

Administrative penalties

Dear Sir/Madam,

An amendment to the law of 4 July 1962 on public statistics introduced a system of administrative fines for the statistical spheres covered by that legislation.

As stipulated in the Royal Decree of 9 January 2005, monthly Intrastat returns must be submitted to the National Bank of Belgium for trade in goods between Belgium and the other Member States of the European Union. Legal entities which fail to comply with the stated obligations or which obstruct inquiries or investigations will be subject to an administrative fine unless the public prosecutions department decides to bring a criminal prosecution. These administrative penalties range between 100 and 10,000 euros as stipulated in Article 21bis of the law of 4 July 1962.

The penal or administrative penalty procedure will be instituted by the preparation of a formal report. That report will be sent to the offender by registered letter. If the public prosecutor does not bring a criminal prosecution, the chief officer of Statistics Belgium [the National Institute of Statistics] decides whether or not to impose the administrative fine. However, the offender will be offered the opportunity to present his defence before that decision.

The decision of the chief officer determines the amount of the administrative fine, and is accompanied by a request for payment. Administrative fines must be paid within thirty days of the day following the date of notification of the decision.

In cases of a repeat offence within two years following a decision imposing an administrative fine, the amounts are doubled.

For more information, visit our website (www.intrastat.be) for a full overview of the legal framework of Intrastat.