
- Non-restitution of the special residence permit*
- 12.5.4. If the Protocol Directorate finds that an international organisation does not return a residence permit after having received a new permit for one of its staff members, it reserves the right not to issue any new special residence permits until the old ones have been returned.

12.6. Loss or theft of the residence permit

- Reporting loss or theft*
- 12.6.1. In the event of loss or theft of a special residence permit, a duplicate (a new special residence permit with the same validity period) can be issued. A duplicate can be requested by verbal note, together with the necessary documents⁶⁶ (see Annex V).

⁶⁵The blue form must always be submitted in its original format. Photocopies or scans will be rejected, which may delay the production process of the special residence permits.

⁶⁶These documents must be submitted along with the documents required for a renewal (see 12.5.1)

Loss or destruction

12.6.2. **If the special residence permit is lost or destroyed, this must be immediately reported to the Protocol Directorate by verbal note, along with a fully/correctly completed copy of the declaration form, irrespective of whether the loss or destruction occurred in Belgium or abroad. This must be accompanied by a legible copy of the valid passport or national residence permit of the holder of the special residence permit.**

12.6.3. Following this notification, the Protocol Directorate will modify the administrative status of the special residence permit and will inform the competent police authorities so that the card number can be signalled internationally.

Theft

12.6.4. The victim of the theft (i.e. the holder of the special residence permit or their legal representative if the holder is a minor) must report the crime immediately to the competent police authorities so that the card number can be signalled internationally.

12.6.5. In principle, the theft must be reported in the country where the crime took place. Nonetheless, a holder who has failed to report the theft in the country where the crime took place can still report the theft to the local police in Belgium on their return.

12.6.6. In Belgium, the declaration made to the local police authorities must be made with the attached declaration form. If the declaration is made abroad, the attached declaration form does not need to be filled out. However, the official report drawn up by the foreign police department must mention the number of the stolen special residence permit.

12.6.7. The theft of the special residence permit is then reported to the Protocol Directorate by verbal note, along with the declaration form and/or a copy of the official police report. This must be accompanied by a legible copy of the valid passport or national residence permit of the holder of the special residence permit.

12.6.8. Following the notification, the Protocol Directorate will modify the administrative status of the special residence permit.

Duplicate

12.6.9. Only after notification to the Protocol Directorate of the loss or theft through this procedure can the international organisation request by verbal note that the Protocol Directorate issue a duplicate of the special residence permit, in accordance with Article 14 of the above-mentioned Royal Decree of October 30, 1991.

12.7. Restitution of residence permits

End of function and definitive departure from Belgium

12.7.1. If a staff member of an international organisation who holds a special residence permit terminates their functions, the organisation must officially notify the Protocol Directorate of this in writing, and return the special residence permit of the functionary and that of their accompanying dependants. Persons who become subject to common law must also hand in their card. The organisation must also indicate whether the persons in question will leave Belgian territory or wish to extend their stay. In the first case, the country of destination must also be mentioned, to ensure the correct closure of the administrative file.

12.7.2. If the functionary and their accompanying dependants leave Belgian territory, the Protocol Directorate will close their file in its registers and will send a notice of annulment to the municipality in which the persons in question were residing. The municipal administration will then proceed to strike these persons from the national Register.

End of function and continued residence in Belgium

12.7.3. If the functionary and/or one of their accompanying dependants wishes to remain in Belgium after termination of the official functions, the Protocol Directorate is no longer competent for their status or residence. In the notice of annulment to the municipality, the desired continuation of residence will be indicated. The person in question must regularise their residence and apply for a residence permit under common law with the municipality of residence.

12.7.4. If a gainful activity is exercised in Belgium by the functionary and/or one of their accompanying dependants who is registered with the Protocol Directorate, the person in question must return the special residence permit to the Protocol Directorate, register at their own initiative with the municipal administration of their place of residence and, if necessary, apply for the necessary work permit or professional card (see point no 11.4 above).

- 12.7.5. The Protocol Directorate draws the attention of international organisations to the fact that special residence permits for international officials must always be returned to the competent department of the Directorate. If a special residence permit is no longer in the possession of the functionary or their family members at the time of annulment, a declaration of loss or theft will always be requested by the Directorate. Moreover, if the international organisation does not return the special residence permit after departure, the Protocol Directorate reserves the right to stop issuing the special residence permit or 'CD' registration plates to new staff members. In addition, the police authorities of the Schengen area countries are notified of non-returned special residence permits after 1 month.

12.8. Immunities of officials of international organisations

- 12.8.1. In accordance with applicable headquarters agreements, conventions and protocols, officials of international organisations enjoy immunity from criminal, civil and administrative jurisdiction. International officials generally enjoy functional immunity, i.e. for acts carried out in the context of their functions. To this end, the provisions of the applicable headquarters agreement, convention or protocol are always referred to.
- 12.8.2. It should be noted that the privileges and immunities do not exempt the staff members of international organisations from the obligation to respect the laws and regulations of the Kingdom. Furthermore, the purpose of the privileges and immunities is not to benefit individuals, but to ensure the efficient fulfilment of the functions of international organisations in Belgium.

Useful addresses	

Annexes	
Annex I	Information form for obtaining a special residence permit issued by the Protocol Directorate.
Annex II	Volet III
Annex III	Royal Decree of October 30, 1991 concerning the documents for the residence of certain foreign nationals in Belgium
Annex IV	Royal Decree of May 25, 2005 amending the Royal Decree of October 30, 1991 concerning the residence documents for the residence of certain foreign nationals in Belgium
Annex V	Required documents when applying for a duplicate following loss or theft
Annex VI	Requirements for photos to be used in passports, Kids-ID, electronic residence permits for Belgian citizens and residence permits for foreigners (only available in French)
Annex VII	Information form for obtaining a special residence permit issued by the Protocol Directorate.