

Plastic surgery no longer VAT exempt

Medical services performed by doctors, nurses and hospitals are VAT exempt. Since 1 January 2016 this VAT exemption however does not longer apply to aesthetic surgery. This will as from now be subject to VAT. In order to smoothen the transfer from the exemption to taxation, transitional measures are foreseen.

General rule: medical services are exempt

Services provided by doctors, dentists, physiotherapists, midwives, nurses, caretakers and health officers are for their normal execution of their profession VAT exempt.

Doctors and dentists are persons who are allowed to exercise this profession in Belgium according to the medical legislation. Someone who performs illegal medicine cannot invoke the exemption.

The exemption also applies to homeopaths, acupuncturists, osteopaths and podiatrists, to the extent that they are qualified doctors. Also speech therapists, occupational therapists and dieticians can under certain circumstances also benefit from the exemption.

Services only relating to body care do not fall within the scope of the exemption; such as orthopedists, bandagists, manicurist and chiropodists.

Also hospitals, mental hospitals, clinics and dispensaries fall under the exemption. They can offer a wide range of services exempt of VAT: research, care, food, supply of medicines and prostheses to patients of the institution, providing of residence.

Exception: aesthetic surgery by doctors no longer exempt

The above exemptions no longer apply if the services provided by the doctor or the hospital have merely an aesthetic character. The same goes for related clinical and medical care.

Is understood under operations and treatments with a mere aesthetic character, treatments which are not listed in the nomenclature of medical treatments related to the illness and invalidity insurance; or listed treatments which do not qualify for repayment by the RIZIV.

Additionally it concerns operations with a mere aesthetic goal. The emphasis of the treatment is purely aesthetic. Operations which have a therapeutic or reconstructive goal, or taking away a functional discomfort, remain subject to the exemption. In order to determine whether or not a treatment has a therapeutic purpose, the psychic aspects are not taken into consideration: the fact that the patient feels better afterwards, does as such not make the treatment therapeutic.

The new rules apply to doctors, nurses and hospitals and not to dentists or physiotherapists. Orthodontics is still VAT exempt, also with a mere aesthetic character.

Transitional measures

Doctors and hospitals which perform only aesthetic treatments, should in principle register for VAT purposes. They have the time to do so until 31 March 2016.

Additionally they still can perform VAT exempt treatments if they have a contract with the patient ultimately on 29 February 2016 to perform certain surgery on a fixed date before 30 June 2016.

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