

1 | Formalities, Registrations and Declarations for Diamond Traders

1.1 | Formalities and registrations

Every diamond trader registered in Belgium is obliged to fulfil certain formalities discussed below. Although there is no obligation it is recommended to register at the [Diamond Office](#) and as a member of the Diamond Bourses.

In order to work efficiently it is advisable to fulfil the formalities in the following order.

1.1.1 | Obtaining the professional card

Non-EEA citizens wishing to carry out an independent activity in Belgium as a natural person or representative of a company or association must apply for a professional card (*beroepskaart*).

If you live abroad the application form must be submitted to a [Belgian Embassy](#) or consular service post in your country of residence. You can find a blank application form [here](#).

If you already live in Belgium and are in possession of a valid “certificate of matriculation model A” or “proof of registration in the aliens register (*Vreemdelingenregister*)” the application form below must be submitted to a recognised Company Counter (*ondernemersloket*) of your own choice which will then transfer it to the Federal Public Service Economy. You can find a blank application form [here](#).

In order to be granted a professional card (*beroepskaart*) several criteria need to be met:

1. A legal permanent or temporary residence in Belgium;
2. Compliance with all applicable regulations in the sector you will be working in;
3. The work you will be carrying out in Belgium must have a certain level of importance or necessity (to the discretion of the abovementioned Federal Public Service Economy).

For more information on professional cards, please contact the Federal Public Service Economy.

1.1.2 | Registration at the Crossroads Bank for Enterprises

If you will be carrying out an independent activity for your own account instead of working as an employee in a Belgian firm, you need to present yourself at a Company Counter (*Ondernemingsloket*) to be registered with the Crossroads Bank for Enterprises (*Kruispuntbank, also known as KBO*), where you will be issued with a unique enterprise number.

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Please click [here](#) to find the contact details of a few Company Counters (*Ondernemingsloket*) in Antwerp.

1.1.3 | VAT Registration

All persons carrying out an economic activity on a regular and independent basis, and providing goods or services which are not fully exempt from VAT by law, must **charge value added tax (VAT)** and must therefore register for a unique VAT number. VAT is calculated on the tax base at a rate, which depends on the nature of the transition, which can be 6, 12 or 21%.

Special regulations apply for the Belgian diamond industry. The following transactions with regard to diamonds are exempt VAT:

- **Supply** of unmounted diamonds to Belgian registered diamond traders (including diamond manufacturers) exclusively trading in unmounted diamonds
- **Import** of unmounted diamonds by Belgian registered diamond traders (including diamond manufacturers) exclusively trading in unmounted diamonds
- **Services** with regard to unmounted diamonds provided to Belgian registered diamond traders (including diamond manufacturers) exclusively trading in unmounted diamonds.

The **export of goods - including diamonds** - performed by (or for the account of) the trader (in this case the Belgian diamond trader) is always **exempt VAT** (art. 39 VAT-Legislation).

For more information please read the chapter on [Tax](#) and if necessary contact an accountant. You can find several suggestions in the [list of contacts](#).

1.1.4 | Obtaining the registration as a Belgian diamond trader

Every diamond trader based in Belgium is **obliged to register** with the Licence Service of the Federal Public Service Economy in Antwerp. According to the Royal Decree of April 30, 2004, one should register as a diamond trader **when conducting a commercial activity with regard to diamonds** as main occupation or on the side (including producers using diamonds when manufacturing equipment), except if one is exclusively dealing with insurance and/or financing of the diamond trade.

1. Copy or proof of the **ID card** or National Register number (*Rijksregister-nummer*) of all administrators;
2. Definite proof of the enterprise number allocated by the Crossroads Bank for Enterprises (*Kruispuntbank voor Ondernemingen*);
3. For companies, a copy of the notarised memorandum of association which is drawn up and provided by the notary and/or an excerpt from the Belgian Official Gazette (*Belgisch*

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Staatsblad/Moniteur Belge), which can also be provided by the notary;

4. The professional card (*beroepskaart*) or work permit of all administrators, paid or unpaid, when they are foreign nationals and not E.E.A. citizens;
5. For persons represented by a representative (also called a proxy): proof of authorisation signed by both parties + proof of ID of the authorised representative.

Once the registration as a diamond trader is obtained, a specific document will be given to the diamond trader, containing a unique registration number, which must be kept at all times. After registration you will be added on the website <http://www.registereddiamondcompanies.be> where you can find all the registered diamond traders with their registration numbers and contact details.

1.1.5 | Registration with the Diamond Office

Diamond Office – a department of the Antwerp World Diamond Centre (AWDC) – functions as the as **the controlling body for import and export of diamond shipments** in cooperation with the Federal Public Service Economy and the Federal Public Service Finance (customs). In principle Diamond Office functions as:

- A **control body** for all import and export of unmounted polished and rough diamonds, industrial diamonds, boart, synthetic diamonds, diamond powder for the Belgian government;
- A **service provider** drafting all the import and export declarations of diamonds for the Belgian diamond sector and providing overall assistance to the diamond trader for all matters regarding the import and export formalities.

Next to the personnel of Diamond Office, **two Federal Public Services** are hosted inside the premises of Diamond Office:

- **Licence service of the Federal Public Service Economy**, responsible for the physical control of all (intra and extra EU) incoming and outgoing diamond parcels. These controls are performed by sworn in experts, working under supervision of the Licence service of the Federal Public Service Economy.
- **Federal Public Service Finance - Customs**: Diamond Office is the only Customs office in Belgium where you can declare the import and export of diamonds. Customs perform an electronic control on all import and export declarations made up by Diamond Office. For the physical verification (selection on risk assessment basis), they make use of the sworn in experts.

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With this triple line of control (Diamond Office, Federal Public Service Economy and Federal Public Service Finance - Customs), the Belgian diamond sector is the **most controlled sector worldwide!**

When engaging in import and/or export of diamonds (outside the EU) it is **compulsory to register** at Diamond Office. Considering the many advantages of the service of Diamond Office, it is also advisable for trade inside EU to register at the Diamond Office.

For more information on registration, the tariffs or the support services of Diamond Office, please contact us or visit the website of [Diamond Office](#).

1.1.6 | EORI number

Every company or sole trader based in the European Union who is **engaging in import and export activities** with countries outside the European Union is obliged to register for an EORI number (Economic Operators Registration and Identification number). The EORI number is a unique identification number, which is valid throughout the European Union, assigned by a Customs Authority in a Member State to a company or a sole trader. Once the EORI number is obtained this number will have to be used in all communication with any EU Customs Authority.

The application to obtain an EORI number must to be submitted to the [Customs Office](#) in Brussels (*Enig Kantoor der Douane en Accijnzen* or *Bureau Unique des Douanes et Accises*). Depending on the specific situation of the economic operator applying, the correct application form needs to be filled in.

The different blank application forms are available on the website of the [Customs Office](#). On this website you can verify whether or not a specific EORI number was already validated. For further questions on this matter you can contact the EORI department of the [Customs Office](#).

1.1.7 | Registration with the Diamond Bourses

Diamond Bourses (or exchanges) are institutions **representing diamond traders** and act as **real marketplaces** where diamond sellers and buyers can meet in amicable surroundings. Goods can be displayed and examined in high-tech conditions on site, while the open atmosphere helps to create healthy competition. Antwerp is the only diamond centre to have **four Diamond Bourses**, namely the "[Antwerpse Diamantkring](#)", the "[Beurs voor Diamanthatel](#)", the "[Diamantclub van Antwerpen](#)" and the "[Vrije Diamanthatel](#)".

All four Bourses have a common membership contribution rate for the membership of all Bourses at once. In accordance with the so called "**Fusion Four**" **agreement**, the annual rates stated below are applicable as from January 2012. By paying the contribution to one of the four Bourses, traders will have access to all Bourses.

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Normal rate:	€820,-
Special rate for shareholders with 1 share:	€675,-
Special rate for shareholders with 2 shares:	€550,-

The Bourses have adopted rules and regulations obliging them and their members to respect specific principles and procedures set out by the Kimberley Process Certification Scheme. By being a member of the Diamond Bourses, a diamond trader or diamond company gains extra benefits, for example the privilege of a “**fast track issuance of Kimberley Process certificates**” (please click [here](#) for more information) when exporting rough diamonds (outside the EU).

Another benefit is that the diamond traders have the opportunity to submit their disputes with other diamond traders to the **reconciliation commission and/or arbitration commission** of the Bourse of which one of the diamond traders is a member. The reconciliation commission and the arbitration commission are departments of the Diamond Bourse that settle disputes arising between diamond traders who are members of one of the diamond Bourses. Please click [here](#) for more information on reconciliation and arbitration at the diamond bourses.

Please find the necessary contact information of the four Antwerp Diamond Bourses [here](#). All of the Bourses are members of the [World Federation of Diamond Bourses](#), being the umbrella organisation for all Diamond Bourses, also located in Antwerp.

1.2 | Declarations

1.2.1 | Intrastat Declaration

All companies or sole traders subject to VAT that trade in goods with other European Union Member States are required to provide details of these transactions which are used **for statistical purposes**.

These traders have to complete a declaration themselves, regarding their intra-Community trade (trade within the European Union), **unless this does not exceed a threshold calculated on an annual basis**, namely €700.000,- for incoming goods and €1.000.000,- for goods that are shipped off to other EU Member States.

This Intrastat declaration includes all data regarding goods arriving from other Member States and goods being sent to other Member States. The Intrastat declaration has to be sent to the National Bank of Belgium.

When a trader uses the services of **Diamond Office** for intra-Community trade, Diamond Office will handle the Intrastat declaration. If the trader does not use the services of Diamond Office, he is responsible for filing the declaration himself as mentioned above.

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For more information on the declarations, you can contact the [foreign trade department of the National Bank of Belgium](#) or click [here](#) for the contact details.

1.2.2 | Declaration of stocks and activities

All Belgian diamond traders must file an **annual “declaration of stocks and activities”** with the Licence Service of the Federal Public Service Economy in Antwerp.

Blank forms can be obtained for free at the Federal Public Service Economy and are also available in electronic format [here](#).

No later than 31st March of the following year, Belgian diamond traders shall return the completed declaration of stocks and activities to the Licence Service of the Federal Public Service Economy in Antwerp by post and/or by email to Diamond@economie.fgov.be, putting Daniel.Daeyaert@economie.fgov.be in CC.

1.2.3 | Anti Money Laundering declaration

All Belgian diamond traders must submit an **annual anti money laundering report** to the **License Service of the Federal Public Service Economy** which is the competent federal government authority in Belgium for the supervision of the implementation of the anti-money laundering legislation for the Belgian diamond traders.

This report must contain **all information on the application of the Anti Money Laundering Legislation** in the company of the diamond trader, for instance identification and verification procedures, client acceptance policy, education of personnel with regards to anti-money laundering. Please click [here](#) for more information on the **Anti Money Laundering legislation**.

A template of the anti money laundering report can be found [here](#).

1.3 | Setting up a diamond processing business

Special regulations are applicable for those who want to process diamonds (cutting, grinding, polishing, etc.). Below, a short review is provided.

1.3.1 | Recognised diamond workshop

You are allowed to process diamonds if you have a recognised diamond workshop. In order to

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become a recognised diamond workshop, certain permits need to be obtained. These are the following:

- A building permit, to be requested by the owner of the building at the municipality (if the building is rented, please contact the owner).
- A permit for polluting business (*vergunning hinderlijk bedrijf*), to be requested by the owner of the workshop at the [Province of Antwerp](#).
- As a result of the law of 20th December 1950 and the [Royal Decree of 17th April 1970](#) with respect to the admission of diamond workshops, a special admission needs to be granted by Joint Committee 324 (*Paritair Comité 324*) by sending a special request in writing to their offices. After submittal of written request, the Service Well-being of Workers at Work shall visit the workshop and shall verify if all security are complied with. After a positive review of this Service, the file will be handed over again to the Joint Committee 324 which will officially request the authorities to recognize the workshop. The workshop shall be approved by a Ministerial Decree that will be granted to the diamond trader by the Joint Committee.

1.3.2 | What is a diamond workshop?

A diamond workshop (or “a workshop for the actual shaping of diamonds”) is, as defined in the [Royal Decree of 17th of April 1970](#) with respect to the admission of diamond workshops, a workshop where exclusively the cleaving, sawing, cutting, polishing and adjusting of diamonds is performed. The activity of re-sanding used disks for diamond processing (disk sanding) is also included into this definition.

1.3.3 | Minimum requirements for a diamond workshop

The Royal Decree of 17th April 1970 with respect to the admission of diamond workshops, sets out all of the minimum requirements a diamond workshop has to fulfil. Please consult the [Royal Decree of 17th April 1970](#) for more information.

1.3.4 | General regulations for the protection of employees (Algemeen Reglement voor de Arbeidsbescherming or ARAB)

With respect to the protection of employees, a set of general regulations is set out. It is mandatory for all workshops to comply with these rules. The regulations are wide spread and cover a period of legislation from 1947 up to 1993. An overview can be found [here](#).

1.3.5 | Permit for polluting businesses - VLAREM

Diamond workshops are in view of pollution divided into three different classes by VLAREM I, which is the applicable Regulation with respect to environmental permits as agreed by the Flemish Government. The rules set out by [VLAREM I](#) are very extensive, so it is advisable to seek assistance

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from specialised lawyers in order to guarantee compliance.

VLAREM I divides three classes of polluting companies:

Class 3: least polluting, no permit required, but notification is mandatory. Your workshop will be a Class 3 workshop when the power used is 5 kW up to and including 200 kW when the workshop is situated in an industrial area, or 5kW up to and including 100 kW, when the workshop is not situated in an industrial area. The mandatory notification must be sent by registered mail to the local municipality. The form can be found here: [notification form class 3](#).

Class 2: polluting workshop, permit required. Your workshop will be a Class 2 workshop when the power used is more than 200 kW up to and including 1000 kW, when the workshop is situated in an industrial zone and more than 100 kW up to and including 500 kW, when the workshop is situated somewhere else. The application needs to be submitted to the municipality where the workshop will be situated. Please find the form on the website from the Department of Environment, Nature and Energy by following this link: [application form](#). The application form also mentions which additional documents need to be added to the application. Since these can differ between all types of companies and situations, it is advisable to closely study the small print on the forms. The application will be granted or rejected within a period of 3,5 months.

Class 1: very polluting, permit required: > 200 kW. Your workshop will be a Class 1 workshop when the power used is more than 1000 kW, when the workshop is situated in an industrial zone and more than 500 kW when the workshop is situated somewhere else. The application needs to be submitted to the municipality where the workshop will be situated. You can find the application form on the website from the Department of Environment, Nature and Energy by following this link: [application form](#). The application form also mentions which additional documents need to be added to the application. Since these can differ between all types of companies and situations, it is advisable to closely study the small print on the forms. The application will be granted or rejected with a period of 4,5 months.

Please consult [VLAREM I](#) with respect to the additional documents which are required for submission, and which can vary depending on the circumstances.

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