

## Basic banking service for enterprises

For a company, a bank account is essential to make payments and participate in the economy. However, in practice, some companies experience difficulties in obtaining a bank account.

The basic banking service for companies was introduced to address this exclusion from banking services. The banks are imposed a guaranteed service.

### What are you entitled to with the basic banking service?

The basic banking service is a current account with a debit card with which you can perform the following transactions:

- depositing money
- withdrawing money
- making transfers
- making ongoing payment orders
- performing direct debits
- paying with a payment card or similar means

You can only perform these transactions if there is sufficient money in your account. Your account cannot have a negative balance. These operations can be performed via the counter and via the internet platform of the basic banking service provider.

### Who is entitled to the basic banking service?

Any company located in Belgium that is registered in the Crossroads Bank for Enterprises or is in the process of applying for a registration. The term 'company' means:

- any natural person who independently exercises a professional activity (e.g. a sole proprietorship, a director of a company, an artist);
- any legal entity (any company, non-profit organisation or foundation);
- any other organisation without legal personality (e.g. a partnership).

Three different Belgian credit institutions (bank office, head office, ..) must also have **refused** to offer the company a minimum payment service. The refusal by at least two different banks and the notification of the termination of the current account(s) is also sufficient. This refusal must be explicitly written and sufficiently substantiated (unless the substantiation would be contrary to the Belgian Anti-Money Laundering Act) at the request of the company and is given no later than **within 10 working days** after receipt of the application. If the credit institution still has not provided a response after 15 business days, that silence is considered a refusal. In this case, you must be able to prove that you made a request by providing the proof with an email or registered letter. AWDC provides template letters available on the website of AWDC which you can use to request a bank account and advises to send these letters by registered post. The law provides no time limit on the date of the refusal letter by the bank (thus the refusal letter does not have to be recent).

## Who provides the basic banking service?

The credit institutions located in Belgium that according to the National Bank of Belgium are systemically relevant credit institutions, provide the basic banking service. The list of systemically relevant credit institutions is updated annually and published on the website of the National Bank of Belgium.

In 2024, following banks will be eligible as providers of the basic banking service:

1. BNP Parisbas Fortis
2. KBC Group
3. Belfius Bank
4. ING Belgium
5. Argenta
6. Crelan

A credit institution is designated as a basic banking service provider by means of a procedure at the basic banking service chamber of the FOD Economy.

## Are you entitled to a basic banking service in US dollars?

The current account is offered in euros. At the request of your company, a US dollar account may be offered. With the US dollar current account, your company cannot deposit or collect money.

Please note that a bank that does not offer its existing customers US dollar accounts cannot be required to do so in light of the basic banking service. For those accounts, the basic banking service chamber chooses the banks that do offer this to their existing clientele.

During the application process a company must demonstrate that US dollar is the functional currency of the company.

The Company will also need to accurately and accurately legitimise any US dollar transaction.

## What is the application process for the basic banking service chamber?

1. The company completes an application online via the website of the basic banking service chamber (<https://bbs.economie.fgov.be/nl/index>) [the company can also file an application on paper for example for individuals that don't have a Belgian ID card and can not log in via Itsme]. The online **application form** will ask you to upload the following items or submit information to approve the admissibility of your application:
  - o Proof that shows that your company was refused a payment service by a Belgian credit institution at least 3 times. The refusal by at least two different banks and the notification of the termination of the current account(s) is also sufficient
  - o Declaration on honour that your company does not already have a basic banking service or payment account with a Belgian or EU-based credit institution (payment institutions or credit institutions located outside the EU do not fall under this);
  - o Name of applicant company, legal form, address of the registered office, company number or proof of registration with the Crosspoint Bank for

Companies, name and capacity of the representatives, contact details, and the needs of your company in the area of banking services (e.g. USD); [Note that a EUR account is part of the standard package of the Basic banking law and a USD account can be provided on request. So a company does not have to file two separate requests for a EUR and USD account.]

2. First, the application must be declared **admissible** by the basic banking service Chamber. **No deadline** has been set for this, but a reasonable period must be determined.
3. After that, the basic banking service Chamber communicates the file to the Financial Intelligence Unit (FIU). The basic banking service chamber designates a credit institution established in Belgium as the basic banking service provider, within a maximum period of **60 days** after the application file can be considered admissible and complete.
4. After the internal decision on the designation, the basic banking service chamber will inform the company thereof **by registered letter** and request the **risk-mitigating measures** from the company before it informs the basic banking service provider of the decision by registered letter. In the request to the company, the basic banking service chamber will include within what period the company must submit the documentation.
5. Once the applicant company has submitted all documentation in the context of the risk-mitigating measures (the basic banking service chamber does not perform a substantive check of this documentation and transfers this to the basic banking service provider), the **basic banking service provider will be informed of the decision of the basic banking service chamber by registered mail**. After this registered letter, the basic banking service provider has **45 working days** to provide the basic banking service and will contact the applicant itself. If the basic banking service provider cannot provide the basic banking service within the 45 working day period due to the obligations under the Anti-Money Laundering Act, the basic banking service provider shall inform the company and the basic banking service chamber, in writing of the additional period it requires. This period cannot exceed the period of thirty days. If the basic banking service provider does not provide the basic banking service, the basic banking service provider shall inform the company and the basic banking service chamber of this decision, in writing.

## What are the additional mitigation measures for my diamond trading companies in Belgium?

After the file has been declared admissible and a decision has been taken on the appointment of a basic banking service provider, the basic banking service chamber may/will ask the company to provide the following documents or information, within a certain period. To upload these documents, go to <https://bbs.economie.fgov.be/nl/index> and log in using Itsme.

1. The company reports if it or its directors are the subject of criminal proceedings and provides an extract from the criminal record of:
  - a. its beneficial owners, who own at least 25% of the company's contribution (not older than 3 months)
  - b. the directors and persons in charge of the effective management (not older than 3 months)
  - c. the legal entity (not older than 3 months)

2. The company provides the articles of association of its company, as well as the structure of the shareholdership;
3. The company demonstrates via e.g. a payslip that it pays its employees by bank transfer;
4. The company is an officially registered Belgian diamond dealer and has complied with its licensing requirements for the last 5 years (or period of its existence) and demonstrates this by providing a copy of its registration on the website [www.registereddiamondcompanies.be](http://www.registereddiamondcompanies.be). Proof of a valid license must not be older than three months;
5. Proof that the clients of the company have been screened for risks under the Anti-Money Laundering Act by, for example, presenting the searches in the compliance catalyst of Bureau Van Dijk;
6. A certificate of participation of an anti-money laundering training approved by the FPS Economy (e.g. the participation certificate of the anti-money laundering training at AWDC) explaining the obligations of a diamond dealer pursuant to the anti-money laundering law of no older than one year, in the name of an anti-money laundering officer of the diamond dealer who at the time of the provision of this information is still employed by the diamond dealer, as well as a written anti-money laundering/customer acceptance policy;
7. A copy of the latest anti-money laundering report submitted to the FPS Economy;
8. A certificate of participation of the “best practices in the diamond sector” AWDC training course not older than one year in the name of all employees of the diamond dealer who are still employed by the diamond dealer at the time of providing this information;
9. A certificate (insurance certificate of a blok policy) showing that the company is sufficiently insured in the context of its trade activities, with a first-ranking insurance company and/or specialised in the diamond sector;
10. Information on the type of trade carried out by the undertaking: trade in rough diamond and/or cut diamonds, the names and description of the counterparties of the diamond trader and the geographical zones where these counterparties are established, as well as the volumes to be expected in the account;
11. By providing a copy of an invoice, the company demonstrates the following: the company clearly describes on its invoices the classification of its goods, as well as the number of carats, the value and, if possible, the quality of the diamonds. He also confirms on his invoice that the traded diamonds are not conflict diamonds, based on the following clause (example invoice):
  - « The diamonds herein invoiced have been (sourced) purchased from legitimate sources not involved in funding conflict, in compliance with United Nations Resolutions and corresponding national laws (where the invoice is generated). The seller hereby guarantees that these diamonds are conflict free and confirms adherence to the WDC SoW Guidelines. »;
12. A signed copy of the “Diamond Terminology Guideline” with the written statement that he uses the correct terminology on his invoices and other documents to distinguish diamonds from synthetic diamonds;
13. A statement from a book-keeper or accountant that the company did not issue bills of exchange that were protested and was not involved in any bankruptcy. A declaration of non-bankruptcy can also be requested from the corporate court for EUR 35;
14. At least one (1) director of the company shall provide a copy of a membership card of a recognised diamond exchange;

15. The diamond dealer states that it does not use cash for the purchase or sale of diamonds. The diamond trader confirms this with a written statement and adds a balance sheet as proof.
16. If no cash is used for purposes other than the purchase or sale of diamonds, this can be demonstrated again by means of a statement and copy of the balance sheet. However, if cash is used for purposes other than the purchase or sale of diamonds, the company offers transparency about this in the following ways:
  - the magnitude of the use of cash => communicate the figures for the previous year, or from month to month;
  - justification of the use of cash and compliance with the profile and activity of the company => explain in a few sentences why the company should use cash;
  - the withdrawal of cash from a current account is limited to an amount that, taking into account the profile of the company, is strictly necessary to be able to pay current payments for daily needs in cash when an electronic payment proves impossible => the company informs whether she has had to withdraw money in the past year, or month to month, how often and how much.
17. The company declares via a written statement in which ways it will offer its customers the possibility to make electronic payments.
18. The Company demonstrates that U.S. dollar is the functional currency of the Company (document AWDC on USD payments in the diamond industry).

## Please note, what else should you consider if you are assigned an account with a basic banking service provider?

The credit institution designated should clearly and in a clearly visible place provide **information** on the specificities of the basic banking service offered, the related fees and the conditions attached to its use, the procedures to be followed to exercise the right to access the basic banking service and the ways to access alternative dispute resolution procedures. The information must clearly show that access to a basic banking service is not dependent on the purchase of additional services.

The basic banking service shall be provided via the **head office** of the credit institution through an electronic procedure offered by them.

The basic banking service provider may request **additional information** from the company or the company must submit this on its own initiative, in certain cases:

- A list of common counterparties that allows for the accurate determination of the origin and destination of the funds (this does not apply to start-ups);
- Documenting the following transactions using invoices:
  - 1° any transaction of more than 5,000 euros;
  - 2° transactions spread over one year that amount to more than 20,000 euros and concern the same counterparty;
  - 3° transactions spread over one month that amount to more than 5,000 euros and concern the same counterparty.The basic banking service provider may increase the thresholds referred to in the first paragraph in accordance with the risk profile and the size of the applicant company.
- The companies (with legal personality) shall inform the basic banking service provider, in advance, or at least without delay of:
  - 1° amendment of the articles of association;

2° any significant change in the business model;

3° any change in shareholdership and the ultimate beneficiaries of the company, as well as the evidence of the corresponding update of the information in the register of ultimate beneficiaries;

4° any appointment and/or dismissal of the members of the governing body and of the representatives of the daily management, as well as the submission of all supporting documents which make it possible to verify the identity of these persons.

- The companies provide evidence that they comply with the disclosure obligations as referred to in book 3, title 1, chapter 1, section 4 and chapter 2, section 6, of the Belgian Companies Code;
- Identification documents of the clients and/or suppliers of the diamond dealer, unless these clients or suppliers are registered Belgian diamond dealers, which can be found on the website [www.registereddiamondcompanies.be](http://www.registereddiamondcompanies.be);
- Copy of the sales or purchase invoice of diamonds and/or other documents supporting the transaction;
- For transactions with non-EU countries in rough diamonds, a validated copy of the *Kimberley Process Certificate*.

Finally, **the company undertakes** to commit itself towards the basic banking service provider, in the following manner:

- To use the payment account exclusively for its professional activities as a diamond dealer and not for any other professional activities and/or not to use it for transactions with private funds and/or not to use it for private transactions of shareholders, employees or directors. This is without prejudice to the transactions between the company and the directors that are permitted, in accordance with company law
- Not to perform transactions in other foreign currencies, except for payments in US dollars, under certain conditions.
- To have full traceability of the underlying flow of goods.
- To restrict cash withdrawals from a payment account to an amount strictly necessary, taking into account the profile of the company, to pay current payments for daily needs in cash when an electronic payment is not possible.
- To always offer its clients the possibility to make an electronic payment.
- Not to ever use cash for the purchase or sale of diamonds.
- To justify the legitimacy of each U.S. dollar transaction and limit those transactions to payment services.

## **Can the provider of the basic banking service refuse the basic banking service?**

If the credit institution does not consider your file to be compliant and refuses, it must do so within 10 working days (unless this 10 day limit was not feasible due to research in the context of the Anti-Money Laundering Act) and it will substantiate this in writing (unless it does not have to justify this because this would be in violation of the Anti-Money Laundering Act).

The basic banking service provider may (or is in some cases obliged to) **refuse** the basic banking service in the following cases:

- The company already has a basic banking service or another payment account with a credit institution in Belgium or with a credit institution in another Member State (unless

the company can demonstrate that you do not obtain the necessary services there, or can demonstrate that these have been terminated). A bank account at a credit institution outside the EU or with a payment institution does not count as a bank account in this case.

- The company deliberately terminated a previous current account with a Belgian or EU-based credit institution in order to be able to use the basic banking service.
- The refusal is in accordance with the Belgian Anti-Money Laundering Act.
- A member of the company's statutory administrative body or the person responsible for effective management or a member of the executive committee has been convicted of scams, abuse of trust, fraudulent bank breakage or forgery.
- The application file of the company is not complete or not in accordance with the Anti-Money Laundering Act.
- The company does not meet the risk-mitigating conditions.

## Can the basic banking service provider terminate the basic banking service?

The basic banking service provider may **terminate** the basic banking service, in writing, in the cases below (immediately or a notice period of 2 months can be employed, depending on what other legal provisions require). The reasons for termination are stated, unless this would be in violation with the Belgian Anti-Money Laundering Act:

- A member of your company's statutory administrative body or the person in charge of effective management or a member of the Executive Committee has been convicted of a scam, abuse of trust, fraudulent bank breakage or forgery, or the company has misused the payment account in the context of the basic banking service for illegal purposes;
- The company has not performed a payment transaction on that payment account for more than 12 consecutive months.
- The company provided incorrect or incomplete information to obtain the basic banking service or in response to the questions under the Belgian Anti-Money Laundering Act.
- The company has opened a current account in Belgium or in another Member State with a Belgian or EU-based credit institution with which it can use payment services and it informs the basic banking service provider thereof.
- The termination is in accordance with the Belgian Anti-Money Laundering Act.
- The company does not meet the risk-mitigating conditions.

## How much does the basic banking service cost?

The credit institutions that designate the basic banking service chamber determine the price for a basic banking service themselves. However, the basic banking service provider does not charge more than 420 euros on an annual basis for providing the basic banking service to the company concerned. This amount may be indexed annually.

The number of electronic transactions shall be unlimited.

## Would you like to report an issue or make a complaint?

- If the company **does not agree with the decision of the basic banking service chamber**, a procedure can be initiated before the Council of State.
- If the company **does not agree with the decision of the basic banking service provider**, we recommend you report your problem or complaint via the FOD Economy hotline <https://meldpunt.belgie.be/meldpunt/nl/welkom> . You must also submit your complaint to the mediation service of the credit institution in question. If no solution has been reached within a reasonable period of time, you can appeal to the Financial Services Ombudsman Office. In case of a dispute, it shall issue an opinion that is binding on the credit institution. You can contact the Mediation Service at the following address: Ombudsmen for financial services  
North Gate II  
oning Albert II-laan 8 bus 2  
000 Brussels/ Tel.: +32 2 545 77 70  
Fax: +32 2 545 77 79  
mail: [ombudsman@ombudsfin.be](mailto:ombudsman@ombudsfin.be)
- After reading this brochure, do you still have **any questions about the basic banking service or about the registration procedure**? Contact AWDC for general questions – [trst@awdc.be](mailto:trst@awdc.be) or the basic banking service chamber for specific questions on your file/application: [bbd-sbb@economie.fgov.be](mailto:bbd-sbb@economie.fgov.be).

## How is your personal data processed?

In order to fulfil its legal obligation, the Basic Banking Service Chamber must process certain personal data. This data is processed in accordance with the General Data Protection Regulation (“GDPR”, also known under the more common name “GDPR”) and the Belgian legislation on data protection. More information about this can be found in the privacy statement of the basic banking service chamber. The processing of personal data by third parties is regulated in a protocol concluded between the data controller and the third party.

## Does the FOD Economy continue to monitor the operation of the Basic Banking Service?

Every year, each credit institution shall send to the FPS Economy and the CFI information about the number of accounts opened in the framework of the basic banking service for enterprises, the number of refusals and cancellations as well as on their justification. The information about the previous calendar year shall be transmitted no later than the last day of the month of February of the following year.

### Disclaimer:

*This brochure was prepared by the Antwerp World Diamond Centre private foundation (AWDC), based on the information it has at its disposal. AWDC has made every effort to provide the most accurate and complete representation of the procedure for requesting and obtaining a basic banking service. However, AWDC cannot be held responsible or liable for the incompleteness or inaccuracy of the information displayed herein, nor for the provision or non-observation of a basic banking service.*