MFFA Belastingadvies | Tax Advice

Income Tax & Social Security in the Netherlands
- Employers and Employees -
2019

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Introduction

This guide provides a brief introduction into the Dutch tax law mainly relevant to employers and employees. Please note that the application of tax law heavily depends on the facts and circumstances which differ case by case. For tailor-made advice you can contact the authors of *MFFA Tax Advice*.

Why MFFA Tax Advice?

MFFA Tax Advice provides tax and tax-relating legal services to resident and non-resident individuals and companies. With our academic skills, practical approach and experience ranging from big four to the Dutch Tax Authorities we offer high-quality services at transparent rates. In addition we invest in our network to also be able to assist in other fields of expertise such as notary services, lawyers and foreign tax and legal services. This way, MFFA Tax Advice can offer its clients a single place for all tax and tax-relating legal matters.

A glance at the services we provide

- Tax opinions
- Global mobility of employees
- Cross border working
- Employment contracts
- Assistance with social security
- Migration of natural persons and companies
- Tax structuring and planning
- Investing in the Netherlands
- Assist in choice of business form
- Setting up a permanent establishment
- Incorporation of legal entities such as a Dutch B.V.
- Registration at the Dutch chamber of commerce and Dutch tax authorities
- Implementation and setting up payroll administration
- Accounting services
- Providing a business address
- Tax Compliance
- Billing and invoicing
- Transfer of domestic activities abroad
- Ruling requests, including 30% ruling
- Expat services and advice
- Relocation of employees
- Objection and appeal
- Transfer pricing documentation
- Article 23 VAT license
- Reclaiming VAT

In addition, we can assist you regarding the topics you are about to read in this brochure.

Part 1: Personal Income Tax

1.1 Rates 2019
For the year 2019, the Dutch personal income tax taxes income at progressive rates maximized at 51,75%. The following chart states the rates of income tax and national insurance per bracket:

Personal Income Tax Rates 2019 *(before retirement age)*				
Taxable Income		**Tax Rate**	**National Insurance Premium**[1]	**Total**
Box 1				
From	*Up to*			
€ 0	€ 20.384	9,00 %	27,65 %	36,65 %
€ 20.384	€ 34.300	10,45 %	27,65 %	38,10 %
€ 34.300	€ 68.507	38,10 %	-	38,10 %
€ 68.507	€ ∞	51,75 %	-	51,75 %

1.2 Taxable income
The income an individual receives is subject to Dutch personal income tax. Any Dutch payroll tax already withheld on the income will reduce the amount of Dutch personal income tax payable.

1.3 Investments and savings
The sum of private assets and debt at the 1st of January is deemed to generate a yield of 2,017% for amounts up to €70.800, 4,326% for amounts from €70.800 to €978.000 and 5,38% for amounts above € 978.000. This presumed yield is taxed at 30%. For domestic taxpayers a threshold of € 30.000 applies to the sum of assets and debt. Common assets and debt are savings, real estate, stocks and loans. Foreign taxpayers are only taxable on a limited scope of Dutch assets and debts, e.g. Dutch real estate (not taxable in box 1) and corresponding debt. Due to the presumed yield a negative income is not possible and hence no loss compensation applies. Expats living in the Netherland and who have the 30% tax ruling can opt out and be taxed as a deemed non-resident.

1.4 Available tax reductions
In the Netherlands several tax reductions are available. For example there is a tax reduction available when you live and work in the Netherlands or when you are conducting a study/training.

1.5 Filing an income tax return
Dutch personal income tax returns must be filed in the Netherlands within 3 months after a calendar year (an extension can be requested).

1.6 Withholding Tax
There is no withholding tax on interest nor on royalties. There is only a 15% dividend withholding tax, which is often reduced by a tax treaty to as low as 0%.

Part 2: Payroll Taxes

Resident and non-resident tax payers who earn employment income, are subject to Dutch wage tax and social security premiums. Employers or entities that pays the wages withholds the wage withholding tax and pays it periodically to the Dutch Tax Administration. The wage withholding tax consists of one amount made up of wage tax and social security contributions. Social security contributions must be paid for the Old-Age Pension (AOW), General Survivors' Pension Act (Anw), Health Insurance Contribution Act (ZVW).

Individuals working in the Netherlands generally have social security coverage and must therefore pay social security contributions. An exception to this may, for example, apply in the event of (temporary) secondment (A1 statement).

Those, who withhold the taxes and contributions is known as the 'withholding agent'; this is the party that files the wage withholding tax return. The party from whose wages or allowances the deductions are withheld is known as the (deemed) employee.

The wage withholding tax is an advance payment for the income tax. In this way it is prevented that taxpayers have to pay a single large payment for income tax and social security contributions once a year.

The withholding agent withholds the wage withholding tax at the time the employee receives his wage.

2.1 Tax on income

Employees must pay wage withholding tax and social security contributions on their income or benefits. The employer must withhold and pay the wage tax. Employers and employees may elect voluntarily to designate their relationship for wage tax purposes as employment. They must both give notify this to the Tax Administration.

The wage withholding tax has to be calculated on all remunerations an employee receives on the basis of his current or former employment. An example of income from former employment is payment of a pension.

Tax is also payable on other benefit payments, e.g. Old-Age Pension (AOW). The principal forms of wages are 'wages in cash': salary, holiday allowance, overtime payment, commissions, annual bonus, and anything else an employer pays in cash to an employee which is deemed to be remuneration for his work. But there are other forms of wages as well, such as remuneration 'in kind', claims and (free) reimbursements and facilities.

Remuneration in kind is income that is not paid in money, but in some other way, for instance a holiday or a camera. A claim is an entitlement to receive a benefit or facilities after a set period of time, or subject to conditions. An example of this is entitlement to pension. Examples of facilities are tools, meals or tickets for public transport. Free reimbursements are amounts an employer pays an employee to cover costs the employee incurs in order to be able to perform his work properly.

No wage withholding tax needs to paid on payments made by the employer to the employee which according to the generally held view, are not seen as remuneration for services provided or to be provided. If allowances in kind may be issued tax-free, they may usually be reimbursed tax-free as well.

Examples include professional literature or work clothing. A free reimbursement or facility of this kind is not deemed to be part of the income. Reimbursements or provisions may also be partly exempt from tax. For instance, payment of specific travel expenses up to a given limit may be considered tax-exempt. The part of the provision or reimbursement that is not tax-free remains subject to tax.

2.2 Rates 2019

Wage tax rates and national insurance premiums are as follows:

Personal Income Tax Rates 2019 *(before retirement age)*				
Taxable Income		**Tax Rate**	**National Insurance Premium**[1]	**Total**
Box 1				
From	*Up to*			
€ 0	€ 20.384	9,00 %	27,65 %	36,65 %
€ 20.384	€ 34.300	10,45 %	27,65 %	38,10 %
€ 34.300	€ 68.507	38,10 %	-	38,10 %
€ 68.507	€ ∞	51,75 %	-	51,75 %

2.3 Levy rebates

When determining wage withholding tax, the employer takes levy rebates into account. Among other things, these consist of a general rebate and employment rebate. These are general credits that apply to all employees. The general rebate comprises a tax element and a social security contribution element. Entitlement to the contribution element of the general rebate applies only if the employee has compulsory Dutch social security coverage. The employer may not take into account any allowances and deductions that are linked to the employee’s personal circumstances. To avail himself of personal deductions, an employee must file an income tax return. For some employees, wage withholding tax is the final tax because they have no other sources of income and are not eligible for personal deductions and tax-deductible items.

2.4 Extraterritorial expenses for expats

Below you find information which is based on a publication of the Dutch Secretary of State (February 2004 nr. CPP2003/641M) which provides clarity in relation to the question of which costs qualify as expatriate expenses (hereinafter referred to as 'ET expenses').

As you are aware employees qualifying for the 30% ruling can receive a fixed tax-exempt expense allowance of 30/70 of their gross salary. ET expense allowances paid separately are deducted from the fixed 30% ruling allowance in cash. Therefore, employees qualifying for the 30% ruling can experience adverse consequences if a given expense allowance qualifies as a reimbursement of ET expenses.

In every situation you should investigate which of the following type of costs you are dealing with:

- Category 1: costs which can be reimbursed tax exempt for all employees (regardless whether an expat or not). These allowances will not decrease the tax free amount paid to expats under the 30%-ruling;
- Category 2: ET expenses:
    - a: it was decided to grant a 30% ruling allowance (30% ruling); or

    - b: the expat does not qualify for the 30% ruling and it was decided to reimburse the actual ET expenses.
- Category 3: allowances which cannot be paid tax exempt and do not qualify as ET expenses. These allowances and reimbursements are taxable income for Dutch tax purposes.

Cafeteria system for expats who cannot qualify for the 30% ruling
Via a cafeteria agreement the employer and expat can agree that ET expenses of the expat are converted from gross salary into a tax exempt reimbursement by reducing the gross agreed salary with extraterritorial costs the expat incurs. This can be an interesting opportunity in case the 30% ruling cannot be applied. Be aware that this is carefully documented and that you ask for advice to implement a cafeteria scheme.

Below we will outline the most relevant possibilities in more detail.

2.4.1 Category 1: tax exemption for all employees
These costs can be paid or reimbursed tax free and are allowed in addition to the 30% ruling allowance.

Costs for relocation
This allowance is effectively exempt from tax for employees, provided that the relocation is business-related. This means that a tax free allowance to cover relocation costs is allowed in addition to the 30%-ruling.

Please note that there are some restrictions (the allowance is maximized at the actual costs of moving the furniture plus € 7.750).

Relocation costs on termination of assignment
The Ministry of Finance allows an employer to pay a tax-free relocation allowance for an employee's relocation back to the country of origin when an assignment terminates under the following conditions:

- The relocations upon commencement and termination of the assignment are of a cross-border nature.
- The employer has awarded the allowance no later than upon commencement of the assignment.
- If an employee also receives a relocation allowance from another employer upon termination of his or her employment, he or she declares to the employer that this will be reported to the competent withholding agent; the employee will, therefore, not be entitled to the relocation allowance.

Job interview trips
Costs incurred by an employee while traveling to the country of employment within the scope of getting acquainted with the company may also be reimbursed free of tax to an expat. We note that, just like in the situation of a Dutch employee, the focus should be on getting acquainted with the company in order to qualify for category 1.

Furniture - cost of storing
Costs incurred for the temporary storage of household effects while awaiting final accommodation qualify as relocation costs within the meaning of the Dutch Wages and Salaries Tax Act (category 1). These costs are treated as transportation costs and can therefore, also be reimbursed free of tax to employees qualifying for the 30% ruling.

Costs regarding official documents, medical examinations, vaccinations for work permits

Costs incurred in applying for or legalizing official documents, e.g. residence permits, visas and driving licenses, as well as costs of medical examinations and vaccinations qualify as ET expenses, provided that they are related to the assignment outside the country of origin. Costs incurred within the scope of applying for or legalizing work permits do not qualify as ET expenses. These costs can, therefore, be reimbursed free of tax, even to employees coming under the 30% ruling.

Cost for travelling from home to work

Employees may be given a reimbursement (free of tax and premiums) of € 0.19 per kilometer. An employer is allowed to pay a fixed, tax-exempt travel allowance to employees who travel to a fixed workplace on at least 70% of the total number of working days as if they travel to this workplace every working day. If this is the case, the formula of the Dutch Tax and Customs Administration must be applied: 214 (days) * € 0.19 * km (return distance home – work).

In principle, this is irrespective of the mode of transport. This tax-exempt reimbursement may therefore also be given if employees travel by public transport. Alternatively, employees may receive a tax-exempt reimbursement for the costs of public transport which they actually incurred (however, tickets must be handed over and kept with the payroll administration).

Should an expat live in the home country and commutes to the Netherlands, these costs qualify as regular commuting costs and follow the regular rules above.

Meals

Costs incurred for regular meals do not qualify as category 1 costs nor as ET expenses. Meals of more than a marginal business nature can be paid or reimbursed tax free. The criterion 'of more than a marginal business nature' is therefore decisive. Meals with a business nature are for example meals due to working until evening or a lunch with clients. In respect of foreign assignments, meal allowances can apply to meals enjoyed during a short stay in a hotel when an employee is not in a position to prepare a meal himself.

2.4.2 Category 2: tax exempt for expats

Important to bear in mind as regards to ET expenses is that if it is decided to apply the 30% ruling all ET expenses paid separately have to be deducted from the maximum fixed 30% ruling allowance.

Cost of living allowance

Cost of living allowances qualify as ET expenses as far as they cover the extra costs of living in the Netherlands compared to the cost of living in the home country.

For the extraterritorial costs rent and furniture do not qualify as subsistence costs, because for these there are separate rules in the decree of the State Secretary of Finance. For the extraterritorial costs qualify as subsistence costs cost you incur to live: food, clothing, leisure, small house hold appliances, utilities, etc.

Excluded from subsistence costs are relatively expensive and durable goods such as: furniture, moped, car, dish washer, regular washer, refrigerator, etc.

Provided that the additional costs result from a higher price level in the Netherlands in relation to the country of origin.

The additional costs are based on the difference in comparative price levels of final consumption by consumers as provided by Eurostat between your country and that of the Netherlands. Example: if the Netherlands has a comparative price level of 106.1 and your country of 88.4, 17% of your subsistence costs qualify as extraterritorial costs.

NB Health costs and health insurance costs do NOT qualify as subsistence costs (as determined by Dutch Income Tax Act). If conditions are met health costs can be deducted from the taxable income via the income tax return.

Cost of storing furniture

The storage costs for household effects that will not be moved to the country of employment but remain in temporary storage in the country of origin qualify as ET expenses.

Additional cost of furniture

The additional cost of furniture qualify as ET expenses. The additional costs are based on the difference in comparative price levels of final consumption by consumers as provided by Eurostat between your country and that of the Netherlands. Example: if the Netherlands has a comparative price level of 106.1 and your country of 88.4, 17% of your subsistence costs qualify as extraterritorial costs.

Double housing for non-resident expats

Dutch accommodation costs for an expat, who continues to be a resident of the home country qualify and who continues to own or rent the house in the home country, qualify as ET expenses for the duration of the assignment. Double housing for resident expats qualify as category 1 expense for the first 24 (twenty four) months. For those who have the 30% ruling this also means that these reimbursements or benefit in kind has to be deducted from the maximum fixed 30% ruling allowance.

Expats - Regular housing

When an expat moved to the Netherlands and the employer reimburses the accommodation costs, a maximum of 18% of the employee's wages for tax purposes is added to his or her taxable salary (category 3). The excess amount qualifies as an ET expense allowance (category 2). The 18% covers only the rent for the 'stones'. So, (the part of) the rent that is paid for the furniture is taxable salary (category 3).

Water, power, gas and other utilities

These costs for utilities qualify as subsistence costs, see above.

Costs for house hunting / acquaintance trips

Costs incurred for an acquaintance trip to the country of employment, often with the family, e.g. to go house hunting, getting to know the country or look for schools, qualify as ET expenses. However, normally this will be done prior to actually starting to work in the Netherlands. Hence the employee will not have the 30% ruling yet, which means that the trip can be paid or reimbursed tax free as ET expenses.

Costs relating to home leave / family reunion
Travel-expenses relating to home leave and family visits (e.g. an employee living in the Netherlands who takes his or her family on holiday to their country of origin) qualify as ET expenses. The travel costs of your partner and children qualify as extraterritorial costs.

Costs for language courses
Costs of Dutch language courses for the expat as for family members residing in the Netherlands qualify as ET expenses.

In our view it should be possible to reimburse the costs of language courses to employees qualifying for the 30% ruling free of tax, provided that they can prove that they need to be able to speak the language of the country of employment in order to be able to do their job.

Costs - telephone
Regular telephone costs do not qualify as ET expenses. However additional, private calls made by the expat to family in the country of origin do qualify as ET expenses.

NB For all employees, telephone and internet costs can be reimbursed tax free if it is used for business for at least 10%.

Costs regarding official documents, medical examinations, vaccinations for private permits
Costs incurred in applying for or legalizing official documents, e.g. residence permits, visas and driving licenses, as well as costs of medical examinations and vaccinations qualify as ET expenses, provided that they are related to the assignment to the Netherlands.

Costs for international school
The actual costs of attendance at an international primary or secondary school in the Netherlands, or elsewhere, reimbursed or paid by the employer are not taxable income for Dutch tax purposes, if the allowance or reimbursement is limited to tuition fees and transport. This rule is not applicable to the cost of boarding schools, the payment or reimbursement of which will be considered taxable income.

2.4.3 Category 3: taxable reimbursements and allowances

Reimbursement expenses house purchase / broker's fee
Reimbursements such as these qualify as salary and are taxable income.

Foreign service premium / expat allowance / overseas allowance
These allowances qualify as taxable salary.

Losses incurred because of the sale of assets due to the assignment
Allowances paid to cover for these losses qualify as taxable salary.

Costs tax advisory
Allowances paid to cover the costs of personal tax services and preparing tax returns (in the country of origin as well as the Netherlands) qualify as salary.

Tax equalization

Tax equalization allowances qualify as taxable salary.

Part 3 Income Tax System

Natural persons who have an income must pay income tax. Individuals may receive income from different sources. Income tax takes into account the origin of the income and distinguishes three categories. These categories are known as ‘boxes’. The income in each of the three boxes is taxed at a different rate. The total of the tax owed in the three boxes is the income tax payable.

3.1 Taxpayers

Income tax is a tax on the income of individuals. Individuals living in the Netherlands (resident taxpayers) and individuals who do not live in the Netherlands but who receive income from the Netherlands (non-resident taxpayers) are liable for income tax. Residents are taxed on their entire income, regardless of the place of origin (worldwide). Non-residents are only taxed on income directly connected with the territory of the Netherlands. This is different if they avail themselves of the option of choosing to be treated as a resident taxpayer. Then the rules that apply to resident taxpayers also apply. Income tax is in principle levied on an individual basis. However, fiscal partners are permitted to allocate joint income components between them for their tax return. Fiscal partners are spouses and registered partners. In addition, unmarried couples living together may under certain conditions also be deemed to be partners for tax purposes. Joint elements of income are the taxable income from an owner-occupied dwelling, taxable income from substantial interest and the personal tax deductions.

3.2 Tax base –tax rates

Income tax is levied on the taxable income of natural persons and is reduced by the amount of (general) levy rebates.

There are three categories of taxable income (box 1, 2 and 3) for income tax, each type of taxable income having its own rate:

- Box 1 taxable income from work and owner-occupied dwelling;
- Box 2 taxable income from substantial interest;
- Box 3 taxable income from savings and investments.

The income tax payable is the aggregate amount of the tax on the taxable income in the three boxes. The income of resident taxpayers is reduced by the amount of the personal tax deductions.

3.3. Personal tax deductions

The personal tax deductions mainly comprise costs that affect the financial capacity of the taxpayer personally and his family and that affect his ability to pay. For example, the costs of maintenance commitments (child or partner maintenance), study expenses and exceptional health cost expenses. Personal tax deductions are deducted from taxable income derived from work and dwellings (box 1). If this is insufficient, deductions from taxable income from savings and investments (box 3) will follow, followed by deductions on taxable income from substantial interest (box 2). Any remaining deductions will be carried forward to subsequent years.

3.4 Rates 2019

Tax on taxable income for income from work and owner-occupied dwellings (box 1) is:

Personal Income Tax Rates 2019 *(before retirement age)*				
Taxable Income		**Tax Rate**	**National Insurance Premium[1]**	**Total**
Box 1				
From	*Up to*			
€ 0	€ 20.384	9,00 %	27,65 %	36,65 %
€ 20.384	€ 34.300	10,45 %	27,65 %	38,10 %
€ 34.300	€ 68.507	38,10 %	-	38,10 %
€ 68.507	€ ∞	51,75 %	-	51,75 %
Box 2		25%	-	25 %
Box 3		30%	-	30 %

Individuals working in the Netherlands generally have social security coverage and must therefore pay social security contributions. An exception to this may, for example, apply in the event of (temporary) secondment (A1 statement).

Taxable income from a substantial interest (box 2) is taxed at 25%.

The sum of private assets and debt at the 1st of January is deemed to generate a yield of 2,017% for amounts up to €70.800, 4,326% for amounts from €70.800 to €978.000 and 5,38% for amounts above € 978.000. This presumed yield is taxed at 30%.

3.5 Levy rebate

Tax due from resident taxpayers is reduced by the amount of the levy rebate. The general rebate applies to all resident taxpayers. The general rebate comprises a tax element and a social security contribution element. Entitlement to the contribution element of the levy rebate only applies if the employee has compulsory Dutch social security coverage. In addition to this levy rebate, there are all kinds of supplementary rebates that take account of the amount of income earned and the taxpayer’s personal circumstances. The rebates for those who are engaged in work, for parents with children, for single parents and elderly people with a small income, people who keep on working as of the age of 57, generally contribute towards an equitable distribution of the tax burden.

3.6 Box 1 income - work and owner-occupied house

Taxable income from work and dwellings is the aggregate amount of:

- Taxable profits from business activities;
- Taxable wages;
- Taxable income from other activities (income from activities that cannot be qualified as wage, nor as profits from business activities such as freelance income and income from making available assets to companies in which the taxpayer has a substantial interest, e.g. renting of premises to the company or income from carried interests);
- Taxable periodical payments and grants (e.g. some periodic payments provided for under public law);

- Taxable income from an owner-occupied dwelling;
- Expenditure for income provision (e.g. the premium for retirement annuities);
- Negative expenditure for income provision (e.g. annuities that are surrendered and that were previously deducted from income);
- The negative personal allowance (e.g. refund for expenses that have been deducted from the income in a previous year as a personal deduction);
- Personal deductions (this deduction may partly run over into box 3 and after that possibly into box 2).

3.7 Mortgage interest deductible
In the Netherlands the interest paid on loans used to finance the owner-occupied dwelling can be deducted from the taxable income corrected with an amount related to the value of the dwelling (see also our brochure about it)

3.8 Box 2: substantial interest
A taxpayer is regarded as having a substantial interest in a company if he, either alone or together with his partner, holds, directly or indirectly, at least 5% of the shares. Income from substantial interest is the aggregate amount of the dividends received and the proceeds from disposal (profits from the sale of shares, profit-sharing certificates, debts and such), after deduction of the costs. If a taxpayer has a substantial interest in a company, profit-sharing certificates or other types of shares issued by that company are deemed to be part of the substantial interest. This is known as the ‘pull along arrangement’ (“meesleepregeling”). If a taxpayer makes assets available to a company in which he has a substantial interest, the income generated is taxed in box 1 as a result of other activities. One example of this is the renting of premises to the company.

For non-residents, income from a substantial interest is only subject to tax if the substantial interest is in a company resident in the Netherlands. For non-resident taxpayers, a company is also deemed to be resident in the Netherlands if it was resident there for at least five of the last ten years.

3.9 Box 3: Income from savings and investments
The sum of private assets and debt at the 1st of January is deemed to generate a yield of 2,017% for amounts up to €70.800, 4,326% for amounts from €70.800 to €978.000 and 5,38% for amounts above € 978.000. This presumed yield is taxed at 30%. For domestic taxpayers a threshold of € 30.000 applies to the sum of assets and debt. Common assets and debt are savings, real estate, stocks and loans. Foreign taxpayers are only taxable on a limited scope of Dutch assets and debts, e.g. Dutch real estate (not taxable in box 1) and corresponding debt. Due to the presumed yield a negative income is not possible and hence no loss compensation applies.

Examples of assets and debts that fall in box 3:
- Savings;
- A second home or a let property;
- Shares and other securities;
- Annuity insurances for which the premium is non-deductible;
- An endowment insurance not linked to the taxpayer’s own home;
- Consumer loans;

Certain assets do not need to be taken into account in calculating the value of the assets.
This applies, for example, to:

- Assets which are used to generate proceeds which are taxed in the boxes 1 or 2 (examples are assets deployed in the business of a self-employed entrepreneur, owner-occupied dwellings shares in a company in which the taxpayer has a substantial interest, etc.);
- Articles for personal use such as household effects, a passenger car or caravan;
- Works of art and science not kept as an investment;
- Certain green and social-ethical investments up to a maximum of € 58.540 per partner.

A taxpayer may not deduct all debts in box 3. For example, the mortgage debt for an owner-occupied dwelling (the interest on this is deductible in box 1) and tax debts are not deductible. The first € 3.000 of the other debts may not be deducted from the assets. For partners this threshold is doubled. The income in box 3 may not be negative, not even if the amount of the debt is greater than the amount of the assets.

In box 3 taxpayers are entitled to a tax-free threshold of € 30.000 (tax-exempt capital) per partner. The taxpayer and his partner may allocate all amounts between them.

3.10 Personal Income tax return

The income tax returns have to be filed each year with the Tax Administration by April 1 of the year following the relevant tax year. If the Tax Administration does not receive the return on time, it sends a reminder and may impose a fine. It is possible to apply to the Tax administration in writing for a deferment. Everyone who files his or her return by April 1, receives notification from the Tax Administration by July 1, of the same year. For companies this means that the annual statement of employee wages must be provided to the employees long before 1 April so that they can file their income tax returns with the Tax Administration in a timely fashion. Entrepreneurs can only file their income tax returns electronically.

3.11 International tax: residents Netherlands

Individuals resident in the Netherlands are subject to income tax on their worldwide income. Companies established in the Netherlands are subject to corporate income tax on their worldwide profits. This is known as resident tax liability. Measures have been taken to avoid double taxation, where resident taxpayers pay tax twice on all or part of their worldwide income or profits. In addition, natural persons who do not live in the Netherlands are subject to income tax on income from a number of sources in the Netherlands. These non-resident income tax payers subject to income tax may still opt to be treated as residence tax payers. Companies resident outside the Netherlands are subject to corporate income tax on their taxable profits from certain sources in the Netherlands. This is known as non-resident tax liability.

3.12 Double taxation prevention: resident taxpayers

There are two ways in which resident taxpayers can prevent being taxed twice on their foreign-sourced income and foreign-source profits. In the first place, the Netherlands has concluded bilateral tax treaties with a large number of countries. In the second place, the Netherlands has unilateral provisions that in general apply to situations where no treaty has been concluded with a specific country or where a tax treaty does not include a provision pertaining to a specific case. These unilateral provisions are contained in the 2001 Unilateral Decree on the Prevention of Double Taxation.

3.13 Methods to prevent double taxation
Different methods are used to prevent double taxation. For example, double taxation may be avoided by means of the method called exemption with progression reservation, via the credit method or by deducting foreign taxes as costs. The first two methods are used in the 2001 Unilateral Decree on the Prevention of Double Taxation and in the treaties for the avoidance of double taxation. The third method (deducting foreign taxes as costs) arises from a number of Dutch tax laws.

3.14 Exemption method
The exemption with progression method usually applies to foreign elements of income for income tax and corporate income tax. In principle, foreign elements of income are exempt per individual country. The exemption method means that reductions will be granted for Dutch tax relating to foreign income. For income tax, the exemption is calculated per box.

If the income or profits from foreign sources exceed the total income or total profits (for example because the ‘domestic income’ is negative), exemption may not or may not fully be granted in the year in question for the foreign income. In such cases, the total amount of the foreign-source income respectively the ‘excess’ of the exemption may be ‘carried forward’ and reduction of tax may be granted in subsequent years. This enables the Dutch tax liability to be reduced in the subsequent years. Foreign losses decrease the Dutch tax liability in the year they are suffered and when calculating the reduction in subsequent years are deducted from the positive foreign income qualifying for exemption.

3.15 Credit method
The credit method usually applies under tax treaties for foreign withholding taxes on income from investments such as dividends, interest and royalties. In accordance with the 2001 Unilateral Decree on the Avoidance of Double Taxation, the credit method only applies to investment dividends, interest and royalties from designated developing countries. The Dutch tax is reduced by the foreign tax levied or by the Dutch tax payable on the foreign dividends, interest and royalties, whichever is lower. Since the foreign withholding taxes for which credit is allowed in the Netherlands are usually levied on a gross basis, whilst Dutch income tax is levied on a net basis (after deduction of costs), it is quite possible that the Dutch tax will not be sufficient to provide credit for the tax levied by the foreign source country. Full credit is thus not possible. In these cases the excess of the foreign tax not credited may be ‘carried forward’ and, where possible, credited in subsequent years. Under the treaties aimed at avoiding double taxation, the credit method may be applied to the income from each separate country. On the basis of an approval decision issued by the State Secretary of Finance, it is also possible to opt under treaties for application of the credit method to all foreign income from all countries taken together.

3.16 Costs deduction
In situations in which there are no arrangements for avoiding double taxation, foreign taxes may be deducted as costs related to the relevant income. This option (in the income tax and corporate income tax scheme) applies to the year in which the income is received and to the total amount of dividends, royalties and interest received in that year. The taxpayer may elect to deduct the costs against income tax in box 1 or box 2 individually. Costs may not be deducted in box 3. Also, in situations in which a credit would normally be granted for dividends, interest and royalties, the taxpayer may opt for non-recognition of the tax credit. This is particularly advantageous if, as already stated, the (high) foreign tax in a year cannot be fully credited because this is higher than the amount that must be paid in the Netherlands.

Part 4: Capital Tax

Capital gains are generally not taxable. However, gains derived in the course of a business or gains on substantial shareholdings are taxed.

4.1 Wealth tax

There is no net-wealth tax.

4.2 Real estate tax

Real estate tax is levied annually by the municipalities from the owners of immovable property. The tax rate differs for each municipality and different rates may apply for commercial property and private property. For individuals, real estate tax is only deductible if the property is used commercially.

Part 5: Gift Tax and Inheritance Tax

Inheritance and gift taxes are imposed if property is acquired by inheritance or gift and the deceased or the donor was a resident of the Netherlands at the time of death or at the time of the gift.

Non-Dutch nationals who have been resident in the Netherlands remain liable for gift tax in the year following their departure.

Inheritance tax is levied on the beneficiary in respect of his share in the estate. However, the tax authorities have a right of redress against all beneficiaries with respect to the tax debt of any non-resident beneficiary.

Gift tax is levied on the donee, but the donor and donee are equally liable for the payment.

5.1 Taxable base

The taxable base is the fair market value of all property received less liabilities. All gifts received by a donee from the same donor in a calendar year are aggregated. Gifts received within 180 days before the death of the deceased are deemed to be acquired by way of inheritance. Proceeds from a life or accident insurance on the life of the deceased are also deemed to be acquired by way of inheritance, unless no premiums were paid on account of the deceased. Premiums actually paid may be deducted.

5.2 Personal allowances

Certain deductions are allowed from the beneficiary's share in the estate. Accordingly, a surviving spouse or partner may deduct € 650.913. A similar deduction applies to the surviving partner of an unmarried couple who lived together for at least 5 years and other partners with a notarial living together contract. Children may deduct € 20.616. For sick or disabled children, the deduction is € 61.840 if the children were mainly maintained by the deceased. Pension rights reduce the amount of deduction for spouses and partners based on gross annual pension and factor age. However, the minimum deduction for spouse and partners after taking into account the pension rights is € 166.161.

Gifts up to € 2.173 per calendar year received from the same donor are exempt. Gifts from parents to children, including adopted and stepchildren, are exempt up to € 5.428 per calendar year. Once in a child's lifetime the annual exemption may be increased to € 26.040 if the child's age is between 18 and 40. This exemption is increased to € 54.246 to finance educational costs or € 100.000 if the amount is used for the purchase, improvement or maintenance of a dwelling, the redemption of a mortgage, or long-term lease of a building.

5.3 Relief of Double taxation

In general, foreign taxes are deductible as a liability on the inheritance or gift received. Unilateral relief in the form of a tax credit is granted for foreign tax on immovable property, assets belonging to a permanent establishment and rights (not being securities or originating from an employment) to the profits of an enterprise the management of which is situated in another state. The credit is limited to the tax actually levied abroad or the Netherlands tax attributable to the assets situated abroad, whichever is lower.

Part 6: VAT

The Dutch VAT system is based on European regulation and therefore compatible with other EU member states. There is however plenty of room for member states to differentiate, for instance on tax rates.

6.1 VAT system

VAT is charged on goods and services as a percentage of the price and is paid by the purchaser to the supplier given the supplier qualifies as taxable person for VAT purposes. The supplier has to take care of paying the VAT to the tax authorities. In essence it's a tax on the added value of taxable persons by taxing the output while allowing a deduction of the VAT charged on the input (input VAT). Thereby, effectively taxing the end user. A person performing business activities in the Netherlands is considered a taxable person for VAT purposes. This can be a legal entity or a natural person, resident or non-resident. In addition, VAT is due on imported goods into the Netherlands regardless of whether the importer is a taxable person or not.

6.2 Dutch VAT rates

Value Added Tax Rates 2019	
Category	**Tax Rate**
Standard	21 %
Low	9 %
Export	0 %

The standard tax rate on goods and services is 21%. For certain goods and services a lower rate of 9% applies, e.g. for food, non-alcoholic drinks, medicines, haircuts, bike repairs, etc. Mainly export is subject to a 0% tax rate. Certain transactions are exempt from VAT. This includes for instance educational services, health care services and various financial services. Please note that a 0% tax rate is not equal to being exempt from VAT. Only the former can deduct (claim a refund) of input VAT.

6.3 Small business regulation

Under certain conditions small businesses are eligible to pay less or no VAT and are relieved from administrational obligations. If the sum of output VAT less input VAT is less than € 1.883 a reduction applies to the amount of VAT due. If this sum is less than € 1.345 no VAT is due. In case no VAT is due and the expectation is that this will continue if the subsequent years you can request for a relief from administrative obligations.

The conditions are as follows:

- The business concerned is a sole propriety ("eenmanszaak") or a partnership of natural persons;
- The business is established in the Netherlands;
- Less than € 1.883 VAT is due; and
- The business complies to the VAT administrative obligations.

6.4 Import VAT deferral

One of the major advantages of the Dutch system is the possibility to defer import VAT, by the so-called article 23 license. This license enables importers to avoid immediate payment of VAT upon import. For example, when a non-EU company imports goods into the EU, it needs to file a VAT return and pay the 21%

VAT immediately. Consequently, the importer can reclaim this VAT later (usually next month) in his next VAT return. From a cash flow perspective this is undesirable. With the article 23 license the initial payment can be deferred to the moment it needs to file a VAT return. In essence, this means no VAT has to be paid.

In order to apply for article 23 license one of the following is required:

- a Dutch legal entity (Dutch BV); or
- a fiscal representative (Dutch VAT agent) in the Netherlands.

6.5 Dutch VAT refund

In accordance with the VAT refund procedure, taxable persons who are not established in the Netherlands and also do not have a permanent establishment in the Netherlands from which they are performing taxable activities may, under certain conditions, reclaim Dutch VAT. These refunds are based on the so-called Thirteenth VAT Directive (applicable to entrepreneurs outside the European Union).

Foreign entrepreneurs are eligible for a claiming refund of Dutch VAT in accordance with the special refund procedure if they:

- do not supply taxable goods or services in the Netherlands;
- only render services for which, under the reverse charge rules, the VAT liability is shifted to the customer; or
- render specific exempted (zero-rated) transportation services and services ancillary thereto.

Foreign entrepreneurs may use the refund procedure if they perform activities in their own country which would be liable to VAT and lead to a refund or deduction of input VAT if carried on in the Netherlands.

A refund form must be submitted by 30 June of the year following the year in which the VAT was incurred. In practice the Dutch tax authorities grant refunds with a retrospective effect of 5 years. A first refund could take about 6 months before it is dealt with by the tax authorities. However, our experience is that this process in general does not take that much time if all required documentation has been sent to the tax authorities in a complete and timely manner.

Only VAT in excess of € 200 may be reimbursed for a refund period of more than 3 months but less than a calendar year. If the application relates to a calendar year or a period shorter than 3 months, VAT claims in excess of € 25 can be granted.

6.6 Invoice requirements

If clients are invoiced, certain invoice requirements must be met. The invoice must contain the date of issue, invoice number, full name and address of you and the client, description of the provided goods and or service, Netherlands VAT rate, the amount, chamber of commerce number. In EU situations the EU-VAT number of you and the client abroad must be stated on it.

Part 7: Other Taxes

7.1 Excise duties: consumption taxes

Excise duty is a consumption tax levied on certain consumer goods, e.g. alcoholic beverages like wine, port, sherry and beer, and products like tobacco, petrol and other mineral oils, e.g. diesel, domestic fuel oil and LPG. Like VAT, excise duty is included in the price the consumer pays. The tax is remitted to the Tax Administration by the manufacturers in the Netherlands, by traders and also by the importers of excisable goods (for example, importers of American brandy). A special consumption tax is levied on non-alcoholic beverages such as fruit juices, vegetable juices, mineral water and carbonated soft drinks, including cordials.

7.2 Cross border of goods

Since 1993, private citizens have been able to buy wine, cigarettes and other dutiable goods in any Member State and take them to any other Member State for their own personal use. They pay excise duty in the country of purchase. If private citizens do not take the goods with them for personal use, but, for example, they are instead transported or sold by others, excise duty is levied in the country where the goods are consumed. In the case of mail-order sales or distance selling, excise duty is levied in the country of destination.

The harmonized excise duty system of the EU involves for example also general conditions for storage, movement and monitoring of excise goods in the Member States and regulations concerning excise duty rates and exemptions.

7.3 Transfer tax

Transfer tax is levied on the acquisition of both the legal and the beneficial ownership of real estate situated in the Netherlands (land, houses and the like). In most cases, a deed is drawn up on the transfer of the real estate by a civil law notary, who invoices the tax payable and remits it to the tax administration.

Transfer tax is charged at a rate of 2% on the market value of the real estate, or on the consideration if that is higher in case of private dwellings. A rate of 6% applies to other real estate. Consideration is taken to mean the compensation received or whatever has been stipulated by the party transferring the real estate.

7.4 Passenger cars and motorcycles

Tax on passenger cars and motorcycles is paid once at the time of registration or first use of the road in the Netherlands. If it the passenger car is new, the importer pays the tax on behalf of the buyer. A person importing a used passenger car or motorcycle must pay the tax himself.

Exemptions apply to specific groups of vehicles such as taxis, delivery vans of entrepreneurs and fire engines/ police vehicles. It is also possible to obtain tax exemption for passenger cars with a foreign registration subject to certain conditions.

7.5 Used cars and motorcycles

For used passenger cars and motorcycles the tax is reduced in line with the decrease in value of the vehicle. There are fixed percentages for this.

7.6 Tax on motors
People who have a passenger car, van, motorcycle or lorry registered in their name are subject to motor vehicle tax in respect of that vehicle. The tax liability is therefore linked to registration and not to use of the road.

7.7 Environmental taxes
Environmental taxes cover taxes on groundwater, tap water, waste, fuel and the energy tax.

7.8 Tax on groundwater
The groundwater tax is payable by companies that extract groundwater such as waterworks, farms, drainage contractors and manufacturing companies that use groundwater, e.g. as cooling water or processing water.

Exemptions include cases where only small amounts of groundwater are extracted, for emergency purposes, for watering and irrigation in the agricultural sector.

7.9 Tax on tap water
In the Netherlands tax is levied on tap water. A company or a person who obtains water via a water supply system, whether or not the water is of consumable quality, pays tax on an amount up to a maximum of 300 cubic meters per year, per connection. The tax is collected by the water company, which passes the tax to the tax authorities. There is an exemption for water supplied for emergency situations, for example fire extinguishing water.

7.10 Waste Tax
This tax is levied on waste that is landfilled. The waste processing centers are liable to pay the tax. They are obliged to pay tax according to the amount of waste they are offered for landfilling.

7.11 Fuel Tax
Fuel tax is mainly payable by producers and importers of coal. The tax is payable by persons who extract, produce or import coal and subsequently use it as fuel or supply them to others. No fuel tax is payable on coal used to generate electricity. Use other than as fuel is exempt.

7.12 Energy Tax
Energy tax is a tax levied on the consumption of energy (natural gas, other gases, electricity and certain mineral oils). Natural gas, other gases and electricity used for generating electricity are exempt from the energy tax.

The rates are linked to the amount of energy consumed, and there are reduced rates for higher consumption.

7.13 Import duty/customs duties
When companies import goods from countries that are not members of the European Union (EU), tax is levied on many of these goods. In this context the term ‘import duty’ is a generic name for the taxes imposed in connection with the EU. These taxes are collected by the customs services of the Member States and remitted to the EU. They constitute the Union’s own financial resources. As compensation, the Netherlands is permitted to retain 25% of these taxes.

Import duties are understood to be:

- Customs duties (which are duties from the Customs Tariff of the EU);
- Levies with a similar effect (including anti-dumping levies);
- Taxes in connection with the common agricultural policy.

The EU fixes the level of import duties. The goods to be imported are classified in the combined Nomenclature, which is a list of goods and tariffs. The EU has concluded agreements with a number of countries under which no import duty is levied, or it is levied at a lower rate.

If businesses in the EU can demonstrate that their branch is suffering damage because products similar to the ones they produce are being imported at prices below those charged in the country where the goods are produced, this practice will be deemed to be dumping. If such cases arise, the EU may levy an anti-dumping duty.

In addition to the aforementioned import duties, value added tax is levied on the import of goods into the Netherlands from third countries. Where appropriate, excise duty and environmental taxes are also levied.

Part 8: Social Security

With respect to social security the following contributions are included in the wage tax and are collected via the payroll of the employer:

- General Old Age Pension Act (“Algemene Ouderdoms Wet, AOW”). Under this act every resident is entitled to a basic old age pension upon reaching the age of 65.
- General Widows 'and Orphans' Benefits Act (“Algemene nabestandenwet, ANW”). Under this provision widows and orphans are entitled to an index linked pension.
- Other general benefits. A number of other benefits are available, including family allowances, cover for exceptional medical expenses and national assistance benefit which is available to those in need but not covered by the other schemes.

8.1 Employees’ social security schemes

The premiums for the employee social security schemes (“werknemersverzekeringen”) are collected separately from wage tax and are collected via the payroll of the employer.

8.2 Unemployment benefit ('Werkloosheidswet, WW")

In case of involuntary unemployment all employees are entitled to claim a benefit totalling 70% of their basic wage (up to a given maximum).

8.3 Sickness benefit ("Ziektewet, ZW")

Sickness benefit of 70% of the basic wage (up to a given maximum) is payable to employees who are unable to work as a result of sickness. In many cases, the employer will continue, voluntarily, to pay the employee his full wage, in which case he will receive a refund equal to the benefit which would have been payable.

After 104 weeks invalidity benefit becomes payable. The amount of benefit then payable depends on the degree of invalidity.

8.4 Disability benefit ("Wet werk en inkomen naar arbeidsvermogen; WIA”)

If an employee has been in receipt of sickness benefit for 104 weeks and is still unable to work, he is under certain conditions entitled to WIA payments of up to 70 % of his basic salary depending on the extent of the invalidity. These payments continue until the age of 65 unless the recipient recovers from his invalidity.

8.5 Health Insurance Act ("ZorgVerzekeringsWet, ZVW")

The ZVW stands for ”ZorgVerzekeringsWet”, which is translates to Health Insurance Act. This act covers / pays for (most of) the health care costs like the general practitioner, hospitals, etc..

All residents of the Netherlands are obliged to have a health insurance. It is a private health insurance with social conditions. Private health insurance companies operate the system; the insurers are obliged to accept every resident.

The insured person pays a nominal premium to the health insurer of about approximately € 1.300 per adult per year and the "bijdrage ZVW", which effectively is paid by the employer and is shown/stated on the pay slip each month (of course for those who do not have an A1).

Individuals and couples (living together or married) who's income respectively combined income is below a certain threshold get part of the contribution ("bijdrage ZVW" paid through the payroll / payslip) refunded from the tax authorities. This refund is called "Zorgtoeslag".

Health insurance: get it within 4 months of arrival!. Since this is rather unknown to some expats we warn you about our health insurance system. Everyone living or working in the Netherlands has to have a health care insurance within 4 months after starting to live and/or work in the Netherlands.

If you apply after 4 months a fine is due of 130% of the premiums that would have been payable to the insurer. You can obtain the basic insurance package from any insurer and the insurer cannot refuse to insure you. If you want, supplementary insurance is available. However, the insurer can refuse you supplementary insurance.

8.6 Pensions

The Dutch pension system consists of three pillars. The first comprises the basic state-guaranteed retirement pension plan for everyone in the Netherlands (AOW). The General Old Age Pension Act provides for compulsory insurance plan yielding a retirement pension for everyone aged 66 year and 4 months and over. Up to retirement everyone with a taxable income has to pay AOW contributions. Generally, everyone living in the Netherlands is insured, regardless of nationality.

The AOW pension is paid as a fixed amount per month. The amount is linked to the statutory net minimum wage, which is determined by law and applies to everyone working in the Netherlands.

Currently the retirement age is 66 years and 4 months, which will gradually increase to 67 years and 3 months in 2024. For each year a person lives in the Netherlands the person is entitled to 2% AOW pension. After living in the Netherlands for 50 years before retirement age, a person builds up full entitlement to Dutch AOW pension.

The second pillar comprises work-related supplementary pensions, which are the primary responsibility of the social partners. Supplementary pension plans are part of the terms of employment agreed in negotiations between social partners. Employers are not legally obliged to provide pension plans for their employees, but if they do so, the pension plans have to meet certain statutory requirements.

Tax legislation in the Netherlands makes contributions to supplementary pension plans tax-deductible, whereas the pension payments are taxed.

The third pillar of the Dutch pension system comprises individual pension plans (in Dutch "lijfrenten"). These should be taken out by an insurance provider and have nothing to do with the relationship between employees and employers.

Contacts and Links

For more information and questions regarding the 30%-ruling do not hesitate to contact us.

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