

New scheme regarding the exemption from social security contributions for socio-cultural work and sport

Context

The temporary associative work scheme, as it has been organised since 1 January 2021, will end on 31 December 2021. As of 1 January 2022, it will be replaced by the system that exempts certain employers in the sports and socio-cultural sector from social security contributions (Article 17 of the Royal Decree of 28 November 1969 or the 25-day rule). This system has been extended to allow the recruitment of workers to carry out activities that were previously covered by associative work.

Sectors involved

The new scheme covers both the socio-cultural and sports sectors.

Number of hours

The existing scheme provides for a quota of 25 days/year for which an employer is exempt from social security contributions. However, from 2022 this quota will be **counted in hours**:

- 300 hours/year for all activities listed in Article 17, with a quarterly cap of 100 hours (except for the third quarter, when there is a cap of 190 hours);
- Exception: 450 hours/year for activities in the sports sector, with a quarterly cap of 150 hours (except for the third quarter, when there is a cap of 285 hours);

The quota of 25 days/year only remains applicable to people working for the VRT, RTBF or BRF (see below).

Cumulative activities

It is possible to combine activities in these two sectors. In this case, the cap is limited to **450 hours/year** for all activities.

The cap is limited to **190 hours/year** for **student workers**. This means that a young person working while a student may accumulate a maximum of 190 hours in the same calendar year under the exemption scheme for the socio-cultural and sports sectors; the quarterly caps still apply.

If they exceed the 190-hour quota, the hours will have to be deducted from their student quota (475 hours).

Employment contract required ?

An employment contract must be concluded to work under this scheme, which means that the labour law legislation must be respected. The FPS Employment, Labour and Social Dialogue is responsible for this issue.

If, as an association, you want to hire for the first time, please go to <http://jeveuxengager.be/>. It provides a general explanation of the various obligations that must be met when hiring workers.

Social security contributions and taxation

Benefits provided under this scheme are **exempt from social security contributions**. However, a **10% income tax** is applicable, which the worker must pay when preparing their tax statement at the end of the year.

Reporting of hours worked

No **quarterly multi-purpose declaration (DmfA)** must be submitted, since the hours worked are exempt from contributions.

The hours worked must be declared via a Dimona declaration. The necessary adaptations for the introduction of this declaration in hours are being prepared, but it will not yet be possible to submit this declaration at the beginning of 2022. Further information on this issue and on when it will be possible to submit such declarations will be provided at a later date. A Dimona will have to be submitted retroactively for earlier hours worked (i.e. before 1 January 2022).

Employers who do not employ other persons and have not yet issued a Dimona will be informed at that time how they must identify themselves to submit these declarations.

These new rules also apply to people who were already using the Article 17 system before 1 January 2022.

Possible activities

The employers and activities covered by the new Article 17 are the following:

- the State, the Communities, the Regions and the provincial and local administrations for persons employed in a job involving work services performed:
 - as a leader, steward, treasurer, instructor or assistant instructor for sports holidays organised during school holidays and free days or parts of days in education;
 - as a leader of socio-cultural and sports activities during free days or parts of days in education;
 - in the form of an introduction, demonstration or lecture which takes place after 4.30 p.m. or during free days or parts of days in education.
- the RTBF, VRT and BRF for persons who are also employed as artists within the organic framework of their staff **(the quota remains 25 days/year for these employees)**;
- the State, the Communities, the Regions, the provincial and local administrations, as well as employers organised into a non-profit association or as a company with a social aim, whose statutes stipulate that members do not seek any financial gain, who organise holiday camps, playgrounds and sports camps, and the people they employ as stewards, treasurers, instructors or supervisors exclusively during school holidays;
- organisations recognised by the competent authorities or organisations which are affiliated to a recognised umbrella organisation, and whose mission is to provide socio-cultural training and/or sports initiation and/or sports activities, and the persons employed by these organisations as animators, leaders, instructors, coordinators, sports trainers, sports teachers, sports coaches, youth sports coordinators, field or equipment managers, trainers, coaches or process managers outside their working or school hours or during school holidays;
- organisations in the amateur arts sector recognised by the competent authorities or organisations which are affiliated to a recognised umbrella organisation, which employ people as teachers, trainers, coaches and managers of artistic or technical (artistic) processes and whose services are not artistic services already covered by or eligible for flat-rate compensation;
- authorities organising schools subsidised by a Community for people employed as a leader of socio-cultural and sports activities during free days or parts of days in education;
- organisers of sporting events and the persons they employ exclusively on the day of these events, excluding paid sportsmen and women;
- organisers of socio-cultural events and the persons they employ for a maximum of 32 hours, to be allocated as required on the day of the

event and three days before or after the event, excluding the artistic services covered by or eligible for flat-rate compensation.