Income Tax Act 2001

(Text prevailing on: 16-10-2013)


We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc. etc. etc.

Allen, who shall see or hear these presents! Be it known:

So we have taken into consideration, it is desirable to broaden and strengthen the basis of the tax on income;

So it is, that we, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

Chapter 1. General provisions

Article 1.1. Income tax

Called income tax is a tax levied on individuals.

Article 1.2. Extension and restriction partner scheme

. 1 In addition to Article 5a of the General Law on State Taxes for the purposes of this Act and the provisions based among partner also mean those who live at the same address as the taxpayer is registered in the population registry and:

a. taxpayer from whose relationship with a child is born;

b. a child of the taxpayer has recognized or whose child has been recognized by the taxpayer;

c. for the purposes of a pension as a partner of the taxpayer has been notified;

d. together with the taxpayer has a property, other than temporarily as their main residence is on the basis of ownership, including beneficial ownership, or by virtue of a right of membership of a cooperative;

e. at which residential address is also a minor child of at least one of them is registered, except in cases where the taxpayer by means of a written lease, which additional conditions may be imposed by ministerial regulation does appear that either on business grounds a part of the house rents from the other, or

f. in the calendar year preceding the calendar year was already a partner of the taxpayer.

2. Whoever is classified as a partner under paragraph for part of the calendar year is also regarded as a partner in the other periods of the calendar year, if at the same home address as the taxpayer is he enrolled in those periods in the personal records database.

3. A person may at any time have only one partner. If more than one partner would have the taxpayer under paragraph at the time, as a partner of the taxable person who is regarded as a partner under Article 5a of the General Law on State Taxes at that time, allowed under Article 5a of the General Law on State Taxes at that time no person identified as a partner, as a partner is the one under the first category mentioned in the first paragraph shall be regarded as a partner.

. 4 Notwithstanding Article 5a of the General Law on State Taxes and the first paragraph shall not be regarded as a partner:

a. a relative in the first degree of the taxpayer, unless both at the beginning of the calendar year have reached the age of 27 years;

b. a person who is not a resident of the Netherlands and did not opt for resident taxpayer.

5. Persons who have been partners under subsection remain as partners considered after the tender referred to in that section at the same home address is no longer possible due to admission to a nursing or care home for medical reasons or age of any of them, long after the end of the registration at the same home address regarding neither a
third person is classified as a partner. The first sentence does not apply if either by means of a written notification to the inspector has announced that they will no longer be considered as partners. A ministerial regulation may set further rules for the implementation of this paragraph.

6. For the purposes of this Act and the provisions based on two unmarried persons who qualify under the preceding paragraphs and Article 5a of the General Law on State Taxes as each other's partners for the determination of affinity assimilated to spouses.

Article 1.3 [Repealed as of 01-01-2011]

Article 1.4. Foster child

For the purposes of this Act and the provisions based upon it under a child also means a foster child, also with regard to blood and affinity.

Article 1.5. Largely maintaining children

Rules may be laid on which to assess whether a ministerial regulation for the purposes of this Act and the provisions based child largely maintained.

Article 1.6. Power

For the purposes of this Act and the provisions based on the countries of the Kingdom of the Netherlands regarded as separate powers.

Article 1.6a. Life insurance

In this Act and the provisions based thereon shall mean a life insurance life insurance agreement referred to in Section 1:1 of the Act on Financial Supervision.

Article 1.7. Annuities and pensions

1. In this Act and the provisions based upon the purposes annuity:

   a. a claim under a contract of life insurance at fixed and equal periodic payments that end by death, the claim can not be bought, sold, given, or may serve, formally or in effect the object of security other than pursuant to Article 3126, first paragraph, section d, below 2 °, or for the benefit of deferral under Article 25, paragraph Collection Act 1990, as well as with such a claim related entitlement to profit distributions;

   b. a claim to the credit of an annuity savings account or the value of an annuity investment account (Article 3.126a), which claim can not be bought, sold, given, or may serve, formally or in effect the object of security other than under Article 3.126a, paragraph c, below 2 °, or for the benefit of deferral under Article 25, paragraph Collection Act 1990, as well as with such a claim related claim distributions.

2. of this Act and the provisions based upon the purpose scheme:

   a. a pension in accordance with the legal provisions of the income tax;

   b. a pension scheme to which participation is mandatory under the Act compulsory membership in a pension fund industry in 2000, the Law on Notaries or AMOPS;

   c. a scheme of another power, according to the tax laws of that country, which in nature and scope match the Dutch income tax or income tax, is considered a pension scheme;

   d. a pension of an international organization;

   e. a pension scheme referred to in Article 6A of the Act payroll tax BES.

3. Claims for periodic payments which the benefits are discussed and where the level of benefits has not been established, for the entire benefit period in monetary units are treated as claims on fixed and equal periodic payments if the claims and benefits meet set by ministerial regulation rules.

4. A claim to the credit of an annuity savings account or the value of an annuity investment account referred to in the first paragraph, under b, insofar as the relevant deposited amounts eligible, could be taken for the determination of the taxable income from work and housing, not exempt from execution.

Article 1.7a [Repealed as of 01-01-2011]
Article 1.7b [Repealed as of 01-01-2013]

Article 1.8. Mutual recognition

Where in this Act and the provisions based refers to Dutch regulations or statements of Dutch institutions are rules or statements of institutions in a Member State of the European Union, the nature and scope match former Dutch regulations or statements of Dutch institutions equivalent:

a. if regulatory provisions under the Treaty on European Union (Treaty Series 1992, 74) from which the agreement appears in nature and scope;

. b. in other cases where this is determined by ministerial regulation.

Article 1.9. Assimilation to personal records database

1. For the purposes of this Act and the provisions based on the personal records database with a corresponding equivalent in nature and scope matching records outside the Netherlands.

2. A ministerial regulation may set further rules for the situation where a person does not live in the Netherlands and is not registered in their nature and scope with the personal records database matching records outside the Netherlands.

Article 1.10 [Repealed as of 01-01-2004]

Chapter 2. Framework

Section 2.1. Taxpayers

Article 2.1. Taxpayers

1. Taxable income for the natural persons who:

a. living in the Netherlands (resident taxpayers) or

b. do not live in the Netherlands but enjoy Dutch income (foreign taxpayers).

2. Dutch income is income referred to in Chapter 7.

Article 2.2. Location Fiction

1. A person who ceases to reside in the Netherlands and within a year is going to live without having lived, now in another jurisdiction or the BES islands Netherlands then also considered to have lived in the Netherlands. during his absence The preceding sentence shall not apply if the person referred to demonstrate that he agreed in a Member State of the European Union or a body designated by ministerial regulation power which the Netherlands has a system of double taxation which provides for the exchange of information, as a resident is subject to taxation and the tax bases in that Member State or other jurisdiction are substantially equal to the tax bases referred to in Article 2.3. The first sentence shall not apply if the person referred to demonstrate that he is subject to the islands as a resident of the Income Tax Act BES BES.

. 2 A Dutchman who is employed is the State of the Netherlands, is always considered live if it is broadcast in Netherlands:

a. member of a diplomatic, consular or permanent representation of the Kingdom of the Netherlands abroad, or

b. to perform. activities within the framework of a treaty to which the State of the Netherlands is a party in another jurisdiction

3. If a Dutchman under the second paragraph is deemed to reside in the Netherlands, the partner and the children who are younger than 27 years and maintained by him, to a large extent also deemed to be resident in the Netherlands.

Section 2.2. Levy Principles

Article 2.3. Levy Principles
Income tax is levied on the received by the taxpayer during the calendar year:

a. taxable income from employment and home ownership;

b. taxable income from a substantial interest and

c. taxable income from savings and investments.

**Article 2.4. Terms tax bases**

1. the taxable income from employment and home ownership is determined:
   a. domestic for taxpayers: the rules of Chapter 3;
   b. for foreign taxpayers: according to the rules of Section 7.2.

2. The taxable income is determined from a substantial interest:
   a. domestic for taxpayers: according to the rules in Chapter 4;
   b. for foreign taxpayers: according to the rules of Section 7.3.

3. the taxable income from savings and investments is determined:
   a. domestic for taxpayers: the rules of Chapter 5;
   b. for foreign taxpayers: according to the rules of Section 7.4.

**Article 2.5. Right choice for foreign taxpayers**

1. the taxpayer who does not live throughout the calendar year in the Netherlands, and the foreign taxable person acting as a resident of another Member State of the European Union, the BES islands or a designated by ministerial regulation other power which the Netherlands has a system to prevent double taxation agreement which provides for the exchange of information, in the taxation of that Member State, the BES islands or power is involved, can choose to apply the rules of this law for resident taxpayers. For the purposes of this provision, evidence be prescribed by ministerial regulation. A person who is not subject to tax may choose to apply the rules of this law for domestic taxpayers if it is regarded as a result partner of a taxpayer. The personal allowance (Chapter 6) and the negative income from common items of income referred to in Article 2.17 be ignored provided that the partner in the taxation in the State of residence or the BES islands can be taken into account.

2. The choice does not apply to the application of Articles 3.60, 3.83, 3.136, 4.16, first paragraph, under h, 4.17 4.17a, 4.17b, 4.17c, 4.18, 4.25 and 9.2. Articles 7.2, eighth to twelfth member, and 7.5, seventh paragraph, continue to apply. In applying Articles 2.7, first and second paragraphs, and 8.1, part b, remains the phrase "after the application of measures to avoid double tax" out of consideration. Article 8.9, third paragraph, shall not apply.

3. If the taxpayer no longer opt for the application of the rules of this law for domestic taxpayers, in the last year preceding the first year of the taxpayer that is not, throughout the year living in the Netherlands, or the foreign taxpayer has not opted for the rules that apply to domestic taxable income plus an amount equal to the come in the last eight years at the expense of the negative income amounts that are not part of the Dutch income under Article 7.1 and negative amounts who is so but which include the right to tax under the tax treaty is not assigned to the Netherlands. The preceding sentence shall not apply with respect to negative amounts calendar years of domestic tax and the personal allowance referred to in Chapter 6.

4. In cases referred to in the third paragraph, the assessment for the year referred to in that paragraph is increased by the amount of the tax credit for loss from a substantial interest in the last eight years has been deducted from the tax on the taxable income from work and home or social security calculated national insurance contributions. according to Article 10 of the finance Act

5. by General Rules may be made for the reduction of tax and net of dividend tax for that portion of taxable income that does not belong to the Dutch income under Article 7.1, and that part that belongs to it but which the tax law under the tax treaty is not assigned to the Netherlands.

**Article 2.6. Right choice for experts recruited abroad**

For certain groups of employees Netherlands in employment are taken as referred to in Article 31a, second paragraph, section e, the Wage Tax Act 1964, rules can be set according to which an Order in Council, subject to certain conditions,
Section 2.3. Income tax

Article 2.7. Income tax; headline

1. The income on a calendar year as the aggregate amount of tax calculated on the calendar:
   a. taxable income from work and home;
   b. taxable income from a substantial interest and
   c. taxable income from savings and investments.

For taxpayers throughout the calendar year, or during the calendar year from their birth to their death or, under the rules of this law for domestic taxpayers fall, the aggregate amount calculated pursuant to the first sentence, after application of schemes avoidance of double taxation, reduced by the amount of the tax credit for the income tax (Article 8.3).

2. If the taxpayer is also liable for national insurance and social security calculated in accordance with Article 12, first paragraph, of the finance Act tax credit for contributions can not be deducted from the social security calculated in accordance with Article 10 of the finance Act premium for full national insurance, non deductible portion is reduced the amount of income tax, after application of measures to avoid double taxation, even with that.

Article 2.8. Income tax on ordinary deposits

1. Where the taxable income from work and home or preserve income taxable income from a substantial interest is included, the tax payable is provided that is levied by assessment the tax is calculated on taxable income, minus therein income to preserve understood.

2. If preserve income be considered positive income components that are taken under Articles 3.58, paragraph 3.64, paragraph 3.83, first or second paragraph, parts h or j, 3136, member, 3133, eligible first, second, third, fourth or fifth paragraph, 4.16, first paragraph, under h, 7.2, eighth paragraph, or 7.5, fourth, fifth or seventh paragraph.

3. On a request made to the declaration, the positive income that would be taken under Article 3.58, paragraph into account, in whole or in part as to preserve income considered.

4. At the request of the joint stakeholders as to preserve income considered the alienation benefit from a substantial interest because of a transition under matrimonial property on a non-resident Netherlands transferee or because of a breakdown of a marriage community to such a transferee within two years after the dissolution of the marital community, if the acquired shares or profit shares do not form part of the assets of a Dutch company driven accounted for under Article 7.2 and do not belong to him the result of an activity in the Netherlands.

5. At the request of the joint stakeholders as to preserve income deemed it indicated in the second part of the sentence alienation benefit from a substantial interest because of a transfer by inheritance under universal title or by particular title on a natural person not residing in the Netherlands. If income is considered to preserve the portion that exceeds the alienation advantage would be taken if the natural person referred to in the first sentence would have lived at the time of transition in the Netherlands. Eligible under Article 4.17a

6. At the request of the joint stakeholders as to preserve income deemed it indicated in the second sentence part of the alienation benefit from a substantial interest because of a division of an estate to a natural person who is not resident in the Netherlands within two years after the death of the testator. If income is considered to preserve the portion that exceeds the alienation advantage would be taken if the natural person referred to in the first sentence would have lived at the time of distribution in the Netherlands. Eligible under Article 4.17b

7. At the request of the joint stakeholders as to preserve the income deemed indicated in the second part of the sentence alienation benefit from a substantial interest because of a disposition to a natural person who is not resident in the Netherlands and the alienation article found. 4:22 purposes If income is considered to preserve the portion that exceeds the alienation advantage would be taken if the natural person referred to in the first sentence would have lived at the time of alienation in the Netherlands. Eligible under Article 4.17c

Article 2.9. Tax payable on protective assessment

1. preserve the income tax payable on the amount to some 2.7 load reduced by the amount determined in accordance
with Article 2.8 of tax, provided that the minimum tax is set at the amount of tax that would be due if the Article to preserve income would be the only income.

2. If a determined under Article 2.8 tax bill is reduced, otherwise than pursuant losses, and this reduction affects the tax payable to conserve income, the inspector the relevant tax assessment is in accordance with eligible for objection.

**Article 2.10. Rate taxable income from work and home**

The tax on the taxable income from employment and home ownership (section 3.1 or section 7.2) is determined according to the following table.

<table>
<thead>
<tr>
<th>When a taxable income from employment and home of more than</th>
<th>but not more than</th>
<th>the tax is the amount specified in column III, plus the amount that is calculated by taking the part of the taxable income from work and home that the amount specified in column I exceed the percentage indicated in column IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>€19,645</td>
<td>€1,149</td>
<td>10.85%</td>
</tr>
<tr>
<td>€33,363</td>
<td>€2,637</td>
<td>42%</td>
</tr>
<tr>
<td>€55,991</td>
<td>-</td>
<td>€12,140</td>
</tr>
</tbody>
</table>

**Article 2.10a. Rate taxable income from work and home for taxpayers born before January 1, 1946**

Notwithstanding Article 2.10 for the taxpayer who was born before January 1, 1946 the tax on taxable income from employment and home ownership (section 3.1 or section 7.2) determined on the basis of the following table.

<table>
<thead>
<tr>
<th>When a taxable income from employment and home of more than</th>
<th>but not more than</th>
<th>the tax is the amount specified in column III, plus the amount that is calculated by taking the part of the taxable income from work and home that the amount specified in column I exceed the percentage indicated in column IV</th>
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<td>€2,658</td>
<td>42%</td>
</tr>
<tr>
<td>€55,991</td>
<td>-</td>
<td>€12,081</td>
</tr>
</tbody>
</table>

**Article 2.11. Exceeding maximum pension**

For the taxpayer does not pay for the general old-age insurance payable under Article 10 of the Social Insurance Financing Act, the tax payable on benefits or amounts that would be paid as provided for in Article 18a, paragraph nine of the Wage Tax Act 1964, set at the sum of the tax and the premium for the basic old-age insurance under the finance Act social security would be by a person called the premium for the basic old-age insurance is due and otherwise in the same situation as the taxpayer. payable thereon.

**Article 2.11a. Offsetting tax reduction for loss from a substantial interest**

1. The tax on the taxable income from work and home after the arrangements for the prevention of double taxation are applied, is reduced on the basis of Article 4:53 a tax reduction is not yet taken into account for the loss of substantial interest. The tax referred to in the first sentence on the taxable income from employment and home ownership is determined without regard to preserve income.
2. For the purposes of this Article, if, under Article 9.1, third paragraph, the collection of the tax and national insurance contributions made by way of an attack, under load also includes the premium to understand that assessment for national insurance.

3. the reduction of the tax on the taxable income from employment and home ownership occurs at eligible for objection to the inspector.

4. Inspectors, the decision simultaneously with the determination of the assessment for the year in which the tax credit for loss of substantial interest is calculated.

5. The amount of settled tax credit for loss of substantial interest is reported separately on the tax bill.

6. Appeal against the decision can only relate to the application of Article 4:53, and, if no tax is due to the size of the offset amount.

**Article 2.12. Rate taxable income from a substantial interest**

The tax on the taxable income from a substantial interest (section 4.1 or section 7.3) is 25%.

**Article 2.13. Rate taxable income from savings and investments**

The tax on the taxable income from savings and investments (section 5.1 or section 7.4) is 30%.

**Section 2.4. Allocation Rules**

**Article 2.14. Allocation between and within the taxable income**

1. If a benefit under more than one chapter, section or paragraph as a component, whether or not exempted from any of the taxable income could be considered the benefit solely on the basis of the first chapter or recorded as first recorded division or section identified as part of the relevant taxable income.

2. Where income assets, whether or not exempted from work and home or generate substantial interest, they are not taken into account for the determination of the taxable income from savings and investments.

3. In departure from the first and second paragraph:
   a. debt for which the interest on the basis of a specific provision in Chapter 3 or 4 of deduction are excluded and debts incurred in connection with a private dwelling, but do not belong to the home acquisition debt referred to in Article 3.119a, in taken into account in determining the taxable income from savings and investments;
   b. assets, or parts thereof, for a period of not more than three consecutive months income from work and home or generate substantial interest, and prior and subsequent income from savings and investments generate also taken into account in determining the taxable income from savings and investments during this period if the reference date is set in accordance with Article 5.2;
   c. assets, or parts thereof, for a period of more than three consecutive months, but no more than six consecutive months income from work and home or generate substantial interest, and prior and subsequent income from savings and investments generate also taken into account in determining the taxable income from savings and investments during this period if the reference date is set as defined in Article 5.2, unless the taxpayer demonstrates that business considerations underlie his actions;
   d. an employer who connected to the taxable person referred to in Article 3.91, of which the taxpayer or a person related to him as referred to in Article 3.92 has a substantial interest as referred to in Chapter 4, with the exception of Articles 4.10 and 4.11 receive fees in respect of costs and expenses associated with work on behalf of himself not taken into account in his home, in determining the taxable income, but in determining the taxable income from other activities and that workspace included in the assets of that activity, if the workspace to a common opinion separate part of the house and forms:
      1º. if the taxpayer also a workspace outside the home has available, he primarily acquires its taxable income in the workspace in the home, or
      2º. if the taxpayer also has a workspace outside the house is not available, he primarily acquires its taxable income in or from the workplace to home and acquires a large extent in the workspace in that house.

4. With regard to the third paragraph, section d, Article 3:16, paragraph twelve, mutatis mutandis.
Article 2.14a. Allocation separated private assets

1. For the purposes of this Act and the provisions based on the assets and liabilities and revenues and expenses of a secluded private funds referred to in the second paragraph, deemed the person who capacity in life or at death has separated into its to belong respectively to stand (allocation). possession After the death of the person referred to in the first sentence, the assets and liabilities and revenues and expenses of a secluded private funds referred to in the second paragraph, attributed to his heirs, each heir in the same proportion as he transforee by inheritance of the deceased. From the moment the heir referred to in the preceding sentence is deceased, his heirs act and subsequent heirs in the place of the deceased heir, an heir in the same proportion as he is heir to the deceased heir which it replaces.

2. For the purposes of this Article and the provisions based means not covered by a separated private assets, a social interest looking after setting: an isolated power which more than incidental to a private interest is contemplated, unless opposite the seclusion of this power:

a. an issue of shares, participation certificates, membership rights, certificates of participation or similar rights has occurred, or

b. part an economic entitlement arose.

3. For the purposes of this article and the ensuing provisions, the isolation of power means

a. the free or under in society unusual conditions in law or in fact, separate assets directly or indirectly in a secluded private equity;

b. the law or in fact, directly or indirectly, dispose of assets to a separated private assets which more than incidental to a private interest aims of the transferor, his spouse or any of his relatives by blood or marriage in the straight line or up to the fourth degree of kinship.

4. For the purposes of this article and the ensuing provisions, an heir also means a person who is disinherited and or law of the separated private assets or whose spouse or blood relative or beneficiary in fact, directly or indirectly, marriage in the direct line, in fact, directly or indirectly, of the separated private assets beneficiary.

5. Notwithstanding the first paragraph, the assets and liabilities and revenues and expenses of a secluded private attributed to a person legally or in fact, directly or indirectly, the beneficiary of the separated private assets if the person who has the ability has separated, his partner and his heirs not to determine. Where there are more beneficiaries, is in proportion to the degree of favoring the allocation to the beneficiaries instead.

6. The first paragraph, second and third sentences shall not apply with respect to an heir, if it appears that this individual and his partner are not legally or from the separated private assets and the same beneficiary in fact, directly or indirectly, can not be. If the first sentence is applicable, the assets and liabilities and the income and expenditure of the separated private assets allocated to the other heirs in the same proportion as they acquirers would have been the heir to the exclusion referred to in the first sentence. Inheritances The allocation referred to in the first paragraph, second and third sentences shall not apply in the event that the succession under testamentary disposition is predominantly aimed at avoiding or deferring all or part of the first paragraph, second and third sentences allocation provided.

7. Among the assets and liabilities and revenues and expenses referred to in the first paragraph does not include the assets and liabilities and revenues and expenses for which the separated private assets is involved in a tax on profits which results in to Dutch notions of fair taxation, the separated private assets is deemed to float using its assets a business.

8. A ministerial regulation may set further rules concerning the allocation referred to in this article.

Article 2.15. Allocation of income, dividend yield basis and levied a minor child

1. For the purposes of this Act, except where the application of Article 2:16, it does not take into account the legal usufruct of the property of a minor child.

2. The taxable income from other activities referred to in Articles 3.91, first paragraph, points a and b, and third paragraph, and 3.92, the taxable income from home ownership, the taxable income from a substantial interest, the yield basis for taxable income from savings and investments and the dividend under Article 9.2 corresponding set as eligible tax levied, a minor child be attributed to the parent with custody of the child.
3. With the parent with custody of the child, if not also carries another parent has custody, equated the parent of parental authority is exempt under Article 266 of Book 1 of the Civil Code.

4. If custody of the child to more than one parent accrues the income items referred to in the second paragraph, yield basis and dividend tax levied apportioned equally to each of them.

**Article 2.16. Story Right**

1. The taxpayer to whom income components of a child are allocated and that it does not have the usufruct, has story on that child for a portion of the income tax payable by him, provided that they are met.

2. The fraction referred to in the first paragraph shall be made on a pro rata portion of the tax due, in the proportion which the taxable income from home ownership, income from a substantial interest or taxable income from savings and investments of that child that the determination of the tax liability was taken into account, to the income from work and home, the income from a substantial interest, respectively, the taxable income from savings and investments that led. to the tax

3. preserve Where the taxable income from employment and home of the taxable income from a substantial interest income is included, the part referred to in paragraph determined by analogy with Articles 2.8, paragraph, and 2.9.

4. From the first paragraph may be waived by agreement.

**Article 2.17. Allocation of income, the components of yield basis, levied and dividend discount for green investments of the taxpayer and his partner**

1. Components income of the taxpayer and his spouse are taken into account in person by whom the income components are received or to whom these pressures. Components of the yield basis of the taxpayer and his partner are taken by the person in whose possession such items properly into account.

2. Communal income components, save the joint basis and investments referred to in Section 5.2, second paragraph, and the dividend under Article 9.2 as taking tax into account levied, the taxpayer and his partner are supposed to come with them belonging respectively to be taken in the relationship they choose when doing tax return each year. qualify as tax to their own The discount for green investments referred to in Article 8.19, the taxpayer and his spouse shall be deemed to arise in the relationship on the basis of this Article shall apply save for the joint basis and invest with them. If saving and investing the joint basis of the taxpayer and his partner nil, the discount will be taken into account when the person with the highest aggregate income. If the aggregate income of the taxpayer and the aggregate income of his partner are equal and joint basis and save the investment of the taxpayer and his partner nil, the discount will be taken into account at one with the highest age.

3. A common income component is considered by the taxpayer and his partner for the half to come save the joint basis and investing is considered by the taxpayer and his partner for half of their property to belong and the dividend tax levied shall be deemed in any be levied if they have no relationship chosen. before the half

4. ‘s a common income component for the joint basis savings and investments or established for the dividend tax levied relationship can be changed up to the moment the attack, additional assessment, protective assessment or conservative recovery attack jointly by the taxpayer and his partner the taxpayer and his partner, irrevocably fixed. Notwithstanding the first sentence, the taxpayer and his partner still change the established relationship where an attack referred to in the first sentence because that statement is irrevocably established. To six weeks after a ruling by the Supreme Court

5. If the taxpayer throughout the calendar year has the same partner, joint income components:
   a. taxable income from house;
   b. income from a substantial interest before reduction of the personal allowance;
   c. the personal allowance.

6. If a personal allowance of a taxpayer being taken into account by his partner, a deduction related to that negative personal allowance also taken into account in the partner, so that person can still qualify as a partner of the taxpayer.

7. If the taxpayer during part of the calendar has a partner is deemed to have had the entire calendar year if they choose to do with that partner. partner who for the purposes of this Article The choice is made when requests for the provisional refund or return. The first sentence shall not apply if the taxpayer or his partner as a result of emigration
or immigration throughout the calendar year is a resident taxpayer and not opt for the application of Article 2.5.

8. Notwithstanding paragraph and Article 5.2, second paragraph, the second to the fourth paragraph also applies to the taxpayer and his partner, referred to in the seventh paragraph, third sentence, the period in which they both domestic taxpayer, provided that the period of resident taxpayer begins and ends simultaneously. For the purposes of Chapter 5, the taxpayer and his partner, referred to in the first sentence, the calendar year shall be deemed to have had the same. Partner

9. Where a choice to change the relationship referred to in the fourth paragraph should lead to a reduction of an already irrevocably fixed deposits made, the inspector within six weeks of receipt of the notification of that choice when eligible for objection. Appeal against the decision can only relate to the application of the fourth paragraph. A decision as referred to in the first sentence provides no basis for the re-application of the fourth paragraph.

Section 2.5. Total income

Article 2.18. Total income

Total income is the aggregate amount of:

a. income from work and home;

b. income from a substantial interest and

c. taxable income from savings and investments, less understood it to preserve income

Chapter 3. Tax basis at work and home

Section 3.1. Taxable income from work and home

Article 3.1. Taxable income from work and home

1. Taxable income from work and home is the income from work and home minus the deductible losses from work and home (Section 3.13).

. 2 Income from work and home is the aggregate amount of:

a. taxable income from business (section 3.2);

b. taxable wages (section 3.3);

c. taxable income from other activities (section 3.4);

d. taxable periodic payments and benefits (section 3.5);

e. taxable income from house (section 3.6);

f. negative expenses for income provisions (section 3.8) and

g. negative personal allowance (section 3.9); reduced by:

h. the deduction for little or no home acquisition debt (Section 3.6a);

i. expenditure on income insurance (section 3.7) and

j the personal allowance (Chapter 6).

Section 3.2. Taxable income from business

Section 3.2.1. Taxable income from business

Article 3.2. Taxable income from business

Taxable income from business is the aggregate amount of the profit that the taxpayer and entrepreneur enjoys one or more undertakings (section 3.2.2) minus the business deduction (Section 3.2.4) and the SME profit exemption (section 3.2.5).
**Article 3.3. Expansion understanding taxable income from business**

. 1 Taxable income from business is also:
   a. profit to the taxpayer, other than as an entrepreneur or a shareholder, as a co-owner of the assets of an undertaking benefits from one or more undertakings (Section 3.2.2);
   b. the amount of joint benefits that the taxpayer is entitled by virtue of a claim on behalf of a business accounted for a driven company, if there is any circumstance referred to in the third paragraph.

2. For the purposes of the first paragraph, under a, requires the co-entitlement does not extend to any liquidation balance.

. 3 A circumstance referred to in the first paragraph, point b, is:
   a. the debt is incurred under such conditions that it actually functions as assets of the undertaking referred to in that section or
   b. reimbursement on the claim at the time of entering into the claim set that this law - or in fact - viewed over the entire duration largely depends on the profits of the undertaking referred to in that section.

. 4 The first paragraph, subsection b, is - in derogation from Article 2.14 - do not apply to benefits under a claim that also could be regarded as taxable income from other activities.

5. If the conditions under which a claim is entered subsequently be amended, for the purposes of the third paragraph of the claim at the time of changing the conditions to be entered again.

6. The benefits referred to in the first paragraph, point b, be determined as if the claim constitutes an undertaking.

**Article 3.4. Understanding entrepreneur**

In this section and the provisions based upon the purposes of entrepreneur : the taxpayer on whose behalf a company driven and connected directly to commitments relating to that company.

**Article 3.5. Independent Occupations**

. 1 of this section and the provisions based thereon shall also mean business: the independent occupation.

. 2 of this section and the provisions based thereon shall also mean business: the practitioner of independent personal services.

**Article 3.6. Understanding hour criterion**

. 1 of this section and the provisions based upon the purposes hours criterion : spending during the calendar year of at least 1225 hours of work for one or more undertakings which the taxpayer as entrepreneur enjoys profit, if:
   a. time which in total is spent on such firms and the performance of work within the meaning of Sections 3.3 and 3.4, is largely devoted to those companies or
   b. the entrepreneur was not an entrepreneur in one or more of the five preceding calendar years.

. 2 For the purposes of the first paragraph, heading, are not eligible work for a company in which the taxpayer as an entrepreneur enjoys profit and that is part of a partnership with one or more persons associated with him, if:
   a. work on behalf of the partnership carried out by the taxpayer primarily of supportive nature and it is unusual that such cooperation between unrelated individuals is entered into, or
   b. the partnership related to a company which is a related to the taxable person enjoys as a business profit, but not the taxpayer.

. 3 For the purposes of this Article, shall mean persons connected with the taxpayer:
   a. people who belong to the household of the taxpayer and
   b. blood or marriage in the direct line or persons belonging to their household.
4. Under a partnership that is related to a company which is a related to the taxable person enjoys as a business profit also includes a partnership that is related to a body in which the taxpayer or a person related to a direct or indirect material interest in the defined in Section 4.3 of this law.

5. If the work referred to in the first paragraph may be interrupted due to pregnancy of the taxpayer, these hours during the period corresponding to the maternity leave as it applies to workers, to determine the number of worked deemed not to have been interrupted.

Article 3.7 [Repealed as of 01-01-2003]

Section 3.2.2. Profits from a company

Article 3.8. Profit

Profits from a company (profit) is the amount of shared benefits, under whatever name and in whatever form, be obtained from a company.

Article 3.9. Maximum loss

1. the extent that the gain of the taxpayer referred to in section 3.3 in the year prior to application of this paragraph, together with the profit of all preceding years in which that article was applicable to him, is negative and in absolute terms exceeds the the amount referred to in the second paragraph, the difference in favor of the profit for the year charged.

2. The amount referred to in paragraph relates to the carrying amount of the assets of the company at the time of article 3.3 was first on the taxpayer applicable, reduced by the amount of the reserves referred to in Section 3:53, at that time. If after the time referred to in the first sentence is deposited into or withdrawn from the company, the outcome of the first sentence plus the value of the deposit at the time of the deposit, less any value of that withdrawal by the taxpayer the time of that departure.

3. Which under the first paragraph for the benefit of the profit for the year has been, is charged to the profit of the following year if Article 3.3 at the beginning of the following year to the taxpayer applies.

Article 3.10. Losses from the start-up phase of a business

A ministerial regulation may be laid down under which, under set conditions, the operator in determining the profit the balance remaining costs and expenses can deduct that are made in the five years immediately preceding the first calendar year as entrepreneur, related to the launch of the company and can not be charged to the taxable income from work and home or could be.

Article 3.11. Exemption for forestry

1. Among the non-profit benefits from forestry.

2. A taxpayer engaged in the forestry, may request the inspector to the first paragraph on him not to apply. In compliance with the request that is valid until further notice by the taxpayer but at least ten years. A subsequent request until ten years after the first paragraph again became applicable, are met. The inspector decides on the request by eligible for objection.

3. the value of the assets belonging to the forest enterprise is at the time from which the first paragraph no longer applies and at the time immediately preceding that to which the first paragraph again applies, set to the value in the economic traffic.

4. The benefits derived to the time from which the paragraph again applies, can be set under in general administrative conditions be ignored. immediately prior

Article 3.12. Agricultural Exemption
1 Until the profit does not include income from farm in respect of value of land - including the foundation of buildings - where the change in value of the land is attributable to the development of the value in economic transactions with continued use of the land under a farm, and not originated in the course of business.

2 For the purposes of this Article, farm means a company that is focused on the production of products of agriculture, of grassland farming or horticulture - including fruit and growing trees, flowers, bulbs and mushrooms - or in the context of livestock breeding, fattening or keeping animals. Be equated with farm inland fisheries and aquaculture.

Article 3.12a [Repealed as of 01-07-2007]

Article 3.13. Other exemptions

1 Among the non-profit
   a benefits obtained by the disclosure of which is not open for creation rights by creditors, to the extent the benefits the sum of the loss from work and home that might otherwise have been incurred and the losses to be offset in accordance with Section 3:13 surpass past, with abandonment of not for achieving susceptible rights shall be treated as not a claim under Article 358 of the Bankruptcy enforceable;
   b benefits consisting of claims based on a pension and cause as wages to be regarded pension installments or consist exclusively or almost exclusively of rights on taxable periodic payments and benefits;
   c advantages consisting of claims for benefits under the Income Provision Act Older or Partially Disabled Formerly self-employed or a business termination of an organization constituted by one or more of Our Ministers foundation to promote the development and reorganization within the business, to the extent who claims consist of rights to taxable periodic payments and benefits and are awarded in respect of the termination of the company only;
   d benefits consisting of benefits and entitlements to benefits under the Disability Insurance Act self-employed;
   e benefits under a foreign regime, the nature and scope corresponds to an arrangement referred to in subparagraphs c and d;
   f benefits from a strike;
   g part be determined by the Minister after consultation with the Minister of Economic Affairs, Agriculture and Innovation by ministerial regulation, including, the whole, the benefits pursuant to this ministerial regulation appropriate arrangements for the development and conservation of forest and natural and appropriate agreements anticipate that arrangement;
   h benefits that are taken on the basis of section 32AB, first paragraph, of the Wage Tax Act 1964 as final levy ingredient eligible provided the taxpayer keeps the written notice referred to therein in his administration;
   i advantages enjoyed under to be designated by the Minister in accordance with the Minister of Infrastructure and the Environment by ministerial regulation mobility projects held within the framework of the project Paying differently for mobility or held under the Better Utilization program, and
   j benefits enjoyed under Article 23 of the Youth Care Act.

2 On the benefits referred to in the first paragraph, section d, and benefits under a foreign regime, the nature and scope corresponds to an arrangement referred to in that subsection, Article 2.14, paragraph does not apply.

Article 3.14. Deduction of general expenses excluded

1 In determining the profits come not deduct costs and expenses related to the following items:
   a conduct of a certain state;
   b vessels used for representative purposes;
   c fines imposed by a Dutch criminal court and sums of money paid to the State to avoid criminal prosecution in the Netherlands or to comply with a condition attached to a decision to grant Clemency, administrative penalties, fines based on regulated by law disciplinary fines imposed by a institution of the European Union, as well as costs referred to in Article 234, fifth paragraph, and Article 235, third paragraph, of the Municipalities;
   d offenses in respect of which the taxpayer has been convicted by a Dutch court for final judgment including the crimes involved in determining the amount of the penalty and for which the prosecution has stated that it will refrain from taking action;
. e  crimes in respect of which a punishment has become final;
. f  weapons and ammunition, unless the matter recognition, consent, license, permission or exemption has been granted under the Arms and ammunition;
. g  animals under a final administrative or criminal action in connection with aggression may not be retained, and
. h  gifts, promises or services if it appears that there is a criminal offense under Article 126, paragraph 177, 177a, 178, 178a, 328ter, paragraph, or 328quater, second paragraph, of the Penal Code.

2. The first paragraph, subparagraph b, shall not apply where the company is directly focused on the manufacture or marketing of vessels used for representative purposes, or the provision of services related to such vessels and vessels respectively services form part of the turnover.

3. Under administrative penalty referred to in the first paragraph, under c, is defined as a set by a Dutch administrative decision by unconditional obligation to pay a sum of money, which is aimed at punishing those who conduct contrary to the provisions of commits or under any statutory provision or co commits.

. 4 : The costs referred to in the first paragraph, sections d and e, and charges are not part
   a  satisfaction objects to the State a sum of money or transfer of seized, in whole or in part deprivation of illegally obtained benefits and
   b  compensation for damage caused by the crime.

5. Where costs and expenses related to a crime in determining the profits are taken into account in any of the five years preceding the year in which the conviction referred to in the first paragraph, section d, became final , or where the conditions referred to in the first paragraph, section e, is satisfied, the amount equal to the sum of those costs among the positive benefits of the business profits of the latter year.

6. For the purposes of the first paragraph, sections d and e, the taxpayer is treated as one for the taxpayer has ordered the crime data. crime or to the de facto leadership

. 7 In determining the profits come partly not deduct:
   a  dividend tax and gaming tax levied;
   b  tax levied, if therefrom a scheme to avoid double taxation applies to the taxpayer. outside the Netherlands in any form to the components of profit or the profit

Article 3.15. In less overheads limited

. 1 In determining the profits, without prejudice to Article 3.14, an amount of € 4,400 not deduct costs and expenses related to the following items:
   a  food, beverage and tobacco;
   b  representation, including receptions, celebrations and entertainment and
   c  conferences, seminars, symposia, excursions, study trips and the like.

2. Among the items referred to in the first paragraph also refers to the relevant travel and stay relevant.

3. the first paragraph does not apply to the items referred to in that paragraph where the company is directly focused on the manufacture or marketing of goods belonging to those items, or the provision of services related to those items and those items part of sales.

4. become Regarding the costs and expenses covered by the first paragraph, no withdrawals are taken into account in derogation of Article 3.8 in respect of the taxpayer.

5. If the taxpayer so choose in the declaration, shall, notwithstanding paragraph, costs and expenses related to the items referred to in that paragraph, to 73.5% in net.

6. For the purposes of the first, second and fifth paragraphs, costs and expenses related to the private assets of the taxpayer belonging or rented by him in private transport, first limited to € 0.19 per kilometer.

7. For the purposes of the sixth paragraph with the equivalent taxable persons belonging to his household.
Article 3.16. Deduction of excluded costs for the taxpayer

1. In determining the profits are also not cost as deductions and expenses related to a workspace, the device including, for the benefit of the taxpayer in not belonging to his business assets Property, unless the workspace a to common opinion independently part of the house and is:
   a. case he has also made available a workspace outside the home, in the workplace, he acquires the aggregate amount of its profits from one or more undertakings, taxable income and taxable income from other activities primarily in the home, or
   b. if he has not also a workspace outside the house available, he aggregate amount of his income from one or more undertakings, taxable income and taxable income from other activities primarily acquires in or from the workplace to home and significantly acquires in the workplace that house.

2. In determining the profits are also not deduct costs and expenses for the taxpayer related to the following items:
   a. telephone subscriptions relating to telephone in his living room;
   b. literature, with the exception of specialist literature;
   c. clothes, except for clothing;
   d. personal care;
   e. levied income-related contributions referred to in Article 43 of the Health Insurance Act, or a foreign scheme in nature and scope and thus corresponds
   f. traveling and staying connected with courses and programs for study and profession, and in connection with conferences, seminars, symposia, excursions, study trips and the like, provided they exceed € 1,500.

3. In determining the profits are also not cost as deductions and expenses associated with belonging to the private assets of the taxpayer or in private rented him musical instruments, sound equipment, tools, computers and other such equipment and imaging equipment.

4. In determining the profits are also not deduct costs and expenses related to compensation for labor by the partner of the taxpayer, if the fee is less than € 5,000.

5. For the purposes of paragraph c, is regarded as working clothes clothing if they:
   a. exclusively or almost exclusively suitable to be worn as part of the company or
   b. features such appearance that it shows that it is intended to be worn. upon achievement of earnings only

6. A ministerial regulation may be laid down to determine when the conditions laid down in those parts have been met. the fifth paragraphs a and b,

7. Paragraph, parts c and d, does not apply in respect of the taxable person acting as an artist or as a presenter or as a branch of professional sport.

8. The second paragraph, item f, does not apply if the nature of the work performed by the taxpayer necessitates attending relevant courses, training courses, conferences, seminars, symposia, excursions and the like respectively making the relevant study .

9. In determining the profits are also not deduct:
   a. levied tax and national insurance contributions;
   b. foreign insurance premiums, the nature and scope match the contributions, unless the taxpayer is liable for national insurance.

10. In determining the profits furthermore also not deduct interest on debts, costs of loans including that correspond to money claims referred to in Article 5.4, first paragraph.

11. For the purposes of this Article, the equivalent taxable persons belonging to his household.

12. For the purposes of this Article, the property also means a sustainable tied to one place boat or caravan as defined in Article 1, paragraph f, of the Housing and the appurtenances of a ship or caravan.
Article 3.17. In deduction limited costs for the taxpayer

1. In determining the profits come, without prejudice to Articles 3.14, 3.15, and 3.16, costs and expenses related to the following items, to the items specified in that section as deductions:
   a  benefit of the taxpayer:
      1 °. moving to a new home: the cost of transferring its contents, plus € 7,750;
      2 °. accommodation outside his residence: for a maximum of two years;
   b  to the private assets of the taxpayer belonging or in private rented by him transport: € 0.19 per kilometer;
   c  belonging to the private assets of the taxpayer or rented by him in private property, other than vehicles referred to in subparagraph b:
      1 °. if the assets to the private assets include: a user fee not exceeding the income from savings and investments that in respect of these assets is taken, without taking into account the tax-free allowance referred to in Article 5.5, which can qualify attributable to the period of use of the asset in the company, as well as a proportionate share of the costs in rent ratios tend to be borne by the lessee;
      2 °. if the property privately hired: a usage of up to a proportion of the rent attributable to the period of use of the asset in the company, as well as a proportionate share of the costs in rent ratios by the tenants tend to be worn.

2. For the purposes of the first paragraph, under a, under 1 °, may be laid down for determining whether at least in the context of the enterprise is moved by ministerial regulation.

3. If a taxpayer has more than one business or activity referred to in Section 3.4 respectively achieves profit result, the costs and expenses of the items referred to in the first paragraph, under a jointly taken into account in an enterprise or activity.

4. For the purposes of this article, except the first paragraph, under c, are taxable persons treated as belonging to his household.

Article 3.18 [Repealed as of 01-01-2004]

Article 3.19. Addition personal use property

1. In determining the profits in respect of a property that the taxpayer or persons belonging to his household, other than temporarily as a principal residence is available, the value of the deduction made from the amount in the second paragraph.

2. The withdrawal is in a house of:

<table>
<thead>
<tr>
<th>above but not more than</th>
<th>annualized</th>
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<tbody>
<tr>
<td>€ 12,500</td>
<td>0.85% of this value,</td>
</tr>
<tr>
<td>€ 25,000</td>
<td>1.05% of this value,</td>
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<td>€ 50,000</td>
<td>1.20% of this value,</td>
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<tr>
<td>€ 75,000</td>
<td>1.30% of this value,</td>
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<tr>
<td>€ 1,040,000</td>
<td>1.50% of this value,</td>
</tr>
<tr>
<td>€ 1,040,000</td>
<td>- € 15,900 plus 1.90% of the house value insofar as it exceeds € 1,040,000</td>
</tr>
</tbody>
</table>

3. The house is the value determined in accordance with Chapter IV of the Property Valuation Act for that property or assets for the calendar year of the withdrawal. If a property is part of a property referred to in Article 16 of the Property Valuation Act, the house made on the part of the value of the property attributable to that property.

4. If in respect of a dwelling paragraph may find the lack of an established pursuant to Chapter IV of the Property Valuation Act value, no application is the house the value of the property determined by analogy with the provisions by or under Articles 16 to 18 and 20, second paragraph, of the Act and of the third paragraph, second sentence.
For the purposes of this Article:

a. is under house also means a sustainable tied to one place ship or caravan as defined in Article 1, paragraph f, of the Housing;

b. remains under house includes a workspace whose costs and expenses, if that workspace would not belong, would not come. deduct under Article 3:16, first paragraph, of the business assets.

**Article 3.20. Addition private car use**

1. If the taxpayer also for private use of a company car is on, at least on an annual basis:

a. 25% of the value of the car as withdrawal into account if the car more than 15 years ago for the first time use is not taken;

b. 35% of the value of the car as withdrawal into account if the car more than 15 years ago for the first time into use.

The car is in any case be deemed to be also available for private purposes unless it appears that the car is used on an annual basis. For no more than 500 kilometers for private purposes.

2. If the car is powered by a compression ignition engine, the withdrawal referred to in the first paragraph, first sentence, income reduced by:

a. 11% of the value of the car if the CO₂ emissions does not exceed 88 grams per kilometer, and

b. 5% of the value of the car if the CO₂ emissions is greater than 88 grams per kilometer, but does not exceed 112 grams per kilometer.

Notwithstanding the first sentence, the withdrawal referred to in the first paragraph, first sentence, until January 1, 2014 on an annual basis reduced by 25% of the value of the car if the CO₂ emissions does not exceed 50 grams per kilometer.

3. If the car is powered by a compression ignition engine, the withdrawal referred to in the first paragraph, first sentence, income reduced by:

a. 11% of the value of the car if the CO₂ emissions does not exceed 95 grams per kilometer, and

b. 5% of the value of the car if the CO₂ emission is higher than 95 grams per kilometer, but does not exceed 124 grams per kilometer.

Notwithstanding the first sentence, the withdrawal referred to in the first paragraph, first sentence, until January 1, 2014 on an annual basis reduced by 25% of the value of the car if the CO₂ emissions does not exceed 50 grams per kilometer.

4. Where a kilometer or otherwise indicate that the car is used on an annual basis, for no more than 500 kilometers for private purposes, the withdrawal set to nil.

5. For the purposes of this Article and the provisions based thereon is under car means a passenger car or van as provided for in Article 3 of the Law on taxation of passenger cars and motorcycles in 1992, with the exception of the van that only by nature or structure or appears almost exclusively to be suitable for the transport of goods.

6. For the purposes of this Article, the CO₂ emissions of a car, the CO₂ emissions measured in accordance with Annex XII to Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJEU 2008 L 199). If the measurement also with LPG or natural gas as fuel is executed, the CO₂ emissions of the car with LPG or natural gas used as fuel type.

7. A ministerial regulation may be laid down which must meet a kilometer. May also be laid down on the other show that the car is used on an annual basis. For no more than 500 kilometers for private purposes.

8. For the purposes of this Article, the value of the car put on the list referred to in Article 9 of the Law on taxation of passenger cars and motorcycles in 1992 plus the taxation of passenger cars and motorcycles under Articles 9 to 9c of the said law. In derogation from the first sentence, the value of a car over fifteen years ago for the first time into use, set the value in economic transactions.
9. The withdrawal shall be taken into account if they exceed the amount that the taxpayer has taken concerning the costs and expenses of the car for their own account.

10. For the purposes of this Article, commuting deemed not to be found. place for private purposes.

11. If a delivery as referred to in Article 3, third paragraph, of the Act on the taxation of passenger cars and motorcycles 1992 used exclusively business the taxpayer with respect to this car to the inspector certify only business use (statement only business use vans). The receipt of such declaration is confirmed by the inspector.

12. The taxpayer may revoke the certificate solely business use vans. The notice of the withdrawal is confirmed by the inspector.

13. In the case of a certificate solely business use vans, the inspector, on suspicion of driving for private purposes, to indicate that the ride was on business. the taxpayer requests The taxpayer does not succeed in this proof, the vans considered on an annual basis for more than 500 kilometers to be used for private purposes.

14. If the taxpayer's statement only business use vans withdrew before he goes to use the van for private purposes, the van until the time of the withdrawal shall be deemed or for private purposes, to stand, but not to be used for private purposes.

15. By Order of Directors determines the manner in which the statement is issued exclusively use vans business and withdrawn and in which cases the taxpayer's statement at least to withdraw.

16. After replacing the CO₂ emissions limits in the second or third paragraph, continue to apply to a car:
   a. whose registration after June 30, 2012 is set to name first: starting from the first day of the month for a period of 60 months following the date on which the registration number of the car was first made in the name of the reduction applicable under the limitations in force at the date of the first ascription, and immediately subsequent periods of 60 months each, the reduction due to the limitations that apply on the last day of the immediately preceding period of 60 months;
   b. whose registration for the first name is made before July 1, 2012 and that the taxpayer already before and from 1 July 2012 continuous disposal: in force on June 30, 2012 due to the reduction in force at that time limits apply;
   c. whose registration in the name of the owner is made before July 1, 2012 and that the taxpayer on or after July 1, 2012 for the first time is available: in force on June 30, 2012 due to the reduction in force at that time limits apply;
   d. whose registration for the first name is made before July 1, 2012 and in the name of the owner is made on or after July 1, 2012: for a period of 60 months from July 1, 2012, the reduction applicable under the limits that applied on June 30, 2012, and immediately subsequent periods of 60 months each, the reduction due to the limitations that apply on the last day of the immediately preceding period of 60 months.

17. Notwithstanding the sixteenth paragraph, section d, the transfer of ownership of a car that is available to a taxpayer not affect the reduction, as long as the car to the taxable disposal.

18. Notwithstanding the sixteenth member remains after replacing the CO₂ emissions limits in the second or third paragraph, in relation to a car whose license plate for the first time on or after January 1, 2012 and that a CO₂ by name 2 emissions of no more than 50 grams per kilometer for a period of 60 months from the first day of the month following that in which the license plate of the car was first made in the name of the reduction applicable under the limits prevailing at the date of the first ascription, and immediately subsequent periods of 60 months each, the reduction due to the limitations that apply on the last day of the immediately preceding period of 60 months.

19. Notwithstanding the sixteenth paragraph, the withdrawal referred to in the first paragraph, first sentence, in relation to a vehicle whose registration has been made for the first name before January 1, 2012 and CO₂ emissions of 0 grams per kilometer, until January 1, 2017 reduced by 25% of the value of the car and then with the highest percentage of reduction that is called. at that time in the second or third paragraph of this article.

20. Notwithstanding the sixteenth paragraph, the withdrawal referred to in the first paragraph, first sentence, in relation to a vehicle whose registration has been made for the first name before January 1, 2012 and CO₂ emissions of higher grams per kilometer than 0 but not greater than 50 grams per kilometer, from January 1, 2012 to January 1, 2017 reduced by 25% of the value of the car, and applies to direct subsequent periods of 60 months each a reduction due to the limitations of the second or third paragraph of this Article, as applicable on the last day of the immediately preceding period of 60 months.
21. A ministerial regulation may set further rules relating to a car with the date of the first car is registered does not match the date of first admission to the path of the car.

**Article 3.21. Bonus shares of investment**

In determining the profits shall be taken into account the nominal value of shares issued by a company which is regarded as an investment referred to in Article 28 of the Corporate Income Tax Act 1969, except where the deposit has occurred or will occur. Credit to those shares shall be treated as issue of shares.

**Article 3.22. Profits from shipping on the basis of tonnage**

1. At the request of the taxpayer, notwithstanding Articles 3.8 to 3.20, 3.25 to 3.65, and 3.79, the profits from shipping determined on the basis of the tonnage of the ships which that profit is made.

2. The request is made in the first year in which the taxpayer is in the relevant company profit from shipping, or later in the tenth year or a multiple thereof. The inspector decides on the request by eligible for objection.

3. When granting the application this is the beginning of the year in which the request is made and until further notice by the taxpayer, which notice of termination is possible only from the tenth year or a multiple thereof after the end of the year from which the profits from shipping is determined on the basis of tonnage.

4. For the purposes of this Article, Article 3.23 and Article 3:24 shall include the profits from shipping shall:
   a. the profits earned from the operation of a vessel used for:
      1°. the transport of goods or persons in international traffic by sea;
      2°. the transport of goods or persons by sea for the exploration or exploitation of natural resources of the sea;
      3°. exploration of the seabed;
      4°. laying cables or pipes on the seabed, or
      5°. performing hoist and lifting at sea to vessels referred to in Article 1, second paragraph, of the Ships or installations for the exploration or exploitation of natural resources of the sea;
   b. profits derived from the operation of a vessel used for:
      1°. dredging at sea whose annual operating time consists largely of maritime transport, or
      2°. perform towing and assistance at sea to vessels referred to in Article 1, second paragraph, of the Shipping Act, other than a ship which all operations and activities largely consists of lakes, mooring and stories of maritime vessels use their own propulsion and income or going to sea, and
   c. the profits earned from the activities directly related to the operation of a ship. referred to under a and b

5. For the purposes of this Article, Article 3.23 and Article 3:24 refers to operating a ship, if the taxpayer:
   a. significant extent in the Netherlands the management made the ship, the ship flies the flag of a Member State of the European Community or the European Economic Area and the taxpayer ship:
      1°. owns or co-owns and has not given in bareboat charter or
      2°. implies bareboat charter;
   b. Netherlands primarily in the commercial management of the vessel performed for another, provided the taxpayer also manages one or more vessels in a manner referred to in the opening words and under a, which ships in co-ownership only be considered if the co-ownership amounts to at least 5%;
   c. ship in time or voyage charter holds, provided the taxpayer in addition one or more ships managed in a manner referred to in the opening words and under a, which ships in co-ownership only be accepted if jointly owned at least 5%, to or
   d. in the Netherlands for another full crew and technical management of the vessel performed.

6. Notwithstanding paragraph, subparagraph a, the condition that the ship flies the flag of a Member State of the European Community or the European Economic Area do not apply if:
   a. immediately preceding the date of commissioning of the ship by the taxpayer, the net tonnage of the qualifying him already operated by ships flying the flag of a Member State of the European Community or the European
Economic Area, as a percentage of total net tonnage of the qualifying ships already operated by him, not decreased compared to the corresponding percentage calculated on January 17, 2004 or, if this is later, in accordance with the calculated rate at the end of the financial year in which the taxpayer for the first profits from shipping is determined in accordance with the first paragraph, or

b. immediately prior to the date of commissioning of the ship by the taxpayer, the net tonnage of the qualifying him already operated by ships flying the flag of a Member State of the European Community or the European Economic Area, at least 60 percent of the total net tonnage of the qualifying ships already operated by him, or
c. relating to the calendar year of the commissioning of the ship by the taxpayer before the start of that year by ministerial regulation stipulates that at national level the net tonnage of qualifying vessels flying the flag of a Member State the European Community or the European Economic Area as a percentage of the net tonnage of qualifying vessels in a given period compared with the preceding period, not decreased.

7. From the application of subsection excludes ships which profits from shipping are achieved as referred to in the fourth paragraph, under b.

8. For the purposes of the sixth paragraph and the ninth paragraph, qualifying ships means ships whose profits are determined in accordance with the first paragraph and which is owned or co-owned by the taxpayer or held by him in bareboat charter.

9. For the purposes of the sixth paragraph, under a, ships are also taken into account which are operated by entities in which the taxpayer has directly or indirectly has control as defined in Article 1 of the Seventh Council Directive No. of 1983/349/EEG the Council of the European Union of 13 June 1983 on consolidated accounts (OJ EC No. L 193), insofar as qualifying ships.

10. The percentage over a period referred to in the sixth paragraph, section c, is calculated as an average over three consecutive calendar years (period), the latter period ending one year before the calendar year and the preceding period ending two years before the calendar year. The ministerial order referred to in the sixth paragraph, section c, is determined in accordance with the Minister of Infrastructure and Environment.

11. the case on behalf of the taxpayer-driven company is part of a partnership with one or more legal or other natural persons for the assessment of the taxable event of operation of a ship referred to in the fifth and sixth paragraphs, the work carried out by others on behalf of the partnership, attributable to the taxpayer.

12. For the purposes of this Article and Article 3:23 shall be under the sea means all waters that are beyond the low water mark of the coast. If a transport takes place by sea, including transport by waterways of a maritime character within the meaning of Regulation (EC) No 13/2004 of the Commission of the European Communities of 8 December 2003 (OJ EU, no L3), the transport for the whole process to be considered transport by sea.

13. For the purposes of this Article, Article 3.23 and Article 3.24 Further rules may be set by ministerial regulation.

**Article 3.23. Determination of the profit on the basis of tonnage**

1. When granting an application referred to in Article 3.22, first paragraph, the profit earned in a calendar year from shipping by ship determined on the basis of the amounts shown in the following table per day.

<table>
<thead>
<tr>
<th>Daily rate per 1,000 net tons</th>
<th>€ 9.08 to 1000 net tonnes</th>
</tr>
</thead>
<tbody>
<tr>
<td>€ 6.81 for several to 10 000 net tons</td>
<td></td>
</tr>
<tr>
<td>€ 4.54 for several to 25 000 net tons</td>
<td></td>
</tr>
<tr>
<td>€ 2.27 for several to 50 000 net tons</td>
<td></td>
</tr>
<tr>
<td>€ 0.50 for the excess above 50 000 net tons</td>
<td></td>
</tr>
</tbody>
</table>

The profits determined according to the first sentence shall be increased by € 1.77 per day per 1,000 net tons for the excess above 50 000 net tons, unless the ships concerned:

a. after 31 December 2008 for the first time are going to carry a flag and whose profit is thus obtained from that point is determined according to this article, or;
that during the five years immediately preceding the date from which the income is determined according to this article, carried the flag of a country that is not a Member State of the European Union and not a party to the Agreement on the European Economic Area.

In case of operation of a ship referred to in Article 3.22, paragraph, subparagraph d, the profit determined in accordance with the preceding sentences reduced by 75%.

The profits determined in accordance with the preceding sentences with respect to ships intended for:

1° the exploration of the seabed: plus the gain obtained with activities other than transport of goods or persons by sea for the exploration of the seabed;

2° laying cables or pipes on the seabed: plus the gain obtained with activities other than transport of goods or persons by sea for the purpose of laying cables or pipes on the seabed;

3° performing hoist and lifting at sea to vessels referred to in Article 1, second paragraph, of the Ships or installations for the exploration or exploitation of natural resources at sea plus the gain obtained with activities other than transport of goods or passengers by sea for hoisting and lifting at sea;

4° dredging at sea plus the profit earned from activities other than transport by sea of dredged material;

5° to perform towing and assistance at sea to vessels referred to in Article 1, second paragraph, of the Ships: plus the gain obtained with activities other than towing and assistance at sea.

In granting the request to the profit of the year in which the request is made, also counted the total amount - which is determined according to the state at the time immediately preceding that year - from:

a on the basis of Articles 3:53 and 3:54 shaped reserves of the company related to the maritime and

b. an amount equal to the positive difference between the value in the economic traffic is assigned to the property used for gaining profits from shipping and the value at which these things are made. Chronicle at that time by the company

3. the aggregate amount referred to in the second paragraph shall not be included as far as the amount for which the taxpayer at the time referred to in the preamble of that member can claim relief for losses is in accordance with Section 3.13 to above. The inspector shall determine the amount that remains out of consideration, for each undertaking in eligible for objection.

4. A ministerial regulation may be laid down for the application of the first paragraph, fourth sentence, and to prevent any overlapping between the first three sentences and the fourth sentence of that paragraph.

Article 3.24. Termination determination of the profit on the basis of tonnage

1° The amount pursuant to Article 3:23, paragraph eligible remained outside, is still counted as income if the taxpayer - other than death - within ten years after the date from which the profits from shipping is determined the basis of tonnage, the company which profits from shipping in the Netherlands is achieved, for the whole or part cease. In case of a tie for a section, the amount referred to in the previous sentence only included in the profits insofar as it relates to that part. The amount still to earnings is calculated shall be deemed to have been received at the time of the strike.

2° A ship that is used to generate profit from shipping is, at the time when the profits from that vessel is not determined less on the basis of tonnage, valued at the market value traffic - but not beyond to zero - the amount in relation to that ship remained, unless ten years after the date from which the profits from that ship on the basis of the tonnage is determined, have passed under Article 3:23, paragraph out of consideration.

3. the property used for gaining profits from shipping are at the time after notice of termination Article 3.22, paragraph no longer apply, chronicled the value in economic transactions.

4. For the purposes of the first paragraph is not considered a passing on the dissolution of the matrimonial property referred to in Article 3:59, a passing on to operators as referred to in Article 3.63 or conversion pursuant to Article 3.65 provided the taxpayer, as well as strike also a case of passing on the successful transfer, this requests. In that case, the person to whom it is transferred, or the company in which the company is converted, for the purposes of this Article and Articles 3:22 and 3:23 deemed to be entered by the taxpayer in its place.

Article 3.25. Profit for the year
The profit earned in a calendar year shall be determined in accordance with good business practice, subject to a consistent course of action that is independent of the probable outcome. The consistent policy can be changed only if reasonable commercial justifies.

**Article 3.26. Wage and price changes after year**

1. In determining the profits earned in a calendar year stay costs and expenses provided that, whether or not connected through a third party, directly or indirectly related to changes in the level of wages or prices at the end of the year, out of consideration, even if pre-defined the magnitude of these costs and expenses at the end of the year.

2. The costs referred to in the first paragraph and expenses eligible in determining the profits of the calendar year following years and this according to the changes occur.

3. Regarding an undertaking carrying on life insurance, the first paragraph shall not apply to costs and expenses relating to contracts of insurance, provided that the agreements impose any obligations in respect of damage to the health of individuals.

**Article 3.27. Wage and price changes after year and payment**

1. the costs referred to in Article 3.26 and burdens notwithstanding that Article must be taken in the year of payment at the latest. It is a payment before the start of the calendar year or within six months after the end of the calendar year equivalent to a payment in the year.

2. Paragraph for retirement - not provided except in the third paragraph - apply if the payments are made in the form of under a pension plan premiums or single premiums to a pension fund or an insurance company. It's in the single premium or premiums understood component of future changes in the level of wages or prices outside company continues extent component exceeds the amount needed to accrued pension, on which the fund or society no premium or single premium more should be paid to better adapt to a change in the level of wages or prices of 4% per year.

3. The first paragraph is for retirement only applies to payments made to a company which:
   a. an insurer referred to in Article 1:1 of the Financial Supervision Act, or
   b. according to Article 5, first paragraph, point b, of the Corporation Tax Act 1969 is exempt from the tax.

4. A ministerial regulation may be laid, according to which, under set conditions, if necessary, may be exempted from the second and third paragraphs.

**Article 3.28. Wage and price changes after years and discount rate pension**

For the purposes of Articles 3.26 and 3.27 are a response to changes in the level of wages or prices at the end of the year in respect of costs and expenses relating to pension, not be deemed to include such costs and expenses relating to a pension based on a salary not exceeding the salary at the end of the year, and in the calculation of these costs and expenses actually a discount factor was taken into consideration at least 4%.

**Article 3.29. Rating pensions and similar obligations**

The valuation of pension obligations and other similar obligations take place in accordance with generally accepted actuarial principles, with an interest rate is taken at least 4% into account.

**Article 3.29a. Valuation of an interest in an exempt investment institution**

1. An interest in a body that is exempt from corporate income tax pursuant to Article 6a of the Corporation Tax Act 1969 is valued at the market value traffic. The first sentence shall apply mutatis mutandis to an interest in a collective investment established outside the Netherlands, which invests in financial instruments referred to in Article 6a, paragraph three, of the Corporation Tax Act 1969, which is not subject to taxation on income and is not required to provide in order to qualify. for the exemption from taxation on profits yearly profits to shareholders

2. The first paragraph shall apply with respect to an interest in a body if the assets of that body in somewhat largely consist of an interest in a body referred to in the first paragraph.
Article 3.29b. Valuation of work in progress and contracts in progress

1. the valuation of work in progress is made on the part of the consideration for the contract work, which is attributable to that work in progress.

2. The first paragraph shall apply mutatis mutandis with regard to construction contracts.

Article 3.29c. Limitation on impairment in value are

Conditions that are already at the time of investing in an asset may be known no reason for an impairment to lower business value.

Article 3.30. Depreciation on assets

1. Depreciation of property used (assets) for driving a company is made annually on the part of the non-amortized acquisition or production costs that can be allocated to the calendar

2. The part of the non-amortized acquisition or production costs that can be allocated on an annual basis in respect of goodwill not exceeding 10% of the calendar year and in respect of other assets does not exceed 20% of purchase price or production cost of the asset.

3. the production costs of intangible assets can suddenly be depreciated during the calendar year of production

4. Actual purchase price or production cost of items of small value, the acquisition or production costs are usually counted as current expenditure of a company suddenly depreciated in the calendar year of acquisition or production.

Article 3.30A. Limitation depreciation buildings

1. Depreciation on a building in a calendar year only if the carrying amount of the building is higher than the bottom value thereof, and shall not exceed the difference between them.

2. For the depreciation and impairment in value are considered to be the parts of a building, the associated surface and appurtenances as a business asset. Tools of a building can be separated without significant damage is done to that implements not in itself be regarded as built property be considered as a separate asset.

3. The bottom value of a building is:
   a. for a building intended to directly or indirectly principally available to be made to a person other than a person related to the taxpayer or body (building on investment): the property value of the building;
   b. for another building (building used): 50% of the property value.

4. The WOZ value of a building:
   a. value determined in accordance with Chapter IV of the Property Valuation Act for the building at one or more orders for the calendar year of depreciation;
   b. if a building is part of a property referred to in Article 16 of the Property Valuation Act: the portion of the value established for that property are available for the calendar year of depreciation, which can be attributed to the building;
   c. part if a or b is not applicable due to the absence of one or more decisions: the value of the building for the calendar year of the depreciation determined by analogy with the provisions laid down by or pursuant to Articles 16 to 18 and 20, second paragraph of the Property Valuation Act.

If the profit is determined on a not coinciding with the calendar year, the value is taken as the value for the calendar year in which the fiscal year ends.

5. In the case of co-ownership of a building, the property value of the building on the co-owners in proportion to the degree of co-ownership.

6. Where the ownership or beneficial ownership of the surface of a building or part thereof is held by a person other than a person related to the taxpayer or body, this article still apply, except that then is taken as the property value
WOZ value of the property less the portion thereof attributable to the substrate or that part of it is held by the other. Floor which belongs to the appurtenances of a building, it is considered to be part of the substrate of the building.

7. If both the taxpayer and one connected to the taxable person or body made investments as investments in a building would qualify if they were one and the same person, the amortization and impairment in value are related to those investments is determined as they were one and the same person. Thus applying the first paragraph that depreciation is spread over them in proportion to, and up to the amount of the depreciation related to those which would have occurred. Them without applying this Article

.8 For the purposes of this Article, a related person means:
  a partner of the taxpayer;
  b. the minor children of the taxpayer or his partner.

.9 If the taxpayer is a minor, under a connected person also means a blood relative in the first degree of the ascending line and those covered by a linked that blood or marriage person is defined as provided in subsection .

. 10 For the purposes of this Article, an affiliated entity means a company in which the taxpayer or a person related to the taxpayer has a substantial interest as defined in Chapter 4 unless there is a substantial interest under Article 4.10 or Article 4.11.

Article 3.31. Random depreciation of environmental assets

1. the purchase price or production cost of assets that are designated as assets that are in the interests of the protection of the Dutch environment (environmental assets) can be written off. randomly by the taxpayer for 75 percent Article 3.30A, subsection on these environmental assets not apply.

2. A ministerial regulation may environmental assets are appointed by the Minister of Infrastructure and the Environment in accordance with the Minister and after consultation with the Minister of Economic Affairs, Agriculture and Innovation.

.3 If environmental assets may be designated assets that are not yet common in the Netherlands, have been used previously and can contribute to the adverse effects on the Dutch environment from human activities significantly only - including the consumption of raw materials - prevent, reduce or undone. in the form of pollution, degradation or depletion

4. On environmental assets intended to be used outside the Netherlands, can be depreciated if it is stated that on a request from the taxpayer written request by the Minister in accordance with the Minister of Infrastructure and the Environment only arbitrary use of the assets can significantly contribute to the protection of the Dutch environment. The request is made within a period specified by the Minister.

Article 3.32 [Repealed as of 01-01-2005]

Article 3.33 [Repealed as of 01-07-2007]

Article 3.34. Any other designated assets depreciation

1. the purchase price or production cost of assets that are designated by the Minister in accordance with the Minister of Economic Affairs, Agriculture and Innovation by ministerial order (other designated assets) can be written off. randomly by the taxpayer

2. If other designated assets may be designated assets that are in the interest of promoting economic development or economic structure, including the promotion of entrepreneurship only.

3. During the ministerial order referred to in subsection may provide that the depreciation is limited to designated areas or designated groups of taxpayers. It can further conditions being imposed.

Article 3.34A. Basis to write off depreciation reinvestment reserve

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wetten.overheid.nl/BWBR0011353/geldigheidsdatum_16-10-2013/afdrukken
For the depreciation reduce the purchase price or production cost under a reinvestment reserve remains as referred to in Article 3:54 out of consideration. In addition, the amount of this reduction shall be deemed to have been written at random.

Article 3.35. Start depreciation

Random depreciation is possible once in respect of the acquisition or improvement of the asset incurred obligations or in respect of the asset production costs incurred. The amount of depreciation can not be larger for the commissioning of the asset than the amount in respect of the obligations is paid, or production costs is made.

Article 3.36. Administrative obligations depreciation

1. A ministerial regulation may provide that depreciation is only possible if the commitments or production costs incurred in the year are registered with the Minister of Economic Affairs, Agriculture and Innovation.

2. A ministerial regulation may set further rules with regard to the first paragraph, namely
   a. case of environmental assets is concerned, in accordance with the Minister of Infrastructure and Environment;
   b. if the other designated assets concerned, in accordance with the Minister of Economic Affairs, Agriculture and Innovation.

Article 3.37. Possibility mandatory declaration to depreciation

1. A ministerial regulation may provide that the depreciation on other designated assets only applies if it is stated that there is a designated asset. Our Minister of Economic Affairs, Agriculture and Innovation on an offer made by or on behalf of the taxpayer request Such legislation may also set further rules regarding the statement.

2. Against a decision of the Board of Trade and Industry on appeal against the declaration referred to in the first paragraph, the person concerned and the Minister of Economic Affairs, Agriculture and Innovation appeal in cassation set pursuant to a violation or misapplication of the paragraph with respect to the concept of assets. In this appeal, the rules concerning further appeal against decisions of the courts on appeals in tax shall apply mutatis mutandis, with the Board of Trade and Industry takes the place of a court.

Section 3.38. Take back depreciation

If an asset is random depreciated and no longer met the conditions laid down by or pursuant to Articles 3:31 and 3:34 with respect to that asset, at any time within a period to be determined by ministerial order on that date, the carrying amount of the asset put to the carrying amount that would have been achieved if no depreciation would have occurred.

Article 3.39. Applicable depreciation regime

Random depreciation of assets takes place according to the rules for the period during which commitments for the acquisition or improvement of the equipment or production costs incurred.

Article 3.40. Investment allowance

If it is invested in assets, the depreciation part of the additional investment amount charged to the profit be (investment) by the taxpayer. Besides Investment allowance may take the form of small-scale investment, energy investment and environmental investment.

Article 3.41. Small scale Investment

1. If in a calendar year is invested in assets, and the taxpayer choose to do so in the declaration, is a calculated on the base of the second paragraph small scale investment charged to the profit for that year.

   2. When an investment in a calendar year:

   | above but not more than is the |
If the business of the taxpayer is part of a partnership with one or more other taxpayers who thereby enjoy income from business or corporate taxpayers, for the purposes of paragraph their investments for the partnership aggregated.

**Article 3.42. Energy Investment**

1. If in a calendar year in a company that the entrepreneur drives for their own account, is invested in assets not previously used with respect to which a by the entrepreneur is stated that there is by the Minister of Economic Affairs, Agriculture and Innovation request made energy investments, and the entrepreneur may choose to the declaration, a designated in paragraph percentage of the amount of energy investments charged to the profit for the year (energy investment).

2. Energy investments are those which are designated as investments that are in the interests of efficient use of by the Minister in accordance with the Minister of Economic Affairs, Agriculture and Innovation, and after consultation with the Minister of Infrastructure and the Environment by ministerial regulation energy.

3. When an amount of energy investments in a calendar year of more than €2,300 the energy investment 41.5 percent. amounts

4. If amount of energy investments is more than taken into account:
   a. if the company’s business on their own account drives not part of a partnership with one or more other entrepreneurs taking their own account a company float or taxable for corporation tax: €118 million;

   b. if the company’s business on their own account drives or part of such a partnership: €118 million multiplied by the amount of energy investments of the entrepreneur and divided by the total amount of energy investments of the entrepreneur and the referred to other participants in the joint venture.

5. Under the acquisition or production costs in respect of an energy investment referred to in the first paragraph, if the entrepreneur chooses the declaration also includes the cost of an opinion on the subject of energy saving measures in buildings or processes on that investment or partly on that investment concern and meet set requirements. by ministerial regulation

6. The energy investment is applicable if the energy investment is registered with the Minister of Economic Affairs, Agriculture and Innovation.

7. by ministerial order:
   a. in agreement with Our Minister of Economic Affairs, Agriculture and Innovation rules are made regarding the declaration referred to in the first paragraph and
   b. rules are made with respect to the sixth paragraph.

8. Against a decision of the Board of Trade and Industry on appeal against the declaration referred to in the first paragraph, the person concerned and the Minister of Economic Affairs, Agriculture and Innovation appeal in cassation set pursuant to a violation or misapplication of the concepts and invest assets. In this appeal, the rules concerning further appeal against decisions of the courts on appeals in tax shall apply mutatis mutandis, with the Board of Trade and Industry takes the place of a court.

**Article 3.42a. Environmental investment**

1. If in a calendar year in a company that drives the business on their own account, is invested in previously unused
assets that are designated as environmental investments, and the entrepreneur chooses the declaration, a designated percentage of the third paragraph is the amount of environmental investments in the various categories charged to the profit for the year (environmental investment).

2. Environmental investments are investments falling within category I, II and III, which are by the Minister of Infrastructure and the Environment in accordance with the Minister and after consultation with the Minister of Economic Affairs, Agriculture and Innovation appointed by ministerial order in importance of the protection of the Dutch environment.

3. When an amount of environmental investment in a calendar year of more than € 2,300 environmental investment for environmental investments is belonging to category I 36 percent, for environmental investments belonging to category II and 27 percent for environmental investments belonging to category III 13.5 percent.

4. Among the acquisition or production costs in respect of an environmental investment referred to in the first paragraph, if the entrepreneur chooses the declaration also includes the cost of an opinion in respect of:
   a. reduction of emissions caused by existing and future activities in a managed by the company, existing object;
   b. the design and adaptation of processes and products that lead to a reduction in the burden on the environment;

   provided that the designated investment advice or partly on the designated investment relates and meet set requirements. by ministerial regulation

5. This paragraph shall apply only if the advice relates to a small or medium-sized enterprise as defined in Annex I of EC Regulation No. 70/2001.

6. Where in relation to an investment in the declaration is chosen for energy investment, continue implementation of the environmental investment omitted.

7. The environmental investment is only applicable if the commitments or production costs incurred in the year to be signed in the Minister of Economic Affairs, Agriculture and Innovation.

8. A ministerial regulation may set further rules regarding the seventh paragraph. consistent with the Minister of Infrastructure and the Environment

Article 3.42b [Repealed as of 01-07-2007]

Article 3.43. Understanding Investing

1. Under investing means incurring liabilities in respect of the acquisition or improvement of an asset, as well as making production costs in respect of an asset, to the extent that pressing obligations and costs on the taxpayer.

2. The Minister may determine that investing to determine amount is equivalent to change the destination of an asset as referred to in article 3.45, paragraph, subparagraph b, below 2 °, so that the asset now mainly used by him for driving in the Netherlands of an enterprise or part of an undertaking.

Article 3.44. Investment allowance for assets not yet in use

1. If at the end of the calendar year the asset have not yet been taken and the investment would exceed what at the end of the calendar year in respect of the investment has been paid, in derogation of Articles 3:41, 3:42 and 3.42a an amount equal to the payment taken into account and the surplus is taken into account in the following calendar years and be where payments are made, but not later than the calendar year in which the asset is put into service.

2. Upon discontinuation of the company and when the final payment referred to in Article 3.61, the investment for the whole taken into account in the year of strike, final settlement respectively.

Article 3.45. Excluded assets for investment

1. for the investment are not part of the assets:
   a. assets whose investment is less than € 450;
   b. equipment which are intended to - direct or indirect - mainly to be used:
. 1° for the exercise of the timber as described in Article 3.11, first paragraph, unless the benefits therefrom according to Article 3.11, paragraph belong to the profit;

. 2° for driving an enterprise or part of an undertaking, the profits of which a scheme is to avoid double taxation applicable;

. c grounds, including the surface of buildings, with the exception of improving ground if the improvement costs tend to be written off;

. d houses and houseboats, including portions of other cases brought before occupancy;

. e passenger cars as defined in Article 3 of the Law on taxation of passenger cars and motorcycles in 1992, not intended for professional road transport;

. f vessels referred to in Article 3.14, first paragraph, point b;

. g securities, assets, goodwill and licenses, exemptions, concessions and other dispensations of public law and

. h animals.

. 2 For the small-scale investment:

a part of the co-operating assets not intended to - directly or indirectly - mainly to be made available to third parties, and

b. the first paragraph, section e, do not apply with respect to vehicles which meet the requirements on CO\textsubscript{2} emissions, referred to in Article 3.20, second paragraph, under a, respectively paragraph, subparagraph a of the second sentence.

3. the environmental investment for the first paragraph, section e, not applicable.

. 4 for the energy investment and the environmental investment are among the co-operating assets not intended to - directly or indirectly - mainly to be made available to:

a natural person not resident in the Netherlands or bodies established or

b. individuals or bodies for driving an enterprise or part of an undertaking, the profits of which a scheme is to avoid double taxation applies.

5. The Minister may determine that the first paragraph, under b, under 2°, and the fourth paragraph shall not apply.

Article 3.46. Excluded obligations for investment

. 1 For the investment will not be taken into account obligations between:

a taxpayer and the persons belonging to his household;

b. blood or marriage in the direct line or persons belonging to their household;

c. entitled to an estate to which the asset belongs or

d. the one who has at least a third portion interest in a body, and that body.

2. The Minister may determine that the first paragraph does not apply.

Article 3.47. Divestment Addition

1. If in a calendar year at transfer prices for an amount of more than € 2,300 worth of goods being sold is the transfer prices the same percentage as in respect of the investment in such goods as investment allowance is made for the benefit of the profit spent that year (disinvestment).

2. disposal charge takes place only if the transfer occurs within five years of the beginning of the calendar year in which the investment has been made and is calculated on any amount in excess of the amount invested so far on that investment is taken into account.

3. alienation is equated with:

a tapping sound to the company;

b. changing the destination of a well so that it will meet the definition of Article 3.45, second paragraph, under a,
and fourth paragraph, and

**c.** changing the destination of a well so that it will comply with the definition in Article 3.45, paragraph, subparagraph b, below 2 °.

**4.** For the purposes of the third paragraph, the value in the course of trade of goods and transfer price.

**5.** If an investment is made, or an investment for a reduction, refund or compensation shall be reversed, that is as disposal of property and applies the amount of that investment, reduction, refund or compensation as a transfer price.

**6.** In making an investment undo also includes:

**a.** not paid within twelve months after entering into the commitment of at least 25% of the investment in respect of that obligation, unless within that period the asset is put into use and

**b.** ‘s not in use of an asset within three years after the beginning of the calendar year in which the investment is made.

**7.** The Minister may determine that the third paragraph, under c, or paragraph does not apply.

**Article 3.47a [Repealed as of 01-07-2007]**

**Article 3:48 [Repealed as of 01-01-2004]**

**Article 3:49 [Repealed as of 01-01-2004]**

**Article 3.50 [Repealed as of 01-01-2004]**

**Article 3.51. Regime applicable investment**

The investment and disinvestment take place according to the rules for the period in which the investment has been made.

**Article 3.52. Change depreciation and investment allowance**

1. A ministerial order:

**a.** the depreciation in general or for certain designated assets or certain groups of designated assets are made, or limited, per calendar year and does not apply:

. **1 °** if the environmental assets concerned, after consultation with the Minister of Infrastructure and the Environment and the Minister of Economic Affairs, Agriculture and Innovation;

. **2 °** if the other designated assets concerned, after consultation with the Minister of Economic Affairs, Agriculture and Innovation;

**b.** the percentages referred to in Article 3.41, second paragraph, third column, and amounts for the small scale investment and in Article 3.42, paragraph, and percentages for the energy investment, Article 3.42a, third paragraph, respectively environmental investment may be replaced by another.

2. A regulation referred to in the first paragraph may only serve to achieve the best possible balance between the use of the system of depreciation, respectively the investment and appropriations.

**Article 3.52a. Additional deduction research and development**

1. In determining the profit comes additionally deduct an amount for costs or expenses directly attributable to the taxable person research and development, with the exception of labor costs, as determined in a by Our Minister of Economic Affairs, Agriculture and Innovation in the name of the decision issued taxpayer (RDA decision). The amount of the RDA decision will be charged to the profit on the day of the date of that decision.
2. In determining the profits for the benefit of the profit brought an amount due to a correction of a previously issued in the name of the taxpayer RDA decision until such amount as set out in a by Our Minister of Economic Affairs, Agriculture and Innovation in the name of the decision issued taxpayer (correction RDA decision). The amount of the correction RDA decision is in favor of the profit on the day of the date of that decision.

3. On the recommendation of the Minister of Economic Affairs, Agriculture and Innovation are at or under general administrative rules with regard to the application for and granting of an RDA decision, determining the basis and the rate applied to them to calculate the amount of an RDA decision, the facts giving rise to a correction RDA decision and calculating the amount of a correction RDA Decision and on the records kept by the taxpayer for the purpose the establishment of an RDA decision.

4. To achieve between the tax losses due to reductions in profits under the first paragraph and the amount included above in the national budget, balance as much as possible, by ministerial order of the Minister of Economic Affairs, Agriculture and Innovation, after consultation with the Minister in respect of costs or expenses with effect from 1 January of any year shall be determined that the percentage for calculating the amount of the RDA decision is changed.

5. For the purposes of this Article, research and development meaning given to it by Article 1, first paragraph, section n, including the restriction referred to in the fourth paragraph, of the Act reducing remittance tax and premium national insurance, for which the taxpayer is an S & D statement is provided pursuant to Article 23 or Article 27 of that Act.

6. General State Taxes Act, with the exception of Articles 63 and 67 shall not apply with respect to the implementation of the under the third paragraph. For the purposes of Articles 63 and 67 of the General Law on State Taxes on the implementation of this Article by the Minister of Economic Affairs, Agriculture and Innovation or his designated officials shall enter the Minister of Economic Affairs, Agriculture and Innovation in the Instead of Our Minister.

7. Article 28 of the Act reduced remittance income tax and national insurance contributions shall apply mutatis mutandis to the implementation of the provisions under this Article.

8. in to be designated by order in council cases can be taken on its own initiative to do to the Minister of Economic Affairs, Agriculture and Innovation of errors or omissions in the data relevant to the RDA available data and information that their communication stakeholders have become known. It can also be laid down regarding the deadline and how to do. An announcement as referred to in the first sentence The breach of the obligation can to be designated by order in council cases be regarded as an offense.

9. Providing information or documents so inaccurate or incomplete that it is likely that the application of an RDA decision would have been taken if would have been fully known when assessing the true circumstances a different decision may in any to designate cases be regarded as an offense. general administrative

10. Performs concerned the administration for setting the RDA decision, the requirements under paragraph, then to designate it in with general administrative cases be regarded as an offense. not in accordance

11. In the case of an offense referred to in the eighth, ninth or tenth paragraph, the Minister of Economic Affairs, Agriculture and Innovation to interested impose an administrative fine not exceeding € 100,000 or, if this is more twice the amount for the corresponding period in the RDA Decision.

**Article 3.53. Fiscal reserves**

1. In determining the profits earned in a calendar year can be reserved:
   a. to equal distribution of costs and expenses (equalization);
   b. reinvestment in assets according to Article 3:54 (reinvestment reserve) and
   c. for old age according to section 3.2.3 (pension reserve).

2. Regarding a reserve referred to in the first paragraph, under a, Article 3:26, first and second paragraphs shall apply mutatis mutandis.

**Article 3.54. Reinvestment Reserve**

1. Where the disposal of an asset the proceeds the carrying amount of the asset exceeds, can be in determining the received during the calendar year profit booked a difference and continue to reduce the take into account purchase
price or production cost of assets in be purchased or generated, if and as long as the intention is to reinvest the proceeds (reinvestment reserve). the year of disposal or in the subsequent three years

2. Deductions from reinvestment reserve on acquisition or production cost of the asset or assets which is reinvested occurs where the aggregate amount of the carrying amounts of those assets by that retirement does not fall below the amount of the book value immediately preceding the alienation of the asset for which the reinvestment reserve was formed.

3. Retirement of a reinvestment reserve arising as a result of the disposal of an asset which is not wont to be written or to which more than ten years tends to be written off, needs to take the purchase price or production cost of assets with the same place only economic function as the alienated assets.

4. With respect to assets which are not wont to be amortized and equipment which in more than ten years tends to be depreciated, retirement of a reinvestment reserve only if the reinvestment reserve was formed in respect of the disposal of assets with similar economic function in the company and the assets purchased or produced.

5. A reinvestment reserve is recorded later than the third year after the year in which the reserve was created, in profit, except where:
   a. in relation to the nature of the purchase or the generation of operating a longer period is required, or
   b. the acquisition or production, provided they are early implemented, has been delayed by exceptional circumstances.

6. For the purpose of this article is equated with alienation loss or damage of an asset. Compensation for loss or damage is thereby considered as revenue.

7. For the purposes of this article are not part of the equipment:
   a. property rights that are held for investment and
   b. objects of little value as referred to in article 3.30, paragraph.

8. If the alienated asset is depreciated random, is taken for the purposes of paragraph carrying amount of that asset into account, the carrying amount that would have prevailed. without depreciation

9. Regarding assets in which more than ten years tends to be written off, the restriction of the fourth paragraph shall not apply where the reinvestment reserve was formed in respect of the disposal of assets which is a result of government intervention.

10. Regarding assets which tends not to be written off, the restriction of the fourth paragraph shall not apply where the reinvestment reserve was formed in respect of the disposition of such assets which is a result of government intervention.

11. With respect to assets which are not wont to be amortized and equipment which in more than ten years tends to be written off, the previous paragraphs shall apply mutatis mutandis if a result is given.'s intention to reinvest in such asset prior to the alienation

12. For the purposes of this Article, government intervention means
   a. expropriation, including amicable expropriation and sale to prevent expropriation;
   b. a decision, including a scheme in the field of spatial planning, nature and environment of a public corporation that the possibilities of the company or part of it to the current location in the current form to continue or expand in significantly limited;
   c. designated by Order in Council Community or national legislation leading to restructuring or termination of an industry.

13. If a decision or arrangement referred to in the twelfth paragraph, under b, the possibilities of the company or part of it to the current location in the current form to continue or expand significantly limited, for the purposes of the ninth and tenth member a disposition of assets of the company or the portion thereof that occurs within three years after such a decision whether such legislation is in force, be deemed to be government intervention, except that a subsequent transfer a result also considered to be of public intervention if this alienation has been delayed due to special circumstances and to it already early implemented. within the three-year period referred to above is a result

Article 3.54a. Return Reserve

wetten.nl/BWBR0011353/geldigheidsdatum_16-10-2013/afdrukken
1. If the taxpayer the company of a company in which he holds shares or jouissance, in the context of the dissolution of the Company pursuant to Article 14c of the Corporation Tax Act 1969, continues or co continues, is at the time of the continuation in the balance sheet of the company formed a reserve (positive or negative return reserve).

2. The reserve is set at half the alienation benefit under Article or Article 4.24a 4.42a for charging outside remains eligible, after the alienation advantage to have reduced by the amount referred to in paragraph first. If this reduction leads to a positive amount, there is a positive return reserve which is borne by the ability of the continuing company. If this reduction results in a negative amount, there is a negative return reserve amounting to half of the negative amount, a negative return reserve is deducted from the profits of the enterprise to strike. For the purposes of the first sentence, the alienation advantage referred to in that sentence be considered without taking into account the application of Article 4.24a.

3. Paragraph in connection with the second paragraph of the Corporation Tax Act 1969 for corporation tax outside account remains, insofar as such profit attributable to the share of the taxpayer in the company. For the purposes of the preceding sentence shall not be included the portion of the gain reduction would be if Article 14c of the Corporation Tax Act 1969 to avoid international double taxation applicable would not be applied.

4. A positive return reserve is included in the latest strike by the company's profits. In the event of a part of the continuing company, a proportion of the positive return reserve is recognized in profit.

5. The size of the return reserve is determined by the inspector eligible for objection. The decision referred to in the first sentence may also relate to conditions referred to in Article 4.42a, paragraph.

6. If any fact provides grounds to suspect that the size of the reserve to return an incorrect amount has been determined, the inspector's decision to revise eligible for objection.

7. A fact that the inspector was known or could reasonably be aware may not provide ground for review, except in cases where the taxpayer in respect of this fact is in bad faith. Article 16, second paragraph, introduction and part c of the General State Taxes Act shall apply mutatis mutandis.

8. The power to review shall expire five years after the date of adoption of the Decision.

**Article 3.55. Shares Merger**

1. The taxpayer does not have to take a benefit from the alienation of shares or profit shares under a share merger into account in determining the profit earned in a calendar year The first sentence shall not apply in the framework of a share merger enjoyed charge.

2. A share merger is deemed to include:
   - a company established in the Netherlands against issue of shares or profit shares, possibly supplement, such holding of shares in a company established in the Netherlands permitting it to exercise more than half of the voting rights in the latter company;
   - a company in a Member State of the European Union or a body designated by ministerial regulation state that is party to the Agreement on the European Economic Area established against issue of shares or profit shares, possibly with an additional payment, holds such shares in a other in a Member State of the European Union or designated by ministerial regulation State party to the Agreement on the European Economic Area resident company acquires that they can exercise more than half of the voting rights in the latter company or
   - a company established in the Netherlands against issue of shares or profit shares, possibly with an additional payment, such holdings of shares in a Member State outside the European Union or a body designated by ministerial regulation state that is party to the Agreement on the European Economic Area resident company acquires that they all voting rights in the latter company's control. all or substantially

3. A share merger shall also be deemed to include a company referred to in the second paragraph for the issue of shares or profit shares for more than half, or nearly all voting rights in the other company referred to therein could exercise and the presentation of the own shares or profit a larger number of voting rights in the other company's control.

4. A share merger is not considered to be present in derogation from the second and third paragraph, if:
   - an extra charge a tenth of the nominal value of the shares so issued or exceed
   - the merger is predominantly aimed at avoiding or deferring taxation. The merger, unless the contrary is made
plausible deemed to be focused on predominantly avoiding or deferring taxation if the merger does not take place on the basis of business considerations, such as the restructuring or rationalization of the active work of the involved in the merger legal.

. 5 A in a Member State of the European Union or a body designated by ministerial regulation state that is party to the Agreement on the European Economic Area-based company is a company which:

1 °. has one of the forms listed in Annex I, Part A, of Directive 2009/133/EC of the Council of the European Union of 19 October 2009 on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares concerning companies of different Member States and to the transfer of the registered office of an SE or SCE between Member State to another Member State (OJ L 310) or a legal form that is similar to one of the legal forms for the Netherlands are included in this Annex;

2 °. not considered as a contract made by the State of establishment with a third State to be located outside the European Union and the states designated by ministerial order to avoid double taxation which are parties to the Agreement on the European Economic Area, and

3 °. without choice and without being exempt, in the State of residence is subject to tax there levied on profits, referred to in Annex I, Part B, of the said Directive or under 1 ° levied to another tax law to profit.

6. The taxpayer shall, if the benefit is, the shares acquired under the share merger or profit shares at the time of the merger to book for the same value which in the context of the merger shares disposed according to the first paragraph out of consideration or profit shares for the merger date to book were immediately informed.

7. A taxpayer who want certainty as to whether there is a share merger, may submit a request to the inspector indicated below. before the alienation of shares or 'jouissance If the company's shares or profit shares acquired based in the Netherlands, does the taxpayer's request to the inspector charged with the assessment of corporation tax of that company, in other cases entrusted with the assessment of the taxpayer by the inspector. The inspector decides on the request by eligible for objection.

Article 3.56. Legal separation

1. the taxpayer who is affected by a transfer under general title as part of a division of a legal entity shall be deemed to have disposed of his shares. or his claims against the legal person at the time of the split

2. The taxpayer does not have to take the benefit from the transfer referred to in subsection into account in determining the earned in a calendar year profit provided that the sharing and acquiring legal entity in the Netherlands are located, or in the sense of Article 3:55 , fifth paragraph, in a Member State of the European Union or designated by ministerial regulation State party to the Agreement on the European Economic Area are located. The first sentence does not apply in the context of the division enjoyed charge.

3. If the benefit is not taken into account, according to the second paragraph, the value at which the shares or debt at the time of the split to book are made for a proportionate share attributable to the equity or debt that the taxpayer immediately after the split in or on the legal persons involved in cleavage. Furthermore, one of the claims that the taxpayer immediately after the split on the legal persons involved in the split, in place of the claims by the taxpayer at the time of the split on the legal person.

4. The second paragraph does not apply if the split is predominantly aimed at avoiding or deferring taxation. The division shall, unless the contrary is made plausible deemed to be focused on predominantly avoiding or deferring taxation if the split is not carried out for valid commercial reasons such as the restructuring or rationalization of the active work of the involved in the division legal.

. 5 For the purposes of this Article:

a. For the purposes of the proportionate share a portion that is proportional to the ratio of the market value at the time of the traffic division of the assets passing under universal title and the entire assets of the legal person;

. b. profit shares are treated as shares and membership rights;

c. a right to shares, to acquire jouissance of whether claims against the legal person designated as share, profit certificate or claim to which the right relates and

d. , if the taxpayer is connected at the time of the split with the legal person within the meaning of Article 10a, paragraph, of the Corporation Tax Act 1969, the acquiring corporation immediately after the split as well as the taxpayer connected classified.
6. The preceding paragraphs shall apply mutatis mutandis if shares are issued by a legal entity other than the entity to whom the assets pass under universal title. as part of the demerger.

7. The taxpayer certainty wishes as to whether the split is not considered to be aimed at avoiding or deferring taxation, may submit the inspector charged with the assessment of the legal person, who before splitting a request predominantly subsequent decisions by eligible for objection.

**Article 3.57. Merger**

1. The taxpayer who is affected by a transfer under general title as part of a merger of a legal person shall be deemed to have disposed of his shares. or his claims on the disappearing corporation at the time of the merger.

2. The taxpayer does not need to take the benefit from the transfer referred to in subsection into account in determining the earned in a calendar year profit if the disappearing and the acquiring legal entity in the Netherlands are located, or within the meaning of Article 3.55, paragraph in a Member State of the European Union or designated by ministerial regulation state that is party to the Agreement on the European Economic Area are located. The first sentence does not apply in the context of the merger enjoyed charge.

3. If the benefit is not taken into account, according to the second paragraph, the shares acquired under the merger or claims to the acquiring entity immediately after the merger chronicles for the same value as that for which the shares or debt are informed. disappearing legal at the time of the merger to book Furthermore, one of the claims that the taxpayer immediately after the merger, the acquiring legal entity has, in place of the claims by the taxpayer at the time of the merger on the disappearing entity.

4. The second paragraph does not apply if the merger is predominantly aimed at avoiding or deferring taxation. The merger, unless the contrary is made plausible deemed to be focused on predominantly avoiding or deferring taxation if the merger does not take place on the basis of business considerations, such as the restructuring or rationalization of the active work of the involved in the merger legal.

. 5 For the purposes of this Article:

a. profit shares are treated as shares and membership rights;

b. a right to shares, to acquire jouissance of whether claims against the disappearing entity classified as share, profit certificate or claim to which the right relates and

c. , if the taxpayer is connected at the time of the merger with the disappearing entity within the meaning of Article 10a, paragraph, of the Corporation Tax Act 1969, the acquiring corporation immediately after the merger as well as with the taxpayer connected classified .

6. The preceding paragraphs shall apply mutatis mutandis if shares are issued by a legal entity other than the entity to whom the assets pass under universal title. as part of the merger.

7. The taxpayer certainty wishes as to whether the merger is not considered to be aimed at avoiding or deferring taxation, may submit the inspector charged with the assessment of the disappearing corporation, before the merger request predominantly subsequent decisions by eligible for objection.

**Article 3.58. Strike by death**

1. Upon discontinuation of a company by the death of the taxpayer, is, except for the purposes of disinvestment, the ability of the company would be considered on the immediately preceding time to be transferred to the person to whom it is due by inheritance or matrimonial property this time against the value in economic transactions may be granted. ability that

2. For the purposes of the first paragraph, the value in the course of trade of a property, other than temporary, as main residence remains of persons involved in the death of the taxpayer to his household, set at 60% of the house.

3. If a property is part of the assets of an enterprise of a person upon the death of the taxpayer part of his household, as referred to in the second paragraph, the value in the economic movement of such property at the time set at 60% of the house value.

4. For the purposes of the second and third paragraph, Article 3.19, third, fourth and fifth paragraphs shall apply mutatis mutandis.
**Article 3.59. Passing on marriage dissolution or suspension by community**

1. Upon dissolution of a marriage community to which the assets of a company belongs, otherwise than by the death of the taxpayer, shall, except for the purposes of the disinvestment, the share of that power on the immediately preceding time under marital property belongs to the spouse of the taxpayer, considered at that time to him to whom it is due by inheritance or matrimonial property, to be transferred at the value assigned to it in the course of trade may be granted.

2. The first paragraph does not apply to the elements of capital of the company with which the person to whom such items sent by inheritance or matrimonial property, directly continues the company or co continues. In this case, one that continues the company directly or co continues for his part, considered to have replaced the person from whom the company is continued. Directly in place for determining the profit.

3. The second paragraph shall apply mutatis mutandis to the pension reserve where it passes to the surviving spouse or former spouse and not exceeding the company's power - within the meaning of Article 3.71 - which it continues the company or co continues.

**Article 3.60. Transfer assets abroad**

If elements of capital of a Netherlands company or independently driven in part of an enterprise, which enjoys the taxable profit will be transferred to a driven outside the Netherlands company which enjoys the taxable profit and the taxpayer simultaneously or subsequently ceases to be a resident taxpayer are such items at the time immediately prior to the cessation of the resident taxpayer and if they still belong to the ability of the company shall be deemed to have been disposed of at the value in economic transactions.

**Article 3.61. Final Account**

Profits from a company that has not already been taken into account for any other reason be counted as profit for the calendar year in which the taxpayer resides in Netherlands to enjoy. Profits from the company In that case, the goods for the purposes of disinvestment deemed to be withdrawn to the company.

**Article 3.62. Passing on to strike by death**

1. Article 3:58 shall not apply with respect to the elements of capital of a company with which one or more of those to whom the items sent by inheritance or matrimonial property, continuing the company directly or co continue, provided that those who continued the company or co- continue this in the declaration of the deceased taxpayer requests.

2. those who have requested it be must, for determining the profits deemed to have replaced the person from whom the company is continued. direct the site for its part.

3. The first and second paragraphs shall apply mutatis mutandis to the pension reserve where it is transferred to the partner and not exceeding the company's power - within the meaning of Article 3.71 - which it continues the company or co continues.

**Article 3.63. Passing on to entrepreneurs**

1. If the taxpayer is a company which he as an entrepreneur or as a person as referred to in Article 3.3, first paragraph, under a, enjoy profit transfer in a case referred to in subsection or paragraph is to determine from the the company during the calendar year of transfer profits enjoyed the company, except for the purposes of Article 3.54a, deemed not to have ceased, provided that both the taxpayer and one that the company continues this in the declaration of the taxpayer requests.

2. In that case, the person to whom the undertaking is transferred, deemed to have replaced the one that the company has transferred. place for determining the profits of the enterprise.

3. For the purposes of this Article, the transfer of a business which included the transfer of a portion of a company, regardless of whether the person who transfers may not transfer a portion of the company is an enterprise.

4. Paragraph shall apply only if the company to transfer part of a partnership with one of the company will continue
and those who continue with respect to such partnership during during the 36 months immediately preceding the date of transfer 36 months as an entrepreneur who has enjoyed a profit.

5. The first paragraph shall also apply only if the company is transferred to an individual who was employed during the 36 months immediately preceding the date of the transfer as an employee in that company

6. A ministerial regulation may be made to determine in which cases the settlement in the fourth paragraph and paragraph term referred to a period to be determined by that regulation is shortened. under conditions to be

7. The first and second paragraphs shall apply mutatis mutandis to the pension reserve insofar as it passes to the partner and not exceeding the company’s power - within the meaning of Article 3.71 - which it continues the company or co continues.

Article 3.64. By passing on to conserve income to another company

1. Upon discontinuation of a company at the request of the taxpayer when the declaration profit from or to the strike that is attributable to assets and reinvestment reserves, determined separately and treated to preserve income, provided it is demonstrated that that particular individual earnings in the year of strikes, or within a period of 12 months after strike, will be reinvested in an enterprise from which the taxpayer profit.

2. With timely reinvestment will be separate profit deducted from the purchase price or production cost of assets that are purchased or produced, as if those profits a reinvestment reserve. by the taxable person for an existing or new company In addition, Article 3:54 shall apply mutatis mutandis. The inspector then accordingly reduces the tax bill by conservative eligible for objection. Appeal against that decision can only relate to the size of the reduction.

3. At the request of the taxpayer, the period of 12 months referred to in the first paragraph, extended if:
   a. in relation to the nature of the purchase or the generation of equipment, for the reinvestment a longer period is required, or
   b. reinvestment, provided they are early implemented, has been delayed by exceptional circumstances.

The inspector decides on the request by eligible for objection.

Article 3.65. Conversion into an NV or BV

1. If a company is converted into the form of a public limited company or private limited liability driven company, at the request of the taxpayer, to determine the numbers from the company during the calendar year of conversion earnings the company except for the purposes of Article 3.54a, deemed not to have ceased, provided that the founders of the company in the share capital entirely or almost entirely entitled in the same proportion as in the ability of the converted company and should be specified by the Minister conditions are met. The first sentence shall not apply in situations referred to in Article 3.3, first paragraph, point b, in situations referred to in Article 3.3, first paragraph, under a, the first sentence shall apply only if the co-entitlement of the taxpayer's direct is continuing its eligibility or co-entitlement as an entrepreneur.

2. The first paragraph does not apply with respect to the pension reserve.

3. The case of a conversion on the base of the first paragraph expires, notwithstanding Article 3.54a, paragraph a negative return reserve without affecting profit. Our Minister shall, when determining the size of the acquisition price of the shares resulting from the conversion into the expiry of the negative return reserve.

4. Inspectors will decide on the request to eligible for objection which the conditions referred to in the first paragraph are included.

5. The conditions referred to in paragraph stretch to ensure the assessment and collection of income tax and corporation tax, which would have been payable or would be if the first paragraph shall not apply would remain. Furthermore conditionalities relating to:
   a. size of the issued and paid up share capital;
   b. the purchase price referred to in Article 4.21 of the shares resulting from the conversion and the book value of claims resulting from the conversion;
   c. calculating the reductions to avoid double taxation;
   d. the contributed assets as a result of the conversion to belong to a holding referred to in Article 13 of the
Corporation Tax Act 1969, and

e. disposal of the shares in the company established.

**Article 3.66. Not coinciding with the calendar year**

1. If the nature of the business justifies it, the profits are determined on a not coinciding with the calendar year. In that case the period shall take the place of the calendar year.

2. Earnings of a non coinciding with the calendar year is considered profit for the calendar year in which the fiscal year ended.

3. A period of more than twelve months is split into two parts which includes the first twelve months, provided that the two end portions of this split in different calendar years. Both parts are classified as a separate period. The profit of the first part is determined by estimation, the rest of the profit for the year attributable to the second part.

**Section 3.2.3. Pension reserve**

**Article 3.67. Access additions pension reserve**

1. The entrepreneur who at the hour criterion meets and at the beginning of the calendar year the retirement age provided for in Article 7a, first paragraph, of the AOW, has not yet reached, in determining the earned in a calendar year profit add that year to the pension reserve.

2. The condition of the hour criterion does not apply to the extra addition on the basis of section 3.69, subsection, opening words and under b.

**Article 3.68. Additions**

1. The addition to the reserve for a calendar year is 12% of the profits made by the taxpayer as entrepreneur enjoys a firm, but not more than € 9,542. Pursuant to the first sentence, is reduced by the addition came at the expense of the profit contributions and other contributions under pension plans.

2. Calculated addition shall not exceed under the first paragraph, the amount by which the business assets at the end of the calendar year the pension reserve at the beginning of the calendar year exceed.

3 For the purposes of this Article, profits mean profits for addition and decrease in the pension reserve plus the premiums and other contributions referred to in the first paragraph, but excluding the gain a scheme to prevent double taxation applies.

**Article 3.69. Extra additions**

1. The amount that Article 3.68, first paragraph, is added to the pension reserve can be increased:

   a. by the same amount in the previous calendar year the pension reserve under Article 3.70, paragraph preamble and part b, in whole or in part is removed and to which Article 3.72, paragraph, no application has been found;

   b. the taxable periodic payments and benefits provided for in Article 3100, first paragraph, point b, and the negative expenses for income provisions taken in connection with the application of Article 14c of the Act on account of any of the taxpayer corporation in 1969 regarding the company whose taxable shareholder extent these benefits, benefits and negative expenditure relating to an annuity under the administration of a pension reserve the taxpayer is formed.

2. The amount after the increase in the first paragraph, under a, can be added to the pension reserve may not exceed the difference between the amount of the company capital at the end of the calendar year and the amount of the pension reserve at the beginning of the calendar year.

**Article 3.70. Incurrence**

1 The pension reserve is reduced by:
an amount chosen by the taxpayer, but not exceeding the amount of the premiums for annuities to be taken into account in the calendar year as expenses for income provisions;

. b the amount by which the pension reserve the business assets at the end of the calendar year exceeds if:

   . 1° is discontinued in the calendar year the company or part of the company;

   2° the taxpayer at the beginning of the calendar year the retirement age provided for in Article 7a, first paragraph, of the AOW, has reached or

   3° the taxpayer during the calendar year and not in the previous calendar hour criterion requirements.

2. The amount of the decreases are recognized in profit.

**Article 3.71. Venture Capital**

For the purposes of this paragraph means the book value of the assets of the company reduced by the amount of the reserves referred to in Article 3:53, with the exception of the pension reserve, reduced by the amount of a positive return reserve referred to in Article 3.54a under business assets plus the amount of a negative return reserve provided for in Article 3.54a. In addition, account shall be taken of the assets and reserves of the changes in value respectively belong to the profits on which an arrangement to avoid double taxation applies.

**Article 3.72. More than one company**

1. If the taxpayer as business profits take out more than one company:

   a For the purposes of Articles 3.68 and 3.69:

      . 1° earnings taken as the aggregate amount of the profits of the companies from which taxpayers enjoy profits as an entrepreneur, is obtained;

      . 2° venture capital understood as the aggregate amount of the assets of the companies referred to under 1°;

      3°. oudedagsreserve understood as the aggregate amount of the pension reserves of the companies referred to under 1°, and

   b. finds the allocation of the addition, under Article 3.68 to the undertakings referred to in paragraph a, under 1, at the option of the business place, where as a result of the addition the pension reserve not exceeding the business assets of the company at the end of the calendar year.

2. If the taxpayer as an entrepreneur or as a co-owner of the assets of an undertaking referred to in Article 3.3, profit take out more than one company, is the amount of the premiums for annuities referred to in Article 3.70, first paragraph, for the joint enterprises.

3. If the taxpayer as business profits take out more than one company and one or more of those undertakings Article 3.70, paragraph preamble and part b, and under 1°, is applied:

   a. the entrepreneur to the aggregate amount of the pension reserves with the other companies in which the taxpayer enjoys entrepreneurial profits, add the sum total of the amounts taken under Article 3.70, paragraph preamble and part b, and under 1°, where due to the addition to the aggregate amount of the pension reserves of those undertakings at the end of the current calendar year exceeds the aggregate amount of the company capital of other companies at the end of the calendar year;

   b. finds the allocation of that addition to the companies from which the taxpayer enjoys entrepreneurial profit, at the option of the business place, where as a result of this addition the pension reserve not exceeding the business assets of the company at the end of the calendar year.

**Article 3.73. Not coinciding with the calendar year**

1. If the profit is determined on a not coinciding with the calendar year Article 3.66, first paragraph, last sentence shall not apply to the former calendar in Article 3.67, first paragraph.

. 2 If a person as entrepreneur or as a co-owner of the assets of an undertaking referred to in Article 3.3, enjoy profits from more than one company and the profits of such companies is determined on mutually non-coincident financial years:
a. Article 3.66, first paragraph, last sentence shall not apply to this section;
b. for the purposes of Article 3.68, paragraph, profits interpreted within the meaning of Article 3.66, second paragraph;
c. for the purposes of Article 3.72, first paragraph, under a, under 2°, for each company as capital of that company considered the business capital at the end of the last financial year to the end of the calendar year has ended, plus or minus the capital added to the companies by the operator between the end of the financial year and the end of the calendar year or withdrawn.

3. If the company ceases to be a resident taxpayer shall, for the purposes of the second paragraph, the portion of the calendar year ending with that tax for the calendar year in place.

Section 3.2.4. Entrepreneurs Deduction

Article 3.74. Calculation business deduction

The business deduction is the aggregate amount of:
a. the self-employed;
b. deductions for research and development;
c. assisting deduction;
d. starters deduction for disability, and
e. strike deduction.

Article 3.75. More than one company

For the purposes of this section and the resting thereon provisions, a company includes: the joint ventures.

Article 3.76. Self-employed

1. applies to the self-employed entrepreneur who at the hour criterion requirements.

2. If the entrepreneur at the beginning of the calendar year the retirement age provided for in Article 7a, first paragraph, of the AOW, has not yet reached, the self-employed amounts to € 7,280.

3. If the entrepreneur in one or more of the five preceding calendar years was not an entrepreneur and self-employed is not more than twice applied to him during that period, the self-employed increased by € 2,123. The first sentence shall not apply to the operator pursuant to Article 14c of the Corporation Tax Act 1969, a company continues or co continues with this continuation has been commenced in the calendar year or in any of the five preceding calendar years.

4. If the entrepreneur at the beginning of the calendar year the retirement age provided for in Article 7a, first paragraph, of the AOW, has reached the self-employed is 50% of the amount of the self-employed according to the second and third paragraphs.

5. Notwithstanding the extent of the second and fourth paragraph is the amount of the self-employed does not exceed the amount of profit. The first sentence shall not apply to a trader who is eligible for the enhancement of the self-employed, referred to in the third paragraph. If application of the first sentence leads to a reduction in the amount of the self-employed, the amount by which the self-employed is reduced regarded as unrealized self-employed. If the self-employed under the first sentence is set at zero, is gone for the application of the third paragraph of that the self-employed in that calendar year have been applied.

6. The inspector shall determine the amount of the unrealized self-employed to determine eligible for objection. This amount is separately stated on the tax bill. Article 3151, fourth, fifth and sixth paragraphs, shall apply mutatis mutandis.

7. Unrealized self-employed will be settled in the next nine calendar years by taking. increasing the self-employed into account in those years This increase shall not exceed the amount by which the income of the self-employed that year exceeds. Offsetting unrealized self-employed takes place in the order in which they originated unrealized self-
employed.

8. The netting of unrealized self-employed in the next calendar year takes place at eligible for objection to the inspector. The decision also determined the amount of the unrealized self-employed is settled. The inspector will state the decision simultaneously with the determination of the assessment for the year which the unrealized self-employed is settled. The amount of settled unrealized self-employed are stated separately on the tax bill.

9. Appeal against the decision referred to in the eighth paragraph, can only relate to the application of paragraph.

10. For the purposes of this Article, profits means the aggregate amount of profit that the taxpayer is entitled as a business of one or more undertakings.

Article 3.77. Deduction research and development

1. The deduction for research and development is for the entrepreneur who at the hour criterion meets and in the calendar year at least 500 hours spent on work at S & D declaration referred to in Article 27, first paragraph, of the reduction Law remittance income tax and national insurance contributions is classified as research and development. The deduction for research and development amounted to € 12,310.

2. If the entrepreneur in one or more of the five preceding calendar years no entrepreneur was and S & D statement is issued for that period in respect of not more than two calendar years to him, the deduction for research and development increased by € 6,157. An S & D certificate issued for part of a calendar year is considered an R & D certificate issued in respect of a calendar year. The first sentence shall not apply to the operator pursuant to Article 14c of the Corporation Tax Act 1969, a company continues or co continues with this continuation has been commenced in the calendar year or in any of the five preceding calendar years.

3. Article 3.6, fifth paragraph, shall apply mutatis mutandis.

4. Where, under Article 29 of the Act reduced remittance income tax and national insurance contributions, the percentages referred to in Article 23, third and seventh member of that Act, be increased, decreased, or be made to nil by ministerial regulation of Our Minister of Economic Affairs, Agriculture and Innovation the amount specified in the first paragraph may be increased to a maximum of € 14,622 will be reduced or be made zero. equally The new amount applies to the S & D statements that relate to a calendar year beginning on or after the day on which the amendment enters into force.

Article 3.78. Contributing Deduction

1. Participating deduction applies to the entrepreneur who at the hour criterion meets and whose partner without any compensation services performed in an enterprise from which the taxpayer is entrepreneurial profit.

2. When labor of the partner who takes several hours during the calendar

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<th>equal to or more than</th>
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<tr>
<td>525</td>
<td>875</td>
<td>1.25% of the profits</td>
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<td>875</td>
<td>1 225</td>
<td>2% of the profits</td>
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<td>1225</td>
<td>1750</td>
<td>3% of the profits</td>
</tr>
<tr>
<td>1750</td>
<td></td>
<td>4% of the profits</td>
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</table>

3. For the purposes of this Article shall mean the aggregate amount of the profit that the taxpayer is an entrepreneur from companies in which the partner without any compensation work performed under less profit:

a. profit enjoyed to replace lost by an expropriation or foregoing profits from enterprise;

b. profits earned or discontinuation of a business or part of a business, including without mean strike by death under Article 3.58 and

c. gains resulting from the transfer of assets abroad or as a result of final settlement referred to in Article 3.60 or 3.61.

Article 3.78a. Starters Deduction in case of disability

1. the start-up allowance for disability applies to the entrepreneur in one or more of the five preceding calendar years
was not a trader, in the calendar year is entitled to a disability benefit referred to in the second paragraph, or in the calendar year is entitled to employment support under the Work and Employment Support for disabled young people, does not meet the hours criterion but in the Reduced-hours criterion referred to in the third paragraph, and at the beginning of the calendar year the retirement age provided for in Article 7a, first paragraph, of the AOW, has not yet been reached. The first sentence shall not apply to the operator pursuant to Article 14c of the Corporation Tax Act 1969, a company continues or co continues with this continuation has been commenced in the calendar year or in any of the five preceding calendar years.

. 2 Under a disability benefit means a benefit under:
   a. the Work and Income Act;
   b. the Law on disability insurance;
   c. Disability Insurance Law self;
   d. the Work and Employment Support for disabled young people;
   e. a foreign legislation, the nature and scope corresponds to a scheme referred to in subparagraphs a, b, c and d;
   f. designated by a ministerial regulation regime that may exist due to disability entitled to that benefit.

Under a disability benefit shall also include enjoying a periodic payment or provision of insurance in respect of invalidity or accident.

3. Under reduced-hour criterion which is defined on the basis of Article 3.6 hours under criterion would be understood by replacing the first paragraph of that article 1225 hours 800 hours.

. 4 The starters deduction for disability is:
   a. deduction if it is not used by the entrepreneur in the preceding five calendar years: € 12,000, but not more than that of profit is enjoyed;
   b. if in respect of a year this deduction is applied to the entrepreneur in the preceding five calendar years: € 8,000, but not more than that of profit is enjoyed;
   c. relating to two years if the deduction is applied to the entrepreneur in the preceding five calendar years: € 4,000, but not more than that of profit is enjoyed.

5. For the purposes of this Article, profits means the aggregate amount of profit that the taxpayer is entitled as a business of one or more undertakings.

Article 3.79. Strike Deduction

. 1 The strike deduction applies to the entrepreneur as entrepreneur in the calendar makes profits:
   a. with or discontinuation of one or more entire companies;
   b. by a decrease in the pension reserve after a silent passing on or conversion pursuant to Article 3:59, paragraph, Article 3.62, Article 3.63 and Article 3.65, where there would be discontinuing an entire enterprise without the silent passing on or conversion .

2. strike deduction equal to the amount of the profit referred to in the first paragraph, but shall not exceed € 3,630.

3. strike deduction in respect of the operator on the basis of passing on the dissolution of the matrimonial property referred to in Article 3:59, paragraph, passing on death referred to in Article 3.62 or passing on to operators as referred to in Article 3.63, a firm continues or co continues, with regard to benefits in respect of that company passed only if that company at least three years cost is driven.

. 4 The maximum amount of € 3630 referred to in the second paragraph shall be reduced - but not below zero - with in previous years enjoyed by the company amounts to discontinuation relief.

Section 3.2.5. SME profit exemption

Article 3.79a. SME profit exemption

The SME profit exemption is 14% of the aggregate amount of the profit that the taxpayer and entrepreneur enjoys one
or more undertakings (section 3.2.2) after this amount is reduced by the business deduction (section 3.2.4).

Section 3.3. Taxable Income

Section 3.3.1. Taxable Income

Article 3.80. Taxable Income

Taxable income is salary minus the travel allowance (Section 3.3.2).

Article 3.81. Wage

In this Act and the provisions based thereon shall mean wages: wages in accordance with the legal provisions of the income tax, except that, to be taken for the truly enjoyed amount necessary contrary to those provisions, tips and similar performance of third parties insofar.

Article 3.82. Expansion understanding wage

To pay is calculated:

a. what is enjoyed:
   1°. replacing lost or to be lost wages;
   2°. relating to the withdrawing or withholding of action as far as the genotene not be regarded as income from other activities;

b. benefits under a pension from another jurisdiction referred to in Article 1.7, paragraph c, except to the extent it is probable that the claims occurred, the nature and scope corresponds to the income tax under that pension levy on income or income tax.

c. benefits under a pension plan of an international organization, except to the extent it is probable that the claims under a tax scheme that has occurred in nature and scope matches the payroll tax or income tax.

Article 3.83. Retirement in cross-border situations

1. Until wage is considered the market value movement of accrued benefits from a pension plan, if the taxpayer employee or former employee in accordance with the legal provisions of the income tax and to whom the pension is promised domestic taxpayer ceases to be other than death, or if after his death, the person entitled to benefits ceases to be. domestic tax Under cease to be a resident taxpayer shall also include the situation where the taxpayer for the purposes of the Tax Regulation for the Kingdom, the Netherlands Tax Regulations for the country or a Convention for the avoidance of double taxation is deemed not to be resident of the Netherlands. More

2. Until wage is counted unless find the first paragraph applies, the value in the economic movement of accrued benefits from a pension plan if the obligations which the claims are based, are administered by another body wholly or partially referred to in Article 19a, first paragraphs a, b, d, e and f, the Wage Tax Act 1964.

3. the value of the accrued benefits is reduced by the value of the claims that are paid from taxable income has come from work and home.

4. If the first or second paragraph becomes effective with respect to the value of claims under the first or second paragraph or Article 7.2, eighth paragraph, under a, is also included in the taxable income from employment and home ownership a previous calendar year, to be laid, the taxable income from employment and home of the previous calendar year by ministerial order under reduced with the value of the claims. The inspector accordingly reduces the protective assessment for that year is eligible for objection. Appeal against that decision can only relate to the size of the reduction.

5. Where Article 19b of the Law on income tax has found application in 1964, the wage minus the value of the claims to be the wages calculated by application of the second paragraph, where the tax on the value of those claims is satisfied.

6. By Order in Council provides guidance regarding the determination of the value in the economic movement of the
accrued benefits.

7. At the request of the taxpayer, if the value of claims under the first or second paragraph or Article 7.2, eighth paragraph, under a, is included in the taxable income from employment and home ownership from a previous calendar year, and

1° compliance with the conditions for deferral under Article 25, fifth paragraph, of the Tax Collection Act 1990, and

2° obligations which the claims are based entirely placed with an insurer referred to in Article 19a, first paragraph, under a, b, d, e, f, of the Wage Tax Act 1964, the taxable income from work and home reduced from the previous calendar year that the value of claims. The inspector accordingly reduces the protective assessment for that year is eligible for objection. Appeal against that decision can only relate to the size of the reduction.

8. A ministerial regulation may be laid down under which for reasons of efficiency application of the first and second paragraphs may be omitted.

Article 3.84. Exemption final levy ingredients

1. To pay benefits are not available to the tax under Article 31 or 32AB in conjunction with Article 31 of the Law on income tax in 1964 is due by the withholding agent, not as a result emerged for the taxable benefit.

2. Where a taxable wage enjoy from employment in respect of that employment, the employer is not withholding agent within the meaning of Article 6 of the Law on income tax in 1964, are not included in the pay the fees included in the wages of the taxpayer and benefits Article 31, first paragraph, point f and g part of the Wage Tax Act 1964, where a withholding pursuant to Article 31a, second paragraph, of the Law on income tax would be due. 1964 no tax thereon

Section 3.3.2. Travel Deduction

Article 3.85 [Repealed as of 01-01-2007]

Article 3.86 [Repealed as of 01-01-2003]

Article 3.87. Travel Deduction

1. the travel deduction applies at least once a week tend to travel between home or place of residence and the place or places of work where considered within a time frame of 24 hours both ways is traveling back and for the distance traveled by public transport travel distance, to the extent that transport does not take place because of the withholding agent.

2 In this article and ensuing provisions, travel distance means the distance between their home or place of residence and place of work measured along the most common way.

3. the following paragraphs are based on certain travel deduction is reduced by the travel allowances received for the distance traveled by public transport travel distance.

4: If the taxpayer at least four days a week to the same place of work be traveling, the travel deduction is

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<th>when journeys by public transport</th>
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<tr>
<td>of more than</td>
<td>10 miles</td>
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<td>10 miles</td>
<td>15 km</td>
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<tr>
<td>70 miles</td>
<td>80 miles</td>
<td>€ 2,008</td>
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5. If the taxpayer in three days, two days or one day a week to the same place of work be traveling, the travel deduction is
   a. if the travel distance is not more than 90 kilometers, three-quarters, half or a quarter of the amount shown in
      the table;
   b. if the travel distance amounts to more than 90 kilometers: € 0.23 per kilometer of the travel distance multiplied
      by the number of days traveled, but no more than € 2,036 per year.

6. If the taxpayer to various places of work be traveling, the fourth and fifth paragraphs are separate application
   regarding traveling to any of those places, where the sum of the present members certain travel deduction does not
   exceed € 2,036 per year.

7. If the taxpayer on the same day to various places of work be traveling, the previous paragraphs apply only to travel
   to the most traveled place of work. If the places of work as often tend to be traveled, the largest travel distance
   applies.

8. For the purposes of paragraph commits a week to travel if he has traveled. during the calendar year on 40 days or
   more from their home or place of residence to the place or places of work the taxpayer in any event at least once

9. The public transport traveled travel distance shows only one in a period of 12 months related certificate issued by
   the relevant public transport (the public transport statement) or, in cases where the card type used the public
   transport statement can not be provided, one set to the other person of the taxpayer traceable certificate of having
   traveled by public transport (the travel certificate). equivalent to a public transport statement

10. be laid down by ministerial regulation with regard to the content of the public transport statement and travel
    statement and for the implementation of this Article.

Article 3.88 [Repealed as of 01-01-2003]

Article 3.89 [Repealed as of 01-01-2007]

Section 3.4. Taxable income from other activities

Section 3.4.1. Taxable income from other activities

Article 3.90. Taxable income from other activities

Taxable income from other activities, the aggregate amount of the result of one or more activities that do not generate
  taxable income or taxable income reduced by the exemption provision (§ 3.4.3 Provision Exemption).

Article 3.91. Disposal of assets to a company or activity

1. Under efficacy also includes:
   a. making of profitable assets - including the liabilities directly associated with those assets - these assets whether
      or not for compensation law or in fact, indirectly, to make available to a person related to the taxpayer, directly
      or to the extent that assets be used to obtain taxable income from business or taxable income from other
      activities by that person;
   b. making profitable of assets - including the liabilities directly associated with those assets - where those assets,
      whether or not for a fee in law or in fact, be made directly on behalf of a partnership of which disposal or
      indirectly by the taxpayer connected person taking taxable income from business or taxable income from other
      activities enjoy, part;
   c. making profitable of power in a way that normal, active asset management goes beyond, such as the individual
      sales of property, carrying a large extent by the taxpayer of major repairs or other adjustments to property, or
      the use by the taxpayer of knowledge or comparable forms of special knowledge.
. 2 For the purposes of this Article and the provisions based on it is:

a. with the disposal of assets to a person referred to in subsection or on behalf of a partnership referred to as equivalent:

1 °. entering or having a claim or entering into or having rights of a savings agreement or a related contract to a person referred to in that paragraph or intended partnership;

2 °. concluding a contract of life insurance or having rights under a contract of life insurance where the person referred to in that paragraph or intended partnership as insurer occurs except insofar as the benefits of those rights would otherwise be taken as an annuity eligible or arrangements referred to in Section 3.5;

3 °. establishing or having a usufruct of an asset that is made available to an individual or on behalf of a partnership referred to in that paragraph disposal;

4 °. agreeing or having a right to an asset that is made available to a person referred to in that paragraph or on behalf of a partnership referred to in that paragraph, available to acquire;

5 °. obtaining or having a right or obligation to acquire a person referred to in that paragraph or intended partnership if an asset the corresponding obligation, respectively, the opposite standing right to his assets of a company or its result is an activity;

6 °. obtaining or having a right or an obligation to dispose of a person referred to in that paragraph or intended partnership an asset if the corresponding obligation, respectively, the opposite standing right to his assets of a company or its result is an activity;

b. below a connected to the taxable person means:

1 °. partner of the taxpayer;

2 °. the minor children of the taxpayer or his spouse;

c. if the taxpayer is a minor, under one connected to the taxable person is also: a blood relative in the first degree of the ascendant and the one under a related that marriage or person referred to in subsection , part b, is defined;

d. a fee for entering into bail for debt on a firm, partnership or activity referred to in the first paragraph, considered as a benefit from the disposal of an asset;

e. under rights referred to in subparagraph a, below 4 °, 5 ° and 6 ° also means rights whose value is directly or indirectly related to the change in value of an asset or the change of a factor, such as interest rates;

f. under obligations referred to in subparagraph a, below 5 ° and 6 °, also means obligations whose value is directly or indirectly related to the change in value of an asset or the change of a factor, such as interest rates.

3. the same manner as the provision of assets to a related person is treated with the taxpayer making available to a non under the second paragraph, under b, understood by blood or marriage in the direct line of the taxpayer or of his partner, if it is in society unusual posting. A ministerial regulation may be laid down for the purposes of this paragraph, including rules or there is an in society unusual posting.

Article 3.92. Disposal of assets to a company in which a substantial interest is held

. 1 Furthermore, under activity also includes:

a. the profitability of assets - including the liabilities directly associated with those assets - where those assets may or may not legally be made or to a company in which the taxpayer or by his disposal fee in fact, directly or indirectly connected person has a substantial interest as defined in Chapter 4 unless there is a substantial interest under Articles 4.10 and 4.11;

b. making profitable of assets - including the liabilities directly associated with those assets - where these assets are made available to a partnership of which a company referred to in part available with or without compensation law or in fact, either directly or indirectly a part of.

. 2 For the purposes of this Article and the provisions based on it is:

a. with the disposal of assets to a company referred to in the first paragraph or on behalf of a partnership intended as equivalent:

1 °. entering or having a claim or entering into or having rights of a savings agreement or a related contract to a company referred to in that paragraph or intended partnership;
2 °. concluding a contract of life insurance or having rights under a contract of life insurance with the company referred to in that paragraph or intended partnership as insurer occurs except insofar as the benefits of those rights would otherwise be taken as an annuity eligible or arrangements referred to in Section 3.5; 

3 °. establishing or having a usufruct of an asset that is made available to a company referred to in that paragraph or on behalf of a partnership referred to in that paragraph disposal; 

. 4 °. agreeing or having a right to an asset that is made available to a company referred to in that paragraph or on behalf of a partnership referred to in that paragraph, available to acquire; 

5 °. obtaining or having a right, other than those specified in Article 10a of the Law on income tax in 1964, or an obligation to acquire a company referred to in that paragraph an asset or intended partnership; 

6 °. obtaining or having a right or an obligation to dispose of a company referred to in that paragraph or intended partnership an asset; 

. b under a taxable person connected with the meaning given to it by Article 3.91, second paragraph, under b and c; 

. c a fee for entering into bail for debts of a company or on a partnership referred to in the first paragraph, considered as a benefit from the disposal of an asset; 

. d with a company treated as a mutual fund referred to in Article 4.5 and a cooperative or association on a cooperative basis; 

e. below the disposal of assets not include the holding of shares in a company and keeping profit shares of a company; 

. f under rights referred to in subparagraph a, below 4 °, 5 ° and 6 ° also mean rights whose value is directly or indirectly related to the change in value of an asset or the change of a factor, such as interest rates; 

. g under the obligations referred to in subparagraph a, below 5 ° and 6 °, also means obligations whose value is directly or indirectly related to the change in value of an asset or the change of a factor, such as interest rates.

3. the same manner as the provision of assets to a company in which a person connected with the taxpayer has a substantial interest, is treated to make it available to a company in which an included Article 3.91, second paragraph, point b, blood or marriage in the direct line of the taxpayer or of his partner has a substantial interest, if it is in society unusual posting. A ministerial regulation may be laid down for the purposes of this paragraph, including rules or there is an in society unusual posting.

4. If the taxpayer in community of property and is married to that community an asset referred to in subsection or paragraph is, this asset for half allocated to the taxpayer and the other half to his spouse. The first sentence shall apply with respect to an asset referred to in the first or second member belonging to a limited community of property.

Article 3.92a. Revaluation Reserve

Furthermore, under activity also means having an appreciation reserve provided for in Article 3.98a.

Article 3.92b. With an activity related lucrative interests

. 1 Furthermore, under activity also includes: 

a. holding directly or indirectly of shares referred to in the second paragraph of claims referred to in paragraph or rights referred to in the fourth paragraph, if the benefits of such shares, assets or rights achieved, given the facts and circumstances of the shares, assets or rights are established, it must be assumed also designed to work for the taxpayer or a person related to him, and having debts directly related to these shares, assets or a reward rights; 

b. having directly or indirectly on the facts and circumstances under which the debts were incurred, debt legally or in fact know benefits of full or partial remission with these allowances, it must be assumed also intended to be for work a reward of the taxpayer or a person related to him.

. 2 Shares referred to in the first paragraph are divided shares in a company with a wholly or partly in shares capital that different types of shares, if the shares of a class type: 

a. which is subordinated to other species and the total issued share capital of which subordinated species is less than 10% of the total issued share capital of the Company, or
3. Claims referred to in the first paragraph are claims whose return in somewhat largely depends on management or shareholder purposes such as profit, revenue, cost reduction, attracting funding sources, making it ready for sale or acquisition of a company or parts thereof, the purchase or acquisition of companies or parts thereof, or in slightly significant increase in value at a sale or acquisition of a company, or by a modification of an interest in a company.

4. Rights referred to in the first paragraph are property rights that, on the facts and circumstances, economically similar or comparable to shares as referred to in the second paragraph of claims referred to in the third paragraph, as well as other rights or obligations whose value course in somewhat largely depends on management or shareholder purposes such as profit, revenue, cost reduction, attracting funding sources, making it ready for sale or acquisition of a company or parts thereof, purchase or acquisition of companies or parts thereof, or in some important degree increase in value at a sale or acquisition of a company, or by a modification of an interest in a company.

.5 For the purposes of this Article, a person connected with the taxpayer means
  a partner of the taxpayer;
  b. a blood or marriage in the direct line of the taxpayer or his partner.

Article 3.93. Special provisions understanding work

1. For the purposes of Articles 3.91, 3.92 and 3.92b:
   a. person is not a marriage if the marriage creating the relationship is created by divorce is dissolved;
   b. making is not as profitable of assets considered making available of a work, including the establishment, in a house that the taxpayer is available, if the person or body which is made available in respect of that provision can not bring. compensation charged to the profit or income from other activities

2. Proceedings of the same nature are classified as an activity.

3. For the purposes of this Article, the property also means a sustainable tied to one place boat or caravan as defined in Article 1, paragraph f, of the Housing and the appurtenances of a house, boat or caravan.

Section 3.4.2. Result from an activity

Article 3.94. Result from an activity

Result from an activity (result) is the amount of shared benefits, under whatever name and in whatever form, can be obtained with an activity.

Article 3.95. Determination of the result

1. In determining the result, Articles 3.10, 3.13 to 3:21, 3:25 to 3.30A, 3:55 to 3:58, 3:59, first and second paragraphs, and 3.60 to 3.62 shall apply mutatis mutandis, as if the activity is a business.

2. When determining the result with respect to an activity referred to in Articles 3.91 and 3.92, with the exception of Article 3.91, paragraph c, Articles 3:53, first paragraph, points a and b, and paragraph , 3:54 and 3.64 also apply, mutatis mutandis, if the activity is a business.

Article 3.95A. Deduction found in the application of Article 2.14, paragraph, subparagraph d

Should not be regarded as salary allowances received by the taxpayer in respect of a work pursuant to Article 2.14, paragraph, subparagraph d, but the advantage obtained with an activity and that workspace belongs to the ability of an enterprise of him or of him associated person referred to in that Article part, is to calculate the result with that activity only as fees and charges deducted in an appropriate proportion of the calculated on the basis of Article 3:19 aggregation personal use property.

Article 3.95b. Additional determination result in lucrative interests
1. If at any time an asset to an activity referred to in Article 3.92b goes properly, it is at that time chronicled on the amount sacrificed to obtain the component plus the amount available in respect of the acquisition of the component income tax has been levied. If the time referred to in the first sentence coincides with the time when the taxpayer is resident in the Netherlands by way of derogation from the first sentence the asset chronicled on the value at that time in the course of trade that asset may be granted.

2. The event one to an activity referred to in Article 3.92b belonging asset is held, indirectly, the results with respect to that activity no later than the event enjoyed this asset would be held immediately.

3. The event one to an activity referred to in Article 3.92b belonging asset is taken immediately and that asset in the same taxpayer as of any time is held indirectly the asset at the immediately preceding time chronicled on its value in economic transactions. The first sentence shall apply with respect to an asset held indirectly held. From any time immediately

4. If the calculation of the benefits received in a year concerning assets held indirectly leading to an activity referred to in Article 3.92b properly, would lead to a negative amount, that negative amount is not included in the result of an activity.

5. If the taxpayer so choose, the advantages enjoyed in a calendar year with respect to assets held indirectly intended to efficacy as in Article 3.92b are not considered to be the result of an activity, provided that calendar year to an amount of at least 95% of such profits income from a substantial interest is enjoyed which is a reflection of those benefits.

**Article 3.96. Exemption**

The result does not include

a. benefit from participating in gambling as defined in Article 2, first paragraph, of the Act on the gaming tax;

b. advantages are achieved in respect of the work carried out in the company of his partner, if in determining the profits of that enterprise costs and expenses related to the compensation for that work under Article by the taxpayer 3:16, fourth paragraph, not be deducted;

c. advantages provided by the taxpayer as a volunteer, referred to in Article 2, paragraph, of the Wage Tax Act 1964, to be achieved where the aggregate amount of fees and benefits does not exceed the amounts indicated therein.

**Article 3.97. Option in keeping lodgers**

1. If the taxpayer so elects in the declaration, be obtained by him from keeping boarders proceeds in part as benefits from own home or deemed a tenancy. This right applies to the portion of the income that relates to it, other than for a short time, make available to third parties, whether or not furnished or furnished accommodation which does not constitute an independent house and part of the property that the taxpayer head should stay.

2. The first paragraph applies only if:

   a. part of the revenue relating to the provision of housing does not exceed € 4,536 per year, and

   b. both the taxpayer and those to whom is made available during the period of posting as residents registered in the population registry, at the address in respect of the property

**Article 3.98. Passing on the dissolution of the company**

1. Where property referred to in Article 3.92 no longer be made available to the company in connection with the application of Article 14c of the Corporation Tax Act 1969 but become part of the business of the company by him part provided by the taxpayer continued, at the request of the taxpayer, the resulting strike profits not taken into account for determining the in the year enjoyed the efficacy results. In that case, the company's book value of the assets held on their carrying amounts in the activity.

2. If an asset referred to in Article 3.92 is no longer available to the company in connection with the application of Article 14c of the Corporation Tax Act 1969 and will become part of the business of the company by the disposal by the taxpayer husband continued, at the request of the taxpayer and his spouse the strike gains achieved thus not taken into account for determining the in the year enjoyed the efficacy results. In that case, the company of the spouse the carrying amount of the asset set at their carrying amounts in the activity of the taxpayer.
3. This Article shall apply with respect to fiscal reserves referred to in Article 3:53 and facilities in accordance with Article 3.25, are formed in the determination of the result from the activity. The person to whom the reserve or provision has been, shall be deemed to have replaced the one that the reserve or provision has formed in its place.

**Article 3.98a. Conversion of a written-down claims referred to in Article 3.92**

1. If the taxpayer's claim exists under Article 3.92 and the claim is valued at the expense of profits from a business or income from an activity from him or a person connected with him, is, if a circumstance arises as referred to in the second paragraph, the result of the taxpayer charged an amount equal to that impairment. The amount referred to in the first sentence can be added to a reserve (revaluation reserve). Simultaneously charged to the result.

2. From a circumstance referred to in the first paragraph is deemed to exist if:
   a. the claim with the corresponding debt is satisfied by the issue of shares or profit shares (conversion) by the debtor;
   b. the claim with the corresponding debt will function as equity of the debtor without the latter having shares or profit issues which the claim is no longer part of the assets of an activity, or
   c. the claim is abandoned entirely or partially.

3. The first paragraph in respect of an event referred to in paragraph c, does not apply where the circumstances referred to in that paragraph to the debtor leads to taxable income in the Netherlands or implies that a benefit to the debtor involved in the levying of a tax on the profits to Dutch standards is reasonable.

4. The upgrading reserve is added to the result as far as the difference between the current value in the course of trade of the shares or profit shares that the taxpayer or an affiliated person is directly or indirectly by the payer and the value in the economic movement of those shares or profit shares at the time of the circumstance referred to in paragraph exceeds the amount of the revaluation reserve which has already declined. Since that circumstance here, the value of the shares held directly or indirectly or profit shares of an affiliated taxable person when the person is not taken into account, to the extent that value to the associated person under this section already leads to an addition to the result an activity.

5. If shares or profit shares of the taxpayer or a person related to the debtor after the circumstance referred to in the first paragraph are alienated to an unrelated to the taxable person or a company in which the taxpayer or a person related to a significant interest referred to in Chapter 4, for the purposes of the fourth paragraph, the current value in the course of trade of the shares referred to therein or profit shares plus the transfer price of the transferred shares or profit. If the taxpayer or a person related to his ownership or possession of jouissance in the debtor after the circumstance referred to in the first paragraph has expanded by shares or profit obtained from the debtor himself or one not connected to the taxable person or a company which neither the taxpayer nor an affiliated person has a substantial interest as defined in Chapter 4, for the purposes of the fourth paragraph, the current value in the course of trade of the shares referred to therein or profit shares less the purchase price of that expansion. Under an extension of the ownership or possession of jouissance as referred to in the second sentence is understood to include a payment of capital without issue of shares or profit.

6. If a circumstance, other than specified in the eighth paragraph, implies that neither the taxpayer nor an affiliated person has a substantial interest as referred to in Chapter 4 in the debtor is immediately prior to that circumstance in the fourth paragraph for the last applied. Where then another amount of upgrading reserve remains, remnant that expires without resulting in an addition to the result.

7. Notwithstanding the sixth paragraph, second sentence, the remainder of the revaluation reserve is added to the result of a business, if the circumstance is predominantly aimed at the realization of a release from the revaluation reserve and not an addition to the leading results. A circumstance, unless the contrary is made, likely considered to be aimed at the realization of a release that does not lead to an addition to the result, predominantly if the taxpayer or a person related to him within three years of that circumstance again a substantial interest in the debtor obtains.

8. If the company or part of the business of the debtor shall be disposed of to the taxpayer or to a person related to him or to a company in which the taxpayer or a person related to him, has a substantial interest as defined in Chapter 4, immediately preceding the revaluation reserve is added to the result.

9. For the purposes of this Article, Articles 4.3, 4.4, 4.5 and 4.5a of analogy.

10. For the purposes of this Article, a person connected with the taxpayer the meaning given to it by Article 3.91, second paragraph, under b and c.
Article 3.98b. Alienation of a downgraded claim

1. If the taxpayer's claim exists under Article 3.91 or 3.92 and the claim is written off against the profits of a company or the result of an activity by him or of an affiliated person, if the claim is alienated or transferred as described in the second paragraph, in respect of the disposal or transfer, the result of the taxpayer charged an amount equal to the extent that impairment in relation to that claim is already a sum on the bottom of this article to the result of the taxpayer or a person related to him is counted.

2. A disposition or transfer referred to in paragraph occurs if the downgraded debt:
   a. is disposed of to a person related to the taxpayer or to a company in which the taxpayer or a person related to him, has a substantial interest as defined in Chapter 4, respectively
   b. transferred to the ability of a company driven outside the Netherlands, or the ability of a driven outside the Netherlands part of a company's profit that a system for the prevention of double taxation applies.

3. The first paragraph shall apply if the undertaking or part of the business of the debtor shall be disposed of to the taxpayer or an affiliated person or a company in which the taxpayer or a person related to a substantial interest is referred to in Chapter 4.

4. For the purposes of this Article, a person connected with the taxpayer the meaning given to it by Article 3.91, second paragraph, under b and c.

5. For the purposes of the second paragraph, under a, and the third member shall be deemed to transfer to a non-resident in the Netherlands natural person or a non-resident in the Netherlands, that person respectively that body connected to the taxable person are respectively to be where the taxpayer or a person related to him, has a substantial interest as defined in Chapter 4, a company unless the taxpayer makes the opposite plausible.

Article 3.98c. Passing on of transfers under Matrimonial

1. The transition under marital property of a proportion of an asset of the taxpayer's spouse is regarding him as one strike of an activity provided that the proportionate share in the husband belongs to an activity. The husband represents the proportion of the asset for the first time to book on a proportionate part of the last book value of the asset to the taxpayer. The first sentence shall apply with respect to fiscal reserves referred to in Article 3:53 and facilities in accordance with Article 3.25, are formed in the determination of the result from the activity. The person to whom the reserve or provision is passed, shall be deemed to have replaced the one that the reserve or provision has formed in its place.

2. The first paragraph shall not apply if the taxpayer and his spouse so choose. The choice is made in the declaration of the taxpayer.

Article 3.98d. Passing on of transfers under a division of matrimonial property other than death

1. The breakdown of a marriage community to which a disposal asset referred to in Article 3.92, first or second paragraph, is within two years after the dissolution of the marriage community other than death, with respect to such asset not a disposition deemed provided that the asset by the transferee to an activity remains belong. The transferee represents the portion of the asset that he obtains to book on the last part of the carrying amount of that asset on the person from whom it was obtained. The first sentence shall apply with respect to fiscal reserves referred to in Article 3:53 and facilities in accordance with Article 3.25, are formed in the determination of the result from the activity. The person to whom the reserve or provision is passed, shall be deemed to have replaced the one that the reserve or provision has formed in its place.

2. The first paragraph shall not apply if the two former spouses jointly choose here. The choice is made in writing to the superintendent of the former spouse to whom a disposition advantage is taken into account.

3. Sections 3.98a and 3.98b when a taxpayer shall apply mutatis mutandis to a claim made available in accordance with Article 3.92, first or second paragraph, which prior to the distribution of matrimonial property is valued at the expense of the result from a efficacy of his former spouse.

Article 3.99. Transition activity in enterprise
If an activity in a calendar year to grow into a company in which the taxpayer as entrepreneur enjoys profits, is to determine in the year enjoyed the efficacy results, the efficacy deemed not to have ceased. In that case, the company’s book value of the assets held on their carrying amounts in the activity.

**Article 3.99a [Repealed as of 01-01-2011]**

**Section 3.4.3. Provision Exemption**

**Article 3.99b. Provision Exemption**

1. the exemption provision applies to the taxpayer with an activity referred to in Article 3.91 or Article 3.92, except for Article 3.91, paragraph c.

2. posting the exemption is 12% of the aggregate amount of income from operations in accordance with Articles 3.91 and 3.92, with the exception of Article 3.91, paragraph c.

**Section 3.5. Taxable periodical benefits and allowances**

**Article 3100. Taxable periodical benefits and allowances**

1. Taxable periodic payments and benefits are:
   a. designated periodic payments and benefits;
   b. terms of annuities referred to in Article 3124, first paragraph, point b, and Article 3125 and other periodic payments and benefits provided for in Article 3124, paragraph c, and Article 3.126a;
   c. benefits provided under a foreign device whose scope corresponds to an income facility as defined in section 3.7, except to the extent it is probable that account in a tax on income not take into account the premiums paid for the facility;
   d. benefits under mandated investments in pension plans referred to in Article 1.7, second paragraph, under b; reduced by the subsequent oppressive deductible expenses referred to in Article 3108.

2. Notwithstanding the extent of Article 2.14, the taxability of benefits under foreign plans, the nature and scope correspond to benefits under the General Child governed by this Section.

**Article 3101. Designated periodic payments and benefits**

1. Designated periodic payments and benefits are the regular benefits provided that:
   a. received under a public law;
   b. be received under a flowing directly from the family obligation, unless the payments or benefits are received by blood or marriage in the direct line or in the second degree of kinship;
   c. legally recoverable and not the value for a performance form, unless the payments or benefits received from a blood or marriage in the direct line or in the second degree of kinship or the recipient belongs to the household of the debtor;
   d. are not legally recoverable and from a body.

2. If benefits referred to in the first paragraph, under b or c, are received in the form of housing in respect of a property or a portion of a home, those benefits if they are of a limited owner of the property or from part of that property set on the rental value or a proportion of the rental value calculated in accordance with Article 3112.

**Article 3.102. General extensions designated benefits**

1. Among the regular payments is appropriate and what is received benefits to replace lost or foregoing periodic payments and benefits.

2. The first paragraph does not apply where what is received to replace the lost or foregoing periodic payments and benefits is a right to such periodic payments and benefits.
3. The periodic payments designated benefits and what belongs in the context of divorce or separation from bed and board is received in respect of the right to offset:
   a. pension;
   b. annuities and other income provisions where the premiums paid for have been taken. edition as provision for income eligible

4. The third paragraph does not apply where what is received consists of an annuity or other income provision and the premiums paid for are taken into account. as expenses for income provision

5. So what is received in respect of the right to offset referred to in the third paragraph, is not a right to periodic payments and benefits allocated by the person to the clearing obligation.

Article 3.103. Specific extensions public benefits

To the periodic payments and benefits received under a public scheme are:
   a. voluntary insurance benefits under Articles 35 or 38 of the AOW and Articles 63a, 63d and 66a, third paragraph, of the Surviving;
   b. conscientious benefits under Article 48 of the General Old Age Pensions;
   c. benefits under the Disability Insurance Act self-employed;
   d. benefits in connection with the Act and increase state pension retirement age under a regime under Articles 3 and 9 of the Framework Act on Social Affairs grants;
   e. payments under foreign plans, the nature and scope match benefits referred to in subparagraphs a, b, c and d.

Article 3.104. Exemptions public benefits

: The periodic payments and benefits designated non-
   a. benefits provided under the Exceptional Medical Expenses Act;
   b. benefits under the General Child and the child budget under the Act on child budget;
   c. benefits under Article 4.3 of the Fees and Educational Allowances Act;
   d. benefits in the form of a gift or a conditional gift under the Act 2000;
   e. benefits referred to in Article 7.51, first to sixth member, and 17:10 of the Law on Higher Education and Scientific Research;
   f. benefits provided under the Employment and Assistance Act intended to cover certain necessary costs, including benefits referred to in Article 36 of that Act;
   g. childcare under the Childcare Act and quality preschools;
   h. on the income of the taxpayer tuned benefits designated, provided that they are intended to cover by such legislation by ministerial regulation:
      1°. certain necessary costs of renting a house or a caravan;
      2°. certain necessary costs associated with the acquisition or retention of private property as referred to in Article 3111, which for the purposes of the rules governing the deduction of the benefits from that house printing costs referred to in Article 3110 this benefit is deemed to be designated;
      3°. certain necessary costs associated with training or study;
      4°. certain necessary expenses in nature and scope match costs referred to in subparagraph f;
      5°. certain necessary costs of domestic help;
   i. to be designated by ministerial regulation benefits are intended to cover maintenance costs for disabled children living at home;
   j. benefits under Article 44, first paragraph, point b, of the Exceptional Medical Expenses Act;
   k. care allowance under the Health Care Allowance Act;
   l. benefits provided under the Social Support Act;
   m. to be designated by ministerial regulation distributions in nature and scope match benefits referred to in
subparagraphs a to l;

n benefits under Article 118a, first paragraph, of the Health Insurance Act;
o fixed allowances for nursing treatment or referred to in the Order in Council based on Article 11a of the Law
extraordinary pension from 1940 to 1945, or section 15 of the Indian Act extraordinary pension resistance and Article
3 of the Law extraordinary pension seamen war victims and to designate facilities for military war victims or service
related disability by ministerial regulation;
p concessions under Article 2 of the Law allowance chronically ill and disabled;
q payments under foreign plans, the nature and scope match benefits referred to in subparagraphs a to p.

**Article 3.105. Specific extensions family law benefits**

1. The periodic payments and benefits received under an obligation arising directly from the family law periodic
payments and benefits if they are agreed in the context of divorce or separation from bed and board to offset:
a pension;
b annuities and other income provisions where the premiums paid for have been taken. edition as provision for
income eligible

2. The periodic payments and benefits received under an obligation arising directly from the family law periodic
payments and benefits that replace such periodic payments and benefits.

3. the first and second paragraph shall only apply to periodic payments and benefits incurred by the person to the
settlement or replacement required.

**Article 3.106. Extensions distributions from income support**

1. Where in respect of an annuity or other claim of a income provision referred to in Article 3100, first paragraph, point
b, or a claim under a scheme referred to in Article 3100, first paragraph, section d, at any time negative expenses
for income provisions are taken into account, is at that time also to the benefits referred to in that subparagraph b or
do, the value in the economic movement of the claim provided that the negative expenditure made in respect of the
claim in order to goes up.

2. Among the benefits under a foreign facility as defined in Article 3100, paragraph c, is also:
a what is enjoyed to replace lost or fall short of such benefits;
b thing regarding a right to such benefits are received in respect of alienation or becoming the favored final.

3. For the purposes of the second paragraph, under b, are the favored enjoyed amount identified as at the time of
disposal or the final value in the economic movement of the right referred to in that section. The preceding sentence
shall not apply if the transferee or the beneficiary is a natural person and the right acquired is not part of the assets
of a company driven to his account. Alienation is equated with bringing in the ability of a company.

**Article 3107. Excluded benefits from income support**

1. Among the benefits of income provisions referred to in Article 3100, first paragraph, point b, and the benefits from
pension plans referred to in Article 3100, first paragraph, section d, are not benefits under a provision whose value
under Article 3106 was taken into account.

2. Article 2.14, paragraph does not apply to the right which these benefits arise.

**Article 3.107a. Determination scale periodic taxable benefits and allowances**

1. To determine the amount of taxable periodic payments and benefits provided for in Article 3100, first paragraph,
point b, pursuant to an agreement in respect of which the taxpayer has made the premiums paid and for all or part
not as an expense for acceptable income provision are taken into account, be on time or benefit to the maximum
specified in the second paragraph shall be deducted the premiums paid and amounts that may be assumed that they
are not taken as expenses for income provision into account and to the extent that the deduction premiums and
amounts not already:
a virtue in an earlier period or benefit this paragraph have been deducted, or
2. From the premiums paid in a calendar year and sums not as an expense are taken into account for income provision may be, provided that in the event in a calendar year to reduce maximum € 2,269 at the foot of this Article and Article 3137 in respect of several agreements premiums and amounts paid are not taken as expenses for income provision into account the maximum of € 2,269 applies to the total of the premiums and amounts.

Article 3.108. Deductible expenses of designated benefits and income support benefits

Deductible costs of benefits provided are the costs relating thereto insofar as they are made for the acquisition, collection and preservation of such payments and benefits. The costs may be charged if they do not exceed their total size which is common. Deducted

Article 3109. Deduction of costs excluded

The deductible costs of benefits provided are not interest on debts, including costs of loans. Article 3.14, paragraph, and 3:16, ninth paragraph, shall apply mutatis mutandis.

Section 3.5a [Repealed as of 01-01-2013]

Article 3.109a [Repealed as of 01-01-2013]

Section 3.6. Taxable income from house

Article 3110. Taxable income from house

Taxable income from house are the benefits from home ownership minus the deductible costs imposed on those benefits (Article 3120).

Article 3.111. Own home

1. of this section and the provisions based upon the purposes own house: a building, a sustainable tied to one place boat or caravan as defined in Article 1, paragraph f, of the Housing Act, or part of a building, a ship or a caravan, with the appurtenances belonging thereto, to the extent that the person or persons belonging to his household other than temporarily as a principal residence is available under:

a. property, including beneficial ownership or a right of membership in a cooperative, if in relation to that property the taxpayer or his partner enjoy the benefits, costs and expenses of the taxpayer or his partner pressures and change in value of the taxpayer or his partner largely concerned;

b. a usufruct, a right of residence or a right of use has been granted, if the taxpayer is entitled in respect of that property the benefits and the costs and burdens on him pressing. taxable inheritances

2. A house is for the period that the calendar is empty also regarded as private property if the property has been the taxpayer during the calendar year or in any of the previous three years as a private residence referred to in paragraph disposal and it is likely that the house is for sale. If a property referred to in the first sentence from income any time during the period referred to therein from savings and investments and generates then from some point again taxable income from house, is a thing not to be taken for the purposes of Article 3.119a as a disposal, respectively as an acquisition. Furthermore, Article 2.14, paragraph, under b and c, is related to the property during the period referred to in the first sentence does not apply and the property also during this period for the purposes of Articles 3116 and 3.116a regarded as private property.

3. A house is also regarded as a private residence if the taxpayer demonstrates that the property is vacant or under construction and is intended exclusively for the calendar year or in one of the following three years as a private residence referred to him in the first paragraph available to assist.

4. A house is for a maximum of two years from the date the property the taxpayer no longer other than temporary as main residence is also regarded as a private residence if the taxpayer makes it plausible that the property former partner other than temporarily during that period as a principal residence is available. For the purposes of this paragraph and of the eighth paragraph, the former partner also means living permanently separated spouse.

5. A house is for a maximum of two years from the date the property the taxpayer no longer other than temporary as
main residence is also regarded as a private residence if the taxpayer during that period is included in a nursing or care for medical reasons or age.

6. A home that the taxpayer for at least one year as a private residence referred to in the first paragraph has been made available and since then temporarily as a principal residence can not help but temporary disposal, also be regarded as private property if during that period at the request:
   a. the house is made available to third parties and
   b. the taxpayer does not enjoy together with his partner in relation to any other taxable income from house property.

7. Temporary disposal of a property to third parties, depriving it of its character of main residence.

8. When a taxpayer and his spouse together, no more than one principal residence taken into account. If partners have more than one property that can be regarded as a principal residence, the taxpayer and his partner in the joint declaration choose which of those houses is regarded as such.

9. If the taxpayer and his partner for a calendar year:
   a. choice for a home as your principal residence to brands have made, can not be returned to their selection;
   b. have not made their choice of housing is not regarded as a principal residence.

10. Under private property is not understood to a common opinion independent part of a building, ship or caravan with the associated appurtenances used:
   1°. in an enterprise of the taxpayer or person belonging to his household and in the determination of the profits of that company in respect of that use an amount charged to the profit can be achieved;
   2°. to result from one or more activities of the taxpayer or person belonging to his household and in determining the outcome in respect of that use an amount charged to the profit may be, or
   3°. in a company in which the taxpayer or person belonging to his household as referred to in Chapter 4, with the exception of Articles 4.10 and 4.11, and in determining the profits of that company in respect of an amount that use a substantial interest charged to the profit can be charged.

Article 3.112. Notional rental value

1. The benefits from home ownership to be a house of their own:

<table>
<thead>
<tr>
<th>Above</th>
<th>But not more than</th>
<th>On an annual basis set at</th>
</tr>
</thead>
<tbody>
<tr>
<td>€ 12,500</td>
<td>€ 25,000</td>
<td>0,20% of this value,</td>
</tr>
<tr>
<td>€ 25,000</td>
<td>€ 50,000</td>
<td>0,35% of this value,</td>
</tr>
<tr>
<td>€ 50,000</td>
<td>€ 75,000</td>
<td>0,45% of this value,</td>
</tr>
<tr>
<td>€ 75,000</td>
<td>€ 1,040,000</td>
<td>0,60% of this value</td>
</tr>
<tr>
<td>€ 1,040,000</td>
<td></td>
<td>€ 6,360 plus 1.55% of own house where this exceeds € 1,040,000.</td>
</tr>
</tbody>
</table>

2. The private house is the value determined in accordance with Chapter IV of the Property Valuation Act for that property values or for the calendar year. If your own home is part of a property referred to in Article 16 of the Property Valuation Act, the own house made on the part of the value of the property that can be assigned to the property.

3. Regarding the private property on which the second paragraph may find the lack of an established pursuant to Chapter IV of the Property Valuation Act value, no application has its own house the value of the property is determined by corresponding application of the provisions in or under Articles 16 to 18 and 20, second paragraph, of the Act and of the second paragraph, second sentence.

4. The benefits of a private home provided are set at zero. in Article 3111, second and third paragraph,

5. The benefits of a private home provided are set at 1.00% of the own house. in Article 3111, paragraph, Notwithstanding the first sentence, in a private house of more than € 1,040,000 the benefits set at € 10,600 plus 1.75% of own house where this exceeds € 1,040,000.
6. Regarding private property referred to in Article 3111, first paragraph, the date of inception, respectively the end date of the period for which the benefits inherent property are considered made on the date, respectively, the date on which the address of the relevant dwelling and residential address of the taxpayer is included in the personal records database. The first sentence shall not apply if registration of the taxpayer at the address of home ownership in the personal records database is not possible or if Article 3111, paragraph eight, is applied.

Article 3.113. Temporary rental

With regard to the private property which temporarily made available to third parties under Article 3112 as the benefits of private property amount to be taken into account plus 70 percent of the benefits in respect of the provision.

Article 3114. Accommodation Exemption

1. If the income from it other than for a short time at the disposal of whether furnished or furnished living space that no independent house forms and forms part of the property that the taxpayer otherwise than temporarily as a principal residence is available, not exceed € 4,536 per year, which is considered as part of the living space occupied property and the benefits, other than those referred to in Article 3112, first paragraph, not taken into account.

2. For purposes of this Article, both the taxpayer and the person is made during the time of posting as a resident at the address in respect of the property to be registered in the population registry. available to whom

Article 3115. Allocation notional rental value

The advantages of a home for two or more taxable persons who are not partners of each other along a private dwelling is to be taken into account for each of them to the extent to which they entitled to the property under Article 3111, first paragraph, .

Article 3116 [expired as of 01-01-2013]

Article 3.116a [Repealed as of 01-01-2013]

Article 3117 [expired as of 01-01-2013]

Article 3118 [expired as of 01-01-2013]

Article 3.118a [Repealed as of 01-01-2013]

Article 3119 [expired as of 01-01-2013]

Article 3.119a. Private Property Debt

1. For the purposes of this section and the provisions based thereon is under home acquisition debt means the aggregate amount of the debts of the taxpayer:
   a. entered into in connection with their own home;
   b. on which a contractual obligation to fully redeem during the life annuity and at least up to 360 months in accordance with Article 3.119c;
   c. on which the obligation to repay is met (repayment requirement), and
   d. concerning which, if Article 3.119g applies to the obligation to provide information referred to in that Article are met.

2. Under debts incurred in connection with private property means the debts incurred:
   a. to acquire their own home, but up to an aggregate amount equal to the cost to acquire the property;
   b. for improvement or maintenance of the property or to surrender the rights of lease, lease or building lease on the property, but up to an aggregate amount equal to the cost of improvements, or home maintenance or the redemption of the rights of leasehold lease or building lease on the property;
   c. to pay the costs incurred in obtaining the debts referred to in subparagraphs a and b, where closing fees are
taken to the maximum eligible under Article 3120, paragraph.

3. For the purposes of the second paragraph, the sum of the amount of the costs to acquire the property referred to in subparagraph a, and the amount of the improvement, maintenance or redemption referred to in subparagraph b, minus the sum of:

. 1° the positive amount of home ownership reserve referred to in Article 3.119aa, immediately prior to the time when the property in respect of the taxable person, as a private dwelling respectively immediately preceding the improvement, maintenance or surrender;

2° thereof pursuant to Article 33, parts 5° and 6° of the SW 1956 in respect of that acquisition, improvement, maintenance or surrender to exemption enjoyed.

4. If the taxpayer acquires a private home intended for him and his partner other than temporary as main residence of the line, where they have previously been together a home other than temporary as your principal residence has been made available and the partner regarding of earlier property alienation balance private property has achieved the calculated under paragraph home acquisition debt of the taxpayer reduced, but not below zero, with their own home reserve referred to in Article 3.119aa, the partner which, if the partner The house also has acquired is based on the own home reserve after application of Article 3.119aa regarding the partner. The reduction in home acquisition debt referred to in the preceding sentence shall be applied to the moment the house as their main residence is no longer available to common other than temporary.

. 5 : In the home acquisition debt does not belong

a. debt contracted or arising in payment of interest referred to in Article 3120, first paragraph, subparagraph a;

b. the debts incurred to acquire their own home or a portion thereof, if his property or part thereof directly or indirectly obtained from the partner of the taxpayer, if the total of the debt by the taxpayer and his partner for the acquisition of the property, after the acquisition exceed before the disposition of the property or a part thereof by his partner;

c. debts arising from a loan agreement between partners;

d. liabilities correspond to money claims referred to in Article 5.4, first paragraph.

Article 3.119aa. Private Property Reserve

1. On disposal of a private home, the alienation balance private property added to their own home reserve. Under alienation balance private property means the value of the consideration for the disposal of their own property, less the costs relating to the alienation and minus the home acquisition debt for the home. For the purposes of the first and second sentence, the home acquisition debt also included the amount of the reduction referred to in Article 3.119a, paragraph, and the amount under Article 3.119a, paragraph, subparagraph b, not to the home acquisition debt belongs.

. 2 A private property reserve decreases, but not below zero, with:

a. an amount equal to the cost to acquire your own home minus the amount taken into account under Article 3.119a, first paragraph, as home acquisition debt for that property;

b. an amount equal to the amount by which the home acquisition debt of the partner under Article 3.119a, paragraph is reduced, provided that this amount is added where Article 3.119a, paragraph, to own property reserve again no longer Employment of home acquisition debt of the partner;

c. an amount equal to the costs incurred in a calendar year for improvement or maintenance of the property or to surrender the rights of lease, lease or building lease on the property.

3. the private property reserve shall to the extent that it is attributable to a balance transfer own home three years ago has been added.

4. For the purposes of this section, the acquisition or disposal of a private residential property shall mean an event which the property in respect of the taxable person, as a private dwelling respectively no longer regarded as such. If acquisition or disposal is not considered that by virtue estate mixing consummation of a marriage or amend prenuptial agreement and that by inheritance between partners. If in an acquisition or disposal consideration is missing or stipulated by an agreement concluded under normal circumstances, consideration is deemed to be the value at the time of the acquisition, in the course of trade may be granted. Respectively the alienation of the property
5. 's own home reserve resulting from the disposal of a private home which is more than a taxpayer is entitled, is allocated to each of them to the extent to which they are entitled to the balance alienation own home.

6. A ministerial regulation may set further rules for the application of this Article.

**Article 3.119b. Decision own home reserve**

1. The private property reserve can be established amenable, prior to the end of a calendar year, whether or not requested by the inspector for objection. If there is a decrease in own home reserve referred to in Article 3.119aa, second paragraph, point b, the Decision also reported the amount of the decrease.

2. If any fact provides grounds to suspect that their own home reserve is set too low, the inspector may review the decision. Revision takes place at eligible for objection.

3. A fact that the inspector was known or could have reasonably known does not constitute grounds for review, in bad faith unless the taxpayer in respect of this fact.

4. Article 16, second paragraph, opening words and under c, third and fourth paragraphs of the General State Taxes Act shall apply mutatis mutandis to reviews.

**Article 3.119c. Repayment requirement**

. 1 The repayment requirement is met if belonging to the home acquisition debt debt at the key moment does not exceed the amount that a debt given by the formula:

\[
B_x = B_0 \left[ 1 - \frac{(1 + i_m)^x - 1}{(1 + i_m)^n - 1} \right]
\]

which shall apply:

- **B<sub>x</sub>**: the maximum debt at the key moment;
- **B<sub>0</sub>**: the starting amount of the debt;
- **i<sub>m</sub>**: the monthly rate;
- **x**: the number of full calendar months elapsed maturity;
- **n**: the total duration of the debt in months from the time of entering into the debt to the month in which the debt must be repaid, in whole but not more than 360 months.

. 2 After a change in the monthly interest rate, the formula in the first paragraph apply as follows:

- a. point **B<sub>0</sub>** means the size of the debt at the time immediately prior to the change in the monthly rate;
- b. under **i<sub>m</sub>** means the new monthly rate;
- c. below **x** means the number of years of full calendar months of the duration from the time immediately prior to the change in the monthly rate, and
- d. under **n** is defined as the maximum remaining term of the original maturity of the debt in whole calendar months at the time immediately prior to the change in the monthly rate.

. 3. Insofar already exist one or more debts belonging to exist until the home acquisition debt or last and then for an amount equal to or lower than the final size of the debt, respectively debts, one or more new debt referred to in Article 3119 a, first paragraph, be entered into the formula in the first paragraph by debt applied as follows:

- a. point **B<sub>0</sub>** means the final size of the previous debt, or if the amount of the new debt is lower, this lower amount;
- b. under **i<sub>m</sub>** means the monthly rate at the time of entering into the new debt;
- c. under **x** means the number of years of full calendar months of the duration from the time immediately prior to entering into the new debt, and
- d. under **n** is defined as the maximum remaining term of the original maturity of the debt in previous months at the last moment was this debt.
4. Insofar as the new home acquisition debt, after applying the repayment mode, referred to in Article 3.119d, the total final volume of the previous debt, by the time immediately prior to entering into the new debt or debts, exceeds applies to new debt the formula of the first paragraph, which under \((n)\) is defined as the total duration of the debt in months from the time of entering into the debt to the month in which the debt must be repaid, in whole but not more than 360 months.

5. If key moment is regarded as referred to in the first paragraph:
   a 31 December of the calendar year;
   b. the date of disposal of home ownership;
   c. the moment of change in the monthly rate specified in the second paragraph;
   d. the last time the previous debt was referred to in the third paragraph.

6. Repayment requirement rests on the taxpayer for his home acquisition debt.

7. A ministerial regulation may set further rules for the application of this Article.

Article 3.119d. Repayment Stand

1. If a transfer of home ownership the home acquisition debt of the taxpayer immediately before the disposition exceeds the home acquisition debt of the taxpayer in respect of a newly acquired private property or if after the alienation a home acquisition debt is missing, continue that several of the home acquisition debt respectively of the home acquisition debt reserve immediately before that disposition, the amount and state of maturity in months (the redemption mode). The repayment can stand to the position of the end of a calendar year, whether or not requested by the inspector eligible for objection (the decision repayment mode) be established.

2. If the taxpayer’s home acquisition debt at any time increase or if after a period of home acquisition debt again occupiers debt is incurred, and at that time a repayment position exists, the formula of article 3.119c, first paragraph, for the increase in home acquisition debt respectively for said re-created home acquisition debt applied as follows:
   a point B \(0\) means the amount of the repayment mode, or if the amount of the new debt is lower, this lower amount, and
   b. under \(n\) means the remaining duration in months of the repayment mode.

3. The repayment status expires, or the decision stand repayment expires, if the repayment mode is applied to a home acquisition debt completely. If there is a decrease in the amount of the repayment mode, maintaining the position for the remaining repayment amount and, if a decision repayment mode is set, the Decision also reported the amount of the decrease.

Article 3.119e. Briefly deviate from repayment schedule and payment

1. If one belonging to the home acquisition debt debt of the taxpayer in a calendar year at the key moment, referred to in Article 3.119c, paragraph, subparagraph \(a\), exceeds the amount which follows from Article 3.119a, paragraph \(c\), (the repayment arrears) that debt remains among the home acquisition debt if the debt at 31 December of the following calendar year does not exceed the amount that it follows from Article 3.119a, paragraph \(c\), for that moment. The first sentence shall not apply if the repayment arrears more than incidental.

2. If one belonging to the home acquisition debt debt at 31 December of the calendar year following the calendar year in which the repayment arrears arose exceed the amount that it follows from Article 3.119a, paragraph \(c\), for that moment, it remains that debt are the home acquisition debt if:
   a taxable person makes plausible that this is due to insufficient payment capacity and the taxpayer on 1 January of the second calendar year following the calendar year in which the repayment arrears arose contractually a new minimum annuity relief schedule corresponds to the creditor that the debt on the subsequent key moments not exceed the result of the formula in Article 3.119c, first paragraph, which is defined as follows:
   \[ B_0 : \text{the amount of the indebtedness on which there is insufficient payment capacity, on 31 December of the calendar year following the calendar year in which the repayment arrears arose;} \]
   \[ i : \text{the new monthly rate;} \]
x: the number of full calendar months elapsed from the period from 31 December of the calendar year following the calendar year in which the repayment arrears arose, and

n: the maximum remaining term of the original maturity of the debt in whole calendar months on 31 December of the calendar year following the calendar year in which the repayment arrears arose, or

b. the taxpayer demonstrates that the repayment arrears in the year following the calendar year in which the first repayment arrears arose the result of an inadvertent error in the payment or calculation of the redemption amount, and the home acquisition debt at 31 December of the second calendar year following the calendar year in which the repayment arrears arose not exceed the amount that it follows from Article 3.119a, paragraph c, for that moment.

3. If the taxpayer demonstrates that the payment problems are such that after adoption at the foot of the second paragraph, under a, of a new minimum annuity repayment schedule on 1 January of the second calendar year following the calendar year in which the repayment arrears arose, can be met, not the new repayment requirement laid down that debt remains among the home acquisition debt, provided that the creditor agrees to delay payment. The taxpayer is then by 31 December of the fourth calendar year following the calendar year in which the repayment arrears arose contractually a new minimum annuity repayment schedule agreed with the creditor that the debt on the following key moments not exceed the result of the formula Article 3.119c, first paragraph, which is defined as follows:

\[ B_0 : \text{the amount of the debt, the payment problems arise at the time immediately prior to the contractually agreeing the new minimum annuity repayment schedule;} \]

\[ i_m : \text{the new monthly rate;} \]

\[ x: \text{the number of full calendar months elapsed from the period from the time immediately preceding the contractually agreeing the new minimum annuity repayment schedule, and} \]

\[ n: \text{the maximum remaining term of the original maturity of the debt in whole calendar months at the time immediately prior to the contractually agreeing the new minimum annuity repayment schedule.} \]

4. Where paragraph or paragraph does not mean that the debt for which repayment arrears arose still the home acquisition debt remains belong, is that debt at 1 January of the second calendar year following the calendar year in which the repayment arrears arose, respectively on 1 January of the fourth calendar year following the calendar year in which repayment arrears arose, for the remaining period of the term is not the home acquisition debt.

5. If a fault on the base of the fourth paragraph, no longer belongs to the home acquisition debt, the taxpayer this debt at any time relays and at any time thereafter a new debt associated with private property is concerned, for the purposes of Article 3119 a this new debt reduced by the amount of debt that is not in the home acquisition debt belonged to the foot of the fourth paragraph.

6. Insofar as belonging to the home acquisition debt debt of the taxpayer at a key time as referred to in Article 3.119c, fifth paragraph, subparagraphs b to d, exceeds the amount which follows from Article 3.119a, paragraph c , which is blamed for the purposes of Article 3.119a at the time immediately preceding the key moment is not in the home acquisition debt. The first sentence shall not apply if the third paragraph applies and the property is disposed of before the expiry of the fourth year following the calendar year in which the repayment arrears arose.

7. A ministerial regulation may set further rules for the application of this Article.

**Article 3.119f. Moving Arrangements**

1. If another property of the taxpayer is regarded as a private residence by the application of Article 3111, second or third paragraph, the repayment requirement referred to in Article 3.119a, paragraph c, using the position and duration of redemption in respect of belonging to the home acquisition debt debt at that moment of home ownership to alienate to the indebtedness of other private property, provided that the debt on behalf of the other occupied home debt for the to dispose of their own property does not exceed.

2. Where a debt is intended to finance a future alienation balance private property are the conditions of Article 3.119a, first paragraph, under b and c, during the period that Article 3111, second or third paragraph, applicable not applicable.

3. If, in respect of the taxpayer two homes are considered the same as a private residence and then one of those homes is disposed of, immediately after the home acquisition debt for another house again determined by applying
Article 3.119a, first and second paragraphs, the current state of their own home reserve in lieu of the state immediately prior to the time when the property in respect of the taxpayer as a personal residence is considered. Then 3.119aa article, paragraph, subparagraph a, reapplied. Then 3.119aa article, paragraph, reapplied to the partner and then 3.119aa article, paragraph, subparagraph b, used in the taxpayer again. Then Article 3.119a, second paragraph, point b, reapplied, the current state of home ownership reserve in lieu of the state immediately preceding the improvement, maintenance or surrender. Then Article 3.119a, paragraph c, reapplied. Finally, Article 3.119aa, paragraph c, reapplied.

Article 3.119g. Information when debts with non-administratieplichtigen

1. the taxpayer a loan agreement enters other than a designated pursuant to Article 10.8 administrative officer and that the debt arising from the contract would count to the home acquisition debt referred to in Article 3.119a, is held not later than when submitting the declaration for the calendar year in which the agreement has been concluded, but no later than 31 December of the calendar year following the calendar year in which the agreement has been concluded, to give notice thereof, and to provide the data. to be designated by ministerial regulation

2. Upon any change in the information referred to in the first paragraph, is held the taxpayer within one month after the end of the calendar year in which the change arises from the change to notify and thereby provide the amended data during the term of the debt.

3. the notification referred to in the first and second paragraph takes place by notifying the superintendent asked to do so electronically available standard form on which the required data are incorrect.

4. If the notification referred to in the first or second paragraph, not, not timely or not is completely done and the information referred to in the first or second paragraph, not, not timely or not fully provided the debt as part of the calendar year in which the agreement was reached, respectively, with effect from the year in which the change occurs, not the home acquisition debt. If in this case the notice prescribed and that the information within one month after the end of the next calendar year is made, provided, respectively belongs, if the other requirements of Article 3.119a, first paragraph are met, the debt from that calendar to the home acquisition debt.

Article 3120. Deductible expenses own home

1. Deductible expenses related to private property the aggregate amount of:
   a. the interest on debts belonging to the home acquisition debt;
   b. the costs of loans belonging to the home acquisition debt;
   c. periodic payments under the rights of ground lease, building and constriction, with respect to their own home.

2. until the deductible costs of a private home does not include costs to the extent related to the satisfaction of these debts arise where the obligation to pay - other than in the event of death or disability of the taxpayer - legal or not conditional, or, in fact, directly or indirectly, is limited.

3. The paid interest on debts and costs of loans in a calendar year by way of advance payment will not be taken into consideration:
   a. if they relate to periods ending later than six months after the end of the calendar year in which they are paid only to the extent they relate to the period commencing at the end of the calendar year in which the interest is attributable to calendar months in proportion and portions of calendar months are classified as calendar month;
   b. insofar as they relate to periods or portions thereof that fall after the time when the domestic tax liability otherwise than death.

4. Prepaid interest and costs of loans on the basis of the third paragraph, under a, not taken, be eligible unless the resident taxpayer other than death has ended, deemed to be met in each of the equal parts the calendar year referred to in the paragraph following calendar years in which the interest costs of loans or concern, with portions of calendar years are considered. as calendar years In the year in which the taxpayer dies, or the interest costs of loans that remain out of consideration taken fully into account.

5. Closing Commissions which have been paid in respect of debts that are not covered in the by way of advance paid interest, provided that the property in the calendar year or in the subsequent two years the taxpayer as a principal residence is available, and in that case the home acquisition debt provided they not exceed 1.5% of the amount of their debt and also jointly an amount of not exceeding € 3,630.
Article 3.120a. Deductible expenses remaining debt estranged own home

1. If deductible expenses related to private property as referred to in Article 3120 for a period of ten years from the date of the transfer of private property also regarded the interest and costs of loans for an outstanding debt of those alienated own home.

2. For the purposes of this Article, an outstanding debt of an estranged own home means the debt that the taxpayer had at the time immediately prior to its disposal in the period from October 29, 2012 until December 31, 2017 of a private home, insofar as this debt has led to a negative balance alienation own home.

3. The extent that the debt referred to in the second paragraph, is converted into another debt, the second debt for the purpose of this article is considered a continuation of the first.

4. Article 3120, paragraph shall apply mutatis mutandis.

Article 3121. Deductible costs shared own property in joint occupancy

The deductible expenses relating to a property for two or more taxable persons who are not affiliated to each other along their own home is used for each of them determined by their share of the debt they incurred to acquire the property and the periodic payments to the extent that pressures on them.

Article 3122 [expired as of 01-01-2013]

Article 3123. Costs for improvement or maintenance own home

In this section and the provisions based thereon, costs for improvement or home maintenance are taken into account insofar as the improvement and maintenance of written documents to substantiate.

Section 3.6a. Deduction for little or no home acquisition debt

Article 3.123a. Deduction for little or no home acquisition debt

1. If the benefits from home ownership, referred to in Article 3112, exceed the benefits to these oppressive deductible expenses, the taxpayer is eligible for the deduction for little or no home acquisition debt.

2. Reductions in respect of little or no home acquisition debt is equal to the benefits from home ownership, referred to in Article 3112, minus the deductible costs of these benefits oppressive.

3. If the taxpayer has a partner, for the purposes of this article the advantages of the taxpayer and his partner and the deductible costs of these benefits oppressive merged. The deduction for little or no home acquisition debt in that case is set at a proportion of the calculated in paragraph deduction, in the proportion which the taxable income from house that are supposed to get to the taxpayer until the joint taxable income from house of him and his partner.

4. For the purposes of the preceding paragraphs, the deductible expenses in a calendar year on the oppressive benefits from home ownership proportionately allocated to the periods to which they relate. The first sentence shall not apply to closing fees that not exceed the maximum referred to in Article 3120, paragraph.

5. If, by or on behalf of a withholding agent within the meaning of the law on income tax in 1964 of the taxpayer or his spouse or by or on behalf of an affiliated company, the withholding agent referred to in Article 10a, paragraph of that Act to the taxpayer or his partner a loan is provided, including a portion of a loan, and the taxpayer or his spouse therefore an interest advantage that is not included in the wages, but as deductible expenses within the meaning of Articles 3120 to 3123 would be taken if it were considered to be the salary into account the value of this interest benefit for the purposes of the preceding paragraphs shall be considered as the benefits from home ownership oppressive deductible expenses.

6. The fifth member is attached to a loan referred to in the fifth paragraph shall apply cost.

7. A ministerial regulation may set further rules regarding the determination of the value of the interest benefit and the value of the benefit of the costs associated with the loan referred to in the fifth and sixth paragraphs.

Section 3.7. Expenditure on income insurance

Article 3124. Expenditure on income insurance
Expenses for income provisions are oppressive to the taxpayer:

a. annuity premiums referred to in Article 1.7, first paragraph, under a, which serve to compensate for a pension to the amounts referred to in Articles 3127, 3128 and 3129;

b. annuity premiums referred to in Article 1.7, first paragraph, under a, the deadlines forward to an adult disabled child or grandchild and end only upon the death of the owner;

c. premiums to claims for regular benefits and benefits in respect of invalidity, illness or accident, the benefits to the taxpayer and
d. contributions pursuant to Article 66a, paragraph National Survivor.

Where in this Act and the provisions based refers to an annuity under Article 3124 this also includes a credit of an annuity savings account under Article 3.126a or the value of an annuity investment account referred to in Article 3.126a.

**Article 3.125. Annuity Services**

. 1 If annuities referred to in Article 1.7, first paragraph, under a, which serve to offset a pension means:

a. annuities referred to in Article 1.7, first paragraph, under a, the time to the taxpayer, go by the year in which he reaches the age of five years is higher than the retirement age provided for in Article 7a, paragraph , of the AOW, and end only with his death;

b. annuities referred to in Article 1.7, first paragraph, under a, the deadlines forward to a natural person and running from the death of the taxpayer, his spouse or his former partner, whereby if the deadlines forward to one of their blood - or marriage, not being the partner or former partner, in the direct line or in the second or third degree of kinship, or at the end only the death of the beneficiary not later than at the time when it reaches the age of 30 ;

c. annuities referred to in Article 1.7, first paragraph, under a, the time to the taxpayer, have a term of at least five years, not commence earlier than the year in which he reaches the age of 65 and appearance go in the year in which he reaches the age of 70, provided that the aggregate amount of that annuity installments - assessed at the time of contribution - does not exceed € 20,953 per year.

2. Notwithstanding Article 1.7, first paragraph, for rights as referred to in paragraphs a and c have agreed that the amount of benefits due to the death of a partner or former partner decreases up to 70% the amount that applied before death.

3. Notwithstanding Article 1.7, first paragraph, for rights referred to in the first paragraph, point b, whose terms end by the time the beneficiary reaches the age of 30 years the size of the risk of death of the entitled irrelevant.

**Article 3126. Licensed providers**

. 1 Premiums for annuities referred to in Article 1.7, first paragraph, under a, shall be considered only if they are due to:

a. one of the following insurers calculate the annuity obligation to the domestic business assets:

   . 1° an insurer referred to in Section 1:1 of the Act on Financial Supervision;

   . 2°. living in the Netherlands a natural person who is not the spouse, or a resident in the Netherlands, provided that the annuities were negotiated as consideration for the transfer of an undertaking or part of an undertaking to that person or entity, but to to the amount of the profit from or to that transfer and the amount of the decreases of the pension reserve under Article 3.70 in the year of the transfer;

b. a body that, under Article 5, paragraph, subparagraph b, of the Corporation Tax Act 1969 is exempt from the tax;

c. a non-resident in the Netherlands pension fund or body engaged in the life, provided the premiums are paid for voluntary continuation of a pension or annuity in respect of an already insured with that fund for the development of the domestic tax liability or that body and that fund or body meets conditions to be appointed by the Minister;

. d. a pension fund or body with jurisdiction pursues insurance, other than those specified in subparagraphs a, b and c, by Our Minister, under conditions to be laid by him, and that is designated to Our Minister is committed:

   . 1°. meet conditions relating to the provision of information on the implementation of the scheme, and

   . 2°. set for the recovery of the tax payable by the application of Articles 3133, 3135 and 3136, security or the
taxpayer has to require this security.

2. For premiums to claims for regular benefits and benefits in respect of invalidity, illness or accident is the first paragraph, under a, under 1, b, c, and d apply mutatis mutandis.

3. By Order of Directors are laid down with regard to the designation referred to in the first paragraph, subparagraph d.

Article 3.126a. Expenditure on income insurance through an annuity savings account or annuity investment account

1. With annuity premiums referred to in Article 1.7, first paragraph, under a, which serve to offset a pension referred to in Article 3124, first paragraph, under a, be treated the amounts paid to by the taxable escrow account (annuity savings account) or that are transferred to a trustee of a collective investment scheme as defined in that paragraph, to obtain one or more blocked units of that institution (annuity investment account) by him held at a bank as defined in paragraph , in which:

a. the returns achieved by the amounts transferred shall be credited to the annuity savings account, be used to obtain annuity investment rights, and respectively

b. the balance of the annuity savings account, respectively, the value of the annuity investment account, can be used to obtain an annuity referred to in Article 3125, or in accordance with the fourth set to seventh paragraph conditions can be paid in installments only exclusively .

With respect to these amounts transferred, Article 3126 does not apply.

2. A bank or administrator referred to in the first paragraph:

a. financial company under the Act on Financial Supervision in the Netherlands may pursue the business of banking business provided that the requirement under the annuity savings account for corporation tax charges to the domestic business assets;

b. a financial company under the Act on Financial Supervision in the Netherlands may pursue the business of investment and is established in the Netherlands;

c. an undertaking or body authorized as a bank or as a manager of an investment occurs, other than those specified in subparagraph a respectively subsection b, by the Minister, under which he lay down, has been designated and which is opposite the Minister has required :

1 °. meet conditions relating to the provision of information on the implementation of the scheme, and

2 °. set for the recovery of the tax payable by the application of Articles 3133 and 3136, security or the taxpayer has to require this security.

3. the account holder of an annuity savings account and the holder of an annuity investment account are termed policyholder and otherwise treated as policyholder.

4. Insofar as the balance of the annuity savings account, respectively, the value of the annuity investment account is not used to obtain an annuity referred to in Article 3125, should the balance of the account, respectively, the value of the right in fixed and equal installments match between maximum period of one year to be paid. It is a further:

a. on survival of the policyholder:

1 °. that deadlines be paid to him and the first installment is paid no later than the calendar year in which he reaches the age of five years is higher than the retirement age provided for in Article 7a, first paragraph, of the AOW;

2 °. that if the first installment is paid before the calendar year in which he reaches the age of 65, the period between the initial and the final term at least 20 years, plus the number of years that the policyholder is younger than 65 years at the time of payment of the first installment;

3 °. that if the first installment is paid after the calendar year in which he reaches the period between the first term and the last term is at least 5 years if the aggregate amount of time in a calendar year, not the age of 64 amounts over € 20,953, and is at least 20 years if the aggregate amount of time in a calendar year, exceed that amount;

4 °. that if the payment of the first installment is made within six months after the death of a partner or former partner of the insured, notwithstanding the below 2 ° and 3 ° particular, the period between the initial and
the final period is at least 5 years;

. b death of the policyholder while under subparagraph a no deadlines are discussed:
   1 °. that deadlines and go directly paid to a natural person;
   2 °. that if the deadlines forward to a blood relative, other than the partner or former partner, in the direct line or in the second or third degree of kinship that is older than 30 years, the period between the first term and final term at least 20 years;
   3 °. that if the deadlines forward to a blood relative, other than the partner or former partner, in the direct line or in the second or third degree of kinship who is younger than 30 years, the period between the first term and final term or is at least 5 years but never more than the number of years that these blood or marriage is younger than 30 year at the time of the release of the first term, or at least 20 years;
   4 °. that if the deadlines forward to another person than mentioned under 2 ° and 3 °, the period between the first term and the last term is at least 5 years.

5. Notwithstanding the first paragraph, the balance of an annuity savings account, respectively, the value of an annuity investment account whose deadlines have not yet entered, paid in a period where the value in economic transactions of that credit, respectively, of that right, on the immediately preceding the date of distribution time does not exceed € 4,242. For the purposes of the first sentence, annuity savings accounts and annuity investment rights which the taxpayer holds with the same bank or manager of a collective investment scheme, deemed respectively to form. An investment account together an account

6. If, under the fourth paragraph, subparagraph a or b, deadlines are discussed and the recipient of the deadlines for payment of the final installment dies, it goes right to the unpaid installments on his heirs.

7. Article 1.7, third paragraph, shall apply mutatis mutandis with respect to the periods referred to in the fourth paragraph and sixth paragraph.

8. For the purposes of this Act and the provisions based and the Wage Tax Act 1964 and the provisions based on the periods referred to in the fourth paragraph, subsection and subsection, be treated as periodic payments and benefits.

9. By Order of Directors are laid down with regard to the designation referred to in the second paragraph, under c.

10. A ministerial regulation may set further rules for the application of this Article.

**Article 3127. For consideration annuity premiums**

1. If the taxpayer at the beginning of the calendar not the retirement age provided for in Article 7a, first paragraph, of the AOW, he has achieved, because of a pension in the preceding calendar year, annuity premiums referred to in Article 3124, first paragraph, under a, taking into account up to an aggregate amount not exceeding 17% of the premium, with the result of this calculation still comes as deductions under paragraph certain losses related to the accrual of pension and additions to the pension reserve.

2. If the taxpayer in the calendar year prior to the period of seven years less annuity premiums took into account than was possible under the first paragraph, he made at the request of his declaration, the unused amount, provided this does not in a previous year under this paragraph is taken into account, starting with the oldest year in the unused amount, yet take into account the calendar. The amount still to be taken into account shall not exceed 17% of the premium, with a maximum of € 6,989. For a taxpayer who at the beginning of the calendar year has reached an age that is more than ten years below the retirement age applicable in the calendar year referred to in Article 7a, first paragraph, of the AOW, is mentioned in the previous sentence amount of € 6989 increased to € 13,802.

3. The premium basis consists of the aggregate amount in the preceding calendar year of the profits from business before addition and decrease in the pension reserve and before the business deduction, the taxable income, taxable income from other activities and taxable periodic payments and benefits of the taxpayer less the sum of € 11,829. If premium base is a maximum amount of € 162,457 taken into account. By Order of Directors may be determined in accordance with a pension installments of an annuity, or similar items of income benefits are not part of the basic premium.

. 4 For the purposes of the first paragraph:
   a reduction related to the accrual of pension set at: 7.5 times the increase in the amount of the annual payments of the taxpayer claims accruing under a pension scheme where this growth is the result attributable to the preceding calendar of the increase in service in that calendar year;
b. reduction associated with additions to the pension reserve set at the amount by which the addition to the pension reserve in the preceding calendar year exceeds the decrease of the reserve at the end of that calendar year under Article 3.70, first paragraph, point b.

. 5 If the taxpayer during the calendar year, a company - or part of it - which he as an entrepreneur enjoys cease profit, at his request, in derogation from the preceding paragraphs, the calculation of which is in the calendar can be taken to annuity premiums eligible not based on the relevant data for the calculation of the previous calendar year, but that of the calendar itself. Then, for the purposes of the first paragraph and in the following year the contribution base minus the implied strike profit.

6. By Order of Directors are laid down with regard to the determination of the increase in value of pension referred to in the fourth paragraph, under a, and the provision of information about them.

**Article 3128. Conversion retirement annuity reserve**

A taxpayer with a pension reserve, due to the conversion of the old age reserve in an annuity, annuity premiums referred to in Article 3124, first paragraph, under a, taking into account up to an aggregate amount not exceeding the amount of the decrease in the calendar of the reserve in accordance with Article 3.70, first paragraph a

**Article 3129. Conversion strike profit annuity**

. 1 An entrepreneur in the calendar year a company - or part of it - which he as an entrepreneur enjoys cease profit, because of the conversion of the strike profit in an annuity, annuity premiums referred to in Article 3124, first paragraph, under a, take into account an aggregate amount not exceeding the amount of the profits earned or that strike, but to no more than the maximum specified in the second paragraph shall be reduced by the amount referred to in paragraph facilities already built.

. 2 The maximum amounts:

a. € 443 059 in cases where:
   1 °. favor at the time of the strike has reached an age that is less than five years below the retirement age applicable at the time of the tasks referred to in Article 7a, first paragraph, of the AOW;
   2 °. favor at the time of discontinuation for 45% or more disabled and the rightful terms of annuities go within six months after discontinuation of
   3 °. the company is discontinued by the death of the entrepreneur;

b. € 221,537 in the case - other than that of a part - where:
   1 °. favor at the time of the strike, have reached an age not exceeding fifteen years below the retirement age applicable at the time of the tasks referred to in Article 7a, first paragraph, of the AOW, or
   2 °. accruing to the business terms of annuities immediately go;

c. € 110,774 in other cases.

. 3 The amount of already accumulated provisions is the sum of:

a. value in economic transactions at the time of discontinuation of the claims referred to in Article 3:13, first paragraph, under b and c;

b. the amount of the pension reserve at the beginning of the calendar year;

c. the amounts pursuant to Article 3127, first and second paragraph, and Article 3128 are taken into account during the preceding calendar years;

d. amounts already been taken. paragraph eligible

4. For the purposes of this Article, the taxpayer referred to in Article 3.3, first paragraph, under a, regarded as a trader, if the co-entitlement of the taxpayer is the direct continuation of his entitlement or co-entitlement as an entrepreneur.

5. For the purposes of the second paragraph, under a, under 2 °, the entrepreneur considered for 45% or more if he can demonstrate that due to illness or defect he is unable to earn at least 55% disabled of bodily and healthy taxpayers who otherwise find themselves in similar circumstances, can earn, and for that purpose either in the past year has not been or probably in the next year will not be capable of. enable
Article 3130. Time deduction annuity premiums

1. Premiums for annuities come-deductible at the time when they are paid or credited, provided that the settlement does not lead to an outstanding debt amount.

2. A taxpayer may annuity premiums referred to in Article 3127, paragraph 3128 and 3129 within six months after the end of the calendar year are paid or credited to the declaration made by him choice even qualify as contributions paid or included in the calendar.

3. Upon any change in resident taxpayer in foreign taxation in the calendar year, the taxable annuity premiums to the declaration made by choice qualify as contributions paid or credited in the period of resident taxpayer during the calendar year, if the premiums are paid or credited during the period of foreign tax in the calendar year or, in the case of annuity premiums referred to in the second paragraph, within six months after the end of the calendar year.

Article 3131. Deduction annuity premiums after death entrepreneur

1. A taxpayer may as expenses for income provisions eligible premiums for immediate annuity annuities at his request, in derogation of Article 3124, first paragraph, under a, Article 3125, first paragraph, and Article 3.126a, paragraph not taken into account for himself, but, as expenses for income provisions, the person by whom the death of a business is discontinued, where this is deemed to be the policyholder.

   It is a condition that the contributions were paid or settled within six months after the death and the agreement which the annuities are stipulated, states that a request will be made to the application of this provision.

2. Notwithstanding Article 3126, first paragraph, under a, under 2 °, can in situations referred to in the first paragraph, are also eligible annuity premiums payable to the person who continues the company, provided that these are in Netherlands resident or established and the annuity obligation counts as domestic business assets.

3. the first paragraph shall not exceed under Articles 3128 and 3129 is permitted. applies if the premiums

4. Premiums to take into account in the deceased are taken into account at the time of his death.

5. The request is made in the declaration of the deceased.

Article 3.131a [Repealed as of 01-01-2013]

Article 3.131b [Repealed as of 01-01-2013]

Section 3.8. Negative expenditure on income insurance

Article 3132. Negative expenditure on income insurance

Negative expenses for income provisions are refunds of expenses for income provisions.

Article 3133. Expansion concept of negative expenditure by acting contrary to the conditions

1. extent is related to a claim annuity or periodic payments referred to in Article 3124, first paragraph, subparagraphs b and c of Article 3125 or Article 3.126a a circumstance referred to in paragraph occurs, premiums and amounts paid for that claim and the return earned thereon (Article 3137) to the policyholder or, if it is deceased, taken as negative expenditure on income insurance into account when the owner of the claim.

2. The first paragraph shall apply if:
   a. a claim under Article 3124, paragraph, subparagraph b or c, and concerns the claim is modified such that it no longer meets the conditions laid down in that part satisfies such;
   b. a claim under Article 3125 and concerns the claim - assessed from the policy - is modified such that it no longer meets the conditions laid down in that Article such;
   c. a claim under Article 3125 and concerns the claim is modified if the amended claim from the outset would be negotiated on the basis of Articles 3127 and 3129 to take account of a total amount of annuity premiums would lower such have been higher than the amount deducted;
   d. entitlement is redeemed or disposed of, except in cases where a claim annuity or periodic payments which no
A claim annuity on the contractually agreed date not yet come to pay installments because the size of the time yet to be determined, is deemed to be designated hereafter deadline to be redeemed at this date no dates have yet been established or conversion into another such claim has not yet occurred. The deadline is December 31 of the calendar year following the calendar year of the contractually agreed date in life and 31 December of the second calendar year following the calendar year of the contractually agreed date of death, which period may be extended by the special inspector circumstances the size of the installments is not established before or conversion has not yet occurred.

3. Where an annuity as provided for in Articles 3124 and 3125 is converted into another such law, the second law as a continuation of the first.

4. Article 3133 does not apply if a taxpayer in connection with the distribution of a community in divorce or separation from bed and board, in satisfaction or redemption of an obligation to make periodic payments or benefits referred to in Article 3101, first paragraph, point b, or to comply with an obligation to equalization of pension:
   a. claim to a periodic payments wholly or partially alienates his former spouse resident taxpayer;
   b. his former spouse resident taxpayer designates as irrevocable beneficiary of such claim or
   c. such a claim into a claim for his former spouse resident taxpayer of a claim referred to in Articles 3124 and 3125.

3. In the cases referred to in the second paragraph may be amended so that the benefits go immediately after the
time of the change and ultimately terminate upon the death of the former spouse. notwithstanding Article 3125, first paragraph, the claim such

4. In the cases referred to in the second paragraph, the former spouse designated as the policyholder entitled to periodic payments.

5. Our Minister may for cases or groups of cases where Article 3133, second paragraph, under a, b or c, given the scope of this article leads to inequities, under which it shall set conditions provide that this subparagraph a, b or c is not applicable.

6. Our Minister may, by him to such conditions provide that Article 3133, second paragraph, section i, does not apply if the annuity obligation proceeds in connection with the transfer of the business of an insurer referred to in Article 3126, first paragraph, part a, under 2, or Article 3131, second paragraph.

Article 3135. Specific extension term negative expenditure on occupational pensions

1. As negative expenses for income provisions of the policy or, if it is deceased, the Owner shall be also taken into account the premiums for claims under a pension scheme referred to in Article 1.7, second paragraph, point b, and the return on that achieved (Article 3137) where:
   a. claim the changes that it is no longer to be regarded as a claim under such a scheme such;
   b. entitlement is modified such that it no longer exists or consisting of a right to taxable periodic payments or benefits such;
   c. entitlement is redeemed or disposed of;
   d. entitlement formal or de facto of certainty, other than for deferral under Article 25, fifth paragraph, of the Tax Collection Act 1990, or
   e. the obligation to claim wholly or partially transferred to an institution other than the institution where the claim on the basis of Article 1.7, second paragraph, point b, legal regulations mentioned is housed.

2. For the purposes of this Article and Articles 3136 and 3137, the person who is obliged to pay the premiums for the claim identified as the policyholder.

3. Where a claim referred to in the first paragraph is converted into another such claim, the second claim considered as a continuation of the first.

4. Paragraph, a and c, shall not apply if the taxpayer in the context of separation or divorce entitlement alienate all or part of its domestic taxpayer spouse or former spouse or sales in such a claim with the titleholder spouse or former spouse. For the purposes of this Act, the acquired or converted claim deemed to be of the first claim. Continuing

5. Minister may be determined by him under conditions provide that the first paragraph, section e, is not applicable.

Article 3.136. Expansion concept of negative expenditure to emigration

1. When the taxpayer other than death ceases to be a resident taxpayer be if he policyholder, then or if it is deceased,
   entitled, premiums for claims referred to in Article 3124, first paragraph, under a, b and c , as expenses for income provisions in deductions are taken and premiums for claims referred to in Article 1.7, second paragraph, point b, and the return earned on those premiums taken into account. as negative expenditure on income insurance When applying the first sentence remain premiums for claims referred to in Article 3124, paragraph c, whose benefits are discussed disregarded. Under cease to be a resident taxpayer shall also include the situation where the taxpayer for the purposes of the Tax Regulation for the Kingdom, the Netherlands Tax Regulations for the country or a Convention for the avoidance of double taxation is deemed not to be resident of the Netherlands. More

2. If the first paragraph as a result of a scheme to avoid double taxation can not be applied, only taken the premiums referred to therein as negative expenditure on income insurance into account in derogation of that paragraph. The premiums to be considered pursuant to the preceding sentence to claims which the benefits are discussed, are taken up to the amount of the value in the economic movement of the claim at the time immediately preceding referred to in paragraph eligible circumstance.

3. When the taxpayer other than death ceases to be a resident taxpayer and, in the context of an employment or former employment of himself or of another, a claim under a pension has acquired, if Article 3.83, paragraph as a result of a scheme to avoid double taxation can not be applied, also taken as negative expenditure on income insurance into account the benefits and contributions under the pension scheme insofar as these claims and
contributions are not counted. pursuant to Article 3.81 of the wages The first paragraph, third sentence, and second paragraph, second sentence, shall apply mutatis mutandis.

4. Where the taxpayer within ten years after the application of paragraph or section 3.83, subsection inhabitant of a State referred to in the second or third paragraph, the taxable income from employment and home of the calendar year in which the application of paragraph or section 3.83, subsection occurred less the understanding of the application of the first paragraph or section 3.83, subsection that taxable income from employment and home amount and increased by the amount that qualifies would be taken when using the second or third paragraph.

5. Where the taxpayer after application of the second, third or fourth paragraph other than death ceases to be a state referred to in paragraph respectively third member and is not currently a resident taxpayer is, native is the first paragraph or Article 3.83, first paragraph, apply, mutatis mutandis, provided that not more than ten years have passed since the time when the taxpayer ceased to be domestic tax The amount to be taken pursuant to the first sentence as negative expenditure on income insurance respectively as payment in account shall be reduced by the amount by applying the second or fourth paragraph respectively third or fourth paragraph as negative expenditure on income insurance is taken into account.

6. Where the tax relating to the premiums for a claim, and the returns thereon obtained, taken as negative expenditure on income insurance eligible under the first or fifth member deferral is granted in accordance with Article 25, paragraph Collection Act of 1990, the first and the fifth member for the remainder deemed to have found that premiums do not apply and the return achieved. The first sentence shall apply mutatis mutandis with respect to the premiums referred to in the second paragraph, and the rights and contributions provided for in the third paragraph.

7. A ministerial regulation may set further rules regarding the determination of the extent of the premiums referred to in the second paragraph, and the rights and contributions provided for in the third paragraph.

8. A ministerial regulation may be laid down under which for reasons of efficiency application of the first to fifth member can be omitted.

Article 3137. Amount eligible to participate in extensions of the concept of negative expenditure

1. For the purposes of Articles 3133, 3135 and 3136, first, fifth and sixth paragraph to take premiums and sums the amount into account and the return on that achieved in respect of a claim or part of a claim made on the value in the economic movement of such claim or that part at the time immediately preceding that which occurs the circumstance referred to in those articles. The value is in the course of trade of a claim which no payments have lapsed, at least set the premiums and amounts to the claim or part of the claim are paid but not taken. As negative expenditure on income insurance eligible

2. In addition to the first paragraph, where a claim is redeemed, the value mentioned in the first paragraph, first sentence, to set out in Article 3.107a, paragraph maximum deducted the premiums paid and amounts in respect which the taxpayer has made that they are not taken to the extent that bring premiums and amounts deducted as expenses for income provision considered plausible not already:
   a. term or at a benefit under Article 3.107a, first paragraph, are deducted, or
   b. placed. at an earlier redemption pursuant to this paragraph shall be deducted

3. For the purposes of the first paragraph and Articles 3133, 3135 and 3136, first, fifth and sixth paragraph excludes the return achieved over a period during which the taxpayer not resident taxpayer has been.

Article 3138. Reductions and avoid double counting

1. Except where a taxpayer the negative expenses for income provisions which parts h or j, or Article 3136 are taken into account, pursuant to Article 3133, second paragraph, also included in the taxable income from employment and home ownership from a previous calendar year, is to lay down, the taxable income from employment and home ownership that last calendar year reduced by the implied negative expenditure. below by ministerial regulation The reduction is achieved by reducing the protective assessment for that year is eligible for objection to the inspector. Appeal against that decision can only relate to the size of the reduction.

2. In a calendar year, the amounts under Article 3133, second paragraph, points h and j, and Article 3136 to be considered a total amount of negative expenditure in respect of a claim does not exceed the market value movement of such claim, where the negative expenditure in the order in which they stand as far as possible be attributed to a period of domestic tax liability.
3. Insofar as the tax relating taken into account negative expenses for income provisions are met, and that negative expenditure also included in taxable income from employment and home of another calendar year, the taxable income from employment and home ownership that other calendar year reduced by negative expenditure included therein. The first paragraph, second and third sentences, shall apply mutatis mutandis.

4. If a taxpayer in a calendar negative expenses for income provisions are taken into account and he deferred payment of the tax in respect thereof in accordance with Article 25, fifth paragraph, of the Tax Collection Act 1990, if the circumstance for which these negative expenses are taken into account are no longer occurs, at his request, the taxable income from employment and home of that year minus that it understood negative expenditure. This provision is applicable in cases determined by ministerial regulation and conditionality. In that scheme under The first paragraph, second and third sentences, shall apply mutatis mutandis.

Section 3.9. Negative personal allowance

Article 3139. Negative personal allowance

If negative personal allowance of a taxpayer shall be taken into account:

a. what was received by him as a refund or failed payment in respect of maintenance obligations under Section 6.2 are taken into account;

b. what was received as a refund or failed payment in respect of expenditure on specific care costs under Section 6.5 are taken into account by him up to the amount of the expenses as deductions have come;

c. which is received for refund or failed payment in respect of training expenses under Section 6.7 are taken into account up to the amount of the expenses as deductions have come;

d. fulfilled what was received as payment in respect of expenditure on buildings that under Section 6.8 are taken into account by him up to the amount of the expenses as deductions have come and

e. the amount received as a result of the dissolution or revocation of a donation by him under Section 6.9 is taken into account, if applicable, plus the amount referred to in Article 6.39a, where that amount or amounts in deduction respectively have come.

Section 3.10 [Repealed as of 01-01-2005]

Article 3140 [expired as of 01-01-2005]

Article 3141 [expired as of 01-01-2005]

Article 3142 [expired as of 01-01-2005]

Article 3143 [expired as of 01-01-2005]

Section 3.11. Rating not enjoyed in money income

Article 3.144. Rating not enjoyed in money income

Enjoyed not in money wages, periodic payments and benefits, benefits from its own property and income from endowment are - unless otherwise specified - are taken into account to the value assigned to it in the course of trade may be granted, provided that the extent the acquisition of that income will entail the use or consumption, the value is set at a maximum of the amount of savings. This can be determined by ministerial regulation.

Article 3145 [expired as of 01-01-2006]

Section 3.12. Time and enjoy deduction

Article 3146. Time enjoy

1. Wage designated periodic payments and benefits in terms of annuities and other periodic payments and benefits from an income provision, benefits under a foreign facility, the nature and scope corresponding to an income support, benefits from home ownership, income from endowment own home, benefits of home mortgage savings
accounts, investment account benefits from home ownership and negative expenses for income provisions are unless otherwise specified - deemed to have been received at the time when they are:

a. received;
b. settled;
c. disposal;
d. become interest-bearing or
e. claimable and collectible.

2. The wage for Article 13a, second, third, fourth and seventh paragraph of the Wage Tax Act 1964 shall apply mutatis mutandis.

3. The claims referred to in Article 3.83, first paragraph, of a pension plan shall be deemed to have been received on the date immediately preceding that in which the taxpayer ceases to be domestic tax.

4. Negative expenditure referred to in Articles 3133, 3135 and 3136, first, second and third paragraph for income provisions shall be deemed to have been received on the date immediately preceding that on which the event occurs, referred to in those articles.

5. Negative expenditure referred to in Article 3136, paragraph for income provisions shall be deemed to have been received on the date immediately preceding that in which the taxpayer ceased to be domestic tax.

6. In Article 3136, paragraph, first sentence, negative expenditure referred to income provisions and pursuant to Article 3136, paragraph, first sentence, to be regarded rights under a pension plan shall be deemed to have been received at the time immediately following as wages that on which the event occurs, the meaning of that sentence.

**Article 3147. Time deduction**

Deductible expenses and expenses for income provisions are unless otherwise specified - for deductible at the time when they are:

a. paid;
b. settled;
c. disposal or
d. become interest bearing.

**Section 3.13. Loss Settlement**

**Article 3.148. Loss**

1. If the calculation of income from work and home leads to a negative amount, this is regarded as a loss from work and home.

2. If the calculation of the taxable income from business leads to a negative amount, it is considered to the maximum loss from work and home as a business loss.

**Article 3149. Preserve income disregard**

For the purposes of this section, income from work and home from work and home and loss determined without taking into account to preserve income.

**Article 3150. Loss Settlement**

1. Loss from work and home is deducted from the income from work and home of the three preceding and the following nine calendar years.

2. For the purposes of the first paragraph, loss from work and home also means loss of work and home in the Netherlands under Article 7.2, fourth paragraph.

3. The in the first three-year period specified member is a taxable person who because of scruples against one or more national insurance exemption is granted as referred to in Article 64, opening words and under a, of the Social

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Insurance Financing Act, and he chooses the declaration, extended losses for the company referred to in the fourth paragraph to eight years.

4. The third paragraph applies to business losses attributable to costs and expenses of damage due to risks other taxpayers who respect nature and extent of the operations in a similar position as to ensure. the taxpayer, commit

5. The settlement takes place in the order in which the losses arose and incomes are enjoyed.

6. loss from work and home to the extent resulting from the allocation of common items of income to the taxpayer and can not be offset against income from employment and home of the years in which the taxpayer has a partner, is where the partnership with the death of the taxpayer ends classified as loss from work and home of the partner provided that both the taxpayer and his partner was a resident taxpayer at the time of termination.

7. The company's loss pursuant to Article 14c, paragraph three, of the Corporation Tax Act 1969 is deemed to have been suffered by the shareholder that the company continues, will be settled exclusively by the profit from the continuing company.

Article 3151. Determination loss

1. The inspector shall determine the amount of a loss from work and home fixed at eligible for objection.

2. If the loss in whole or in part of a company's loss, the inspector to the Decision also the amount of the business loss referred to in the first paragraph.

3. the amount of the loss from work and home and the amount of the business loss are shown separately on the tax bill.

4. If there is cause to suspect that a loss from work and home or business loss is set too high, the inspector may review the decision referred to in the first paragraph. Revision takes place at eligible for objection.

5. A fact that the inspector was known or could have reasonably known does not constitute grounds for review, unless the taxpayer is in bad faith in relation to this fact.

6. Article 16, second paragraph, introduction and parts b and c, third and fourth paragraphs of the General State Taxes Act shall apply mutatis mutandis to reviews.

Article 3152. Formalization loss carry-back

1. Settlement of loss from work and home with income from work and home to a prior calendar year takes place by reducing the impact on eligible for objection to the inspector. The decision also determined the amount of company loss is settled.

2. Inspectors, the decision simultaneously with the determination of the assessment for the year in which the loss arose.

3. If a prior calendar year no attack has been established and the income from work and home that year a loss is settled, the inspector invites the taxpayer still fail to make tax return for that year. For the purposes of Article 11, third paragraph, of the General State Taxes Act, the taxpayer shall be deemed in this case delay for doing it obtained from the end of the year until the time of the solicitation of declaration. Declare

4. Appeal against the decision can only relate to the application of Article 3150.

5. Prior to the probable adoption of the decision referred to in the first paragraph, according to rules set by the inspector eligible for objection by ministerial regulation provisionally losses up to the amount of the reduction will be determined. presumably A preliminary losses can be completed. By one or more interim loss settlements

6. Provisional loss settlements are settled by the decision referred to in subsection or, if such a decision is not adopted, the assessment for the year in which the loss that led to a temporary loss relief is indicated.

Article 3153. Formalization loss carry-forwards

1. Settlement of a loss from work and home with income from employment and home of the next calendar year takes place at eligible for objection to the inspector. The decision also determined the amount of company loss is settled.

2. Inspectors, the decision simultaneously with the determination of the assessment for the year that the loss is settled.
3. the amount of the unrelieved loss is reported separately on the tax bill.

4. Appeal against the decision can only relate to the application of Article 3150 and, if no tax is due to the size of the offset amount.

Section 3.14. Averaging

Article 3154. Averaging

1. Upon request a refund of tax on the taxable income from work and home (averaging refund) granted to one taxpayer has been continuous throughout calendar years (averaging period) for a period of three. For the purpose of this article is also regarded as a resident taxpayer whose taxable foreign income, after application of measures to avoid double taxation, entirely or almost entirely in the Netherlands is subject to income tax or income tax.

2. A calendar that belongs to an averaging period, is not involved in another averaging period.

3. the averaging refund is calculated on the difference between the tax on the taxable income from work and home that over the years of the averaging period is levied and the tax on the taxable income from work and home that would be payable if the taxable income from work and housing in each of those years would be the total of the one third - to set zero at least - taxable income from employment and home ownership in those years (recalculated tax), if this difference is greater than € 545.

4. As the years of the averaging period is considered tax levied on the taxable income from employment and home ownership the tax levied prior to application of the tax credit. If, in applying Article 9.4 a year no tax is fixed, for that year levied on the taxable income from employment and home considered the aggregate amount of the fees referred to in Article 9.2, to the extent relating to the taxable income from work and home, plus the tax thereby taken into account.

5. Under recalculated tax means the tax on the taxable income from employment and home ownership that without the application of Article 9.4 would be levied on the restated taxable income from work and home, without taking into account the tax credit.

6. If over one year in the averaging period a scheme to avoid double taxation is applied, the amount of the refund made by averaging

\[ A \times C / B, \]

whereby

A represents the amount of averaging refund that would have been calculated if no rules to prevent double taxation would be applied;

B represents the tax referred to in the fourth paragraph, which would have been charged if no legislation on the prevention of double taxation would be applied;

C represents: the tax referred to in the fourth paragraph after application of the rules to prevent double taxation.

7. Where Article 27b, first paragraph, of the Wage Tax Act 1964 or Article 9.1, third paragraph, is used for the purposes of this article under levied on the taxable income from employment and home ownership also includes the premium charged for national insurance and under the restated tax on taxable income from employment and home ownership also means the national insurance contributions that without the application of Article 9.4 would have been charged.

8. If it is understood that the taxpayer's retirement age provided for in Article 7a, first paragraph, of the AOW, reached for the purposes of paragraph the upright and recalculated national insurance contributions for all in the averaging period the year years in the averaging period set at the amount that would have been charged or recalculated if the premium for the basic old-age insurance in all these years would be due.

9. This Article shall not apply to benefits or amounts that would be paid for exceeding limits pension referred to in Article 18a, paragraph nine of the Wage Tax Act 1964.

10. The request is made by the inspector within 36 months after the attacks, withholding taxes and to impose decisions that relate to the years of the averaging period related, no attack has become final. If over one year in the averaging period is additionally claimed or nageheven or by order an attack is reduced because of losses from work
and home, while at the time of becoming irrevocably to be recovered, the additional assessment or the decision in
the first sentence period of 36 months provided for more than 34 months has elapsed, an application for refund also
be done within two months after that date. A ministerial regulation may set further rules regarding the content of the
request.

11. The inspector decides on the request by eligible for objection.

**Article 3155. Preserve income disregard**

For the purposes of this section, the upright and the restated tax determined without taking into account to preserve
income and tax payable thereon.

**Section 3.15. Certainty about the nature of the benefits from an employment relationship**

**Article 3.156. Questions of a decision**

1. the taxpayer certainty wishes as to whether the benefits he enjoys in a calendar year or will enjoy from an
employment relationship or employment relationships in which there is the same kind of work performed, under
similar conditions, be regarded as profits from a company, as an employee or as income from other activities, may
submit a request to the inspector. The inspector decides on the request by eligible for objection.

2. Once the actual conditions differ from the data presented by the taxpayer circumstances under which the decision
was issued, the taxpayer reported this to the inspector.

3. the inspector may review the decision if the notification of the taxpayer referred to in paragraph gives reason or any
other reason it is known that reflect actual conditions warrant. Revision takes place at eligible for objection.

4. The Decision is valid for a maximum period of one calendar year.

5. Where the application relates to activities that have been commenced or will commence after the beginning of the
calendar year to which the application relates, the period referred to in the fourth paragraph on the day of the
commencement of the work.

**Article 3157. Certainty about the nature of the employment relationship**

1. the taxpayer with a substantial interest as defined in Chapter 4, that certainty wishes as to whether work arising
from an employment relationship or employment relationships in which there is the same kind of work performed,
under similar conditions, be regarded as work carried out exclusively the expense and risk of the business of the
company in which he has substantial interest, may submit a request to the inspector. The inspector decides on the
request by eligible for objection.

2. **Article 3156, second to fifth paragraph shall apply mutatis mutandis.**

**Chapter 4. Taxable amount to substantial interest**

**Section 4.1. Taxable income from a substantial interest**

**Article 4.1. Taxable income from a substantial interest**

Taxable income from substantial interest income from a substantial interest minus the deductible losses from a
substantial interest (Section 4.10).

**Section 4.2. Equal Shelving**

**Article 4.2. Termination affinity by divorce**

For the purposes of this chapter and the provisions based on a person is not considered related if the marriage which the
affinity is created by divorce is dissolved.

**Article 4.3. Pleasure Rights**

For the purposes of this chapter and the provisions based thereon:
a. is equated with a shareholder is entitled to only one who benefits from shares and are entitled is considered a share;

b. shall be the holder of jouissance equated only one who is entitled to benefits from profit shares and entitlement are regarded as profits evidence.

Article 4.4. Buying Options equated with underlying

For the purposes of this chapter and the provisions based thereon, with the exception of Articles 4.6 to 4.8, a right to acquire (purchase option) shares or profit shares of a company designated as such share and such profits evidence.

Article 4.5. Units open mutual funds

1. For the purposes of this chapter and the provisions based thereon, certificates of participation in mutual funds referred to in Article 2, second paragraph, of the Corporation Tax Act 1969 equivalent to shares in companies with a capital divided into shares and funds are treated as corporations.

2. To assess whether a taxpayer has a substantial interest in a mutual fund is its possession of evidence of participation in the fund expressed as a percentage of circulating securities in respect of which other than simple proofs of shareholders of securities are reduced to a corresponding number of single units.

Article 4.5a. Cooperatives

1. For the purposes of this chapter and the provisions based on it is:
   a. membership right, or proof of participation in order to draw a line to the ability of a cooperative association or cooperative basis equivalent to a gain evidence;
   b. a cooperative association or cooperative basis equivalent to a company.

2. The first paragraph does not apply to rights of membership of cooperatives if those rights directly and exclusively or almost exclusively the right to exclusively or almost exclusively embody use of a building or a portion thereof which according to its structure is intended as a separate to be used completely.

Section 4.3. Substantial interest

Article 4.6. Concept of substantial interest

The taxpayer has a substantial interest if he or together with his partner , directly or indirectly:

a. at least 5% of the issued capital, a shareholder in a company which is wholly or partly divided into shares;

b. rights to acquire at least 5% of the issued share capital directly or indirectly;

c. jouissance is related to at least 5% of the annual profits of a company or at least 5% of what is paid upon liquidation;

d. be entitled to cast at the general meeting of a legal person referred to in Article 4.5a. out to at least 5% of the votes

Article 4.7. Assimilation; shares with special rights

1. If a company has different classes of shares, the taxpayer has a substantial interest if he or together with his partner , directly or indirectly:
   a. at least 5% of the issued capital of a class of shares a shareholder or
   b. rights to acquire at least 5% of the issued capital of that type. directly or indirectly shares of a class

2. Shares in a company and the shares in that company that it distinguished only by that shares a nomination right and privilege to determine the name of the company or a law is similar associated with those rights and that in respect of which shares a special offer scheme or any similar arrangements shall be considered as belonging to a species.

3. A ministerial regulation may be laid down under which shares are not considered shares of a class.

Article 4.8. Scale capital

For determining whether a taxpayer has a substantial interest, is purchased still pulling in capital is not taken into
Article 4.9. Entrained Scheme

If a taxpayer has a substantial interest in a company, these include also other shares or profit shares of that company.

Article 4.10. Meetrekregeling

The part of the assets of the taxpayer belonging shares or profit shares of a company in which he is not, but his partner or any of the blood or marriage in the direct line of the taxpayer or his partner has a substantial interest, belonging to the taxpayer of a substantial interest.

Article 4.11. Fictitious substantial interest

If not included in the assets of the taxpayer belonging shares or profit under the other articles of this section of a substantial interest, a substantial interest deemed to include Article 3.65, 4.17 4.17a, 4.17b, 4.17c, 4.40 or 4:41 is applied.

Section 4.4. Income from a substantial interest

Article 4.12. Income from a substantial interest

Income from a substantial interest is the aggregate amount of:

a benefits drawn from a substantial interest related shares or profit shares (regular benefits), less the deductible expenses and

b the benefits derived from the alienation of belonging to a substantial interest shares or profit, or the alienation of part of the decision in the shares or profit shares underlying rights (alienation benefits);

less the personal allowance (Chapter 6).

Article 4.12a. When inherited a substantial interest, within two years of regular retirement benefits cost

Where shares or profit obtained under inheritance law and in respect of that transition is the testator income from a substantial interest is taken into account, within 24 months after the death of the deceased enjoyed regular income from those shares or jouissance upon request, notwithstanding Article 4.12 does not include insofar as these benefits do not exceed the amount that is taken from a substantial interest into account in the deceased in respect of the transfer by inheritance as income and to the extent these benefits shall be deducted from the purchase price to income from a substantial interest of the shares or jouissance. For the purposes of the first sentence of income remains substantial interest that the testator under Article 2.8 as to conserve income is classified and assigned at the time of enjoying the regular benefits are deferred payment is disregarded.

Section 4.5. Regular benefits

Section 4.5.1. Regular benefits

Article 4.13. Regular benefits

1. Among the regular benefits referred to in article 4.12, paragraph a, include:

a a flat benefit from shares or profit shares of a company which is exempt from corporate income tax pursuant to Article 6a of the Corporation Tax Act 1969 as well as a flat benefit from shares or profit shares of a company not established in the Netherlands whose capital wholly or partly divided into shares and the assets of which the most part, directly or indirectly, consist of investments;

b repayment of what share is paid, where a refund is not a regular benefit provided that the refund does not exceed the purchase price of the shares and the refund decided before the general meeting of shareholders and the nominal value of the shares by a similar amount is reduced;

. c the refund of what evidence of participation in a mutual fund referred to in Article 4.5, first paragraph, is deposited where a refund is not a regular benefit provided that the refund does not exceed the purchase price of
the relevant certificates of participation;

d. the refund of what by holders of profit certificates guarantee or inlaid in which a refund is not a regular benefit provided that the refund does not exceed the purchase price of the profit shares in question;

e. the nominal value of shares issued by a company which is regarded as an investment referred to in Article 28 of the Corporate Income Tax Act 1969, except where the deposit has occurred or will occur. Credit to those shares shall be treated as issue of shares.

2. Except for the purposes of the first paragraph, section E, belong to the regular benefits not issued to shareholders equity.

Section 4.5.2. The size of regular gains

Article 4.14. Lump advantage exempted from foreign investment and investment bodies

1. the lump sum benefit referred to in Article 4.13, first paragraph, under a, is set at 4% per annum of the value in the course of trade at the beginning of the calendar year may be granted to the companies belonging to the substantial interest shares or profit shares, reduced by the regular benefits other taken into account on the basis of Article 4:12, paragraph a, in respect of those shares or profit, but not further than to nil.

2. The benefit is calculated as a proportion. If the shares or jouissance not have belonged the whole calendar year to the substantial interest are neglected in the calculation of the benefit portions of calendar months.

3. If the company after the beginning of the calendar year is established, it shall for the purposes of the first paragraph, the date of establishment in the place of the beginning of the calendar year.

4. Where the direct or indirect effects of the company shares, membership rights and interests in another entity, shall not be the property of the other body, but those shares, membership rights and interests as assets of the company taken into account if the actual work of the other body significantly different from investing or equivalent work.

5. For the purposes of Article 4.13, first paragraph, under a, under a company not established in the Netherlands also means a company established in the Netherlands which has a permanent establishment outside the Netherlands which, or a permanent representative outside the Netherlands whose actual work is not significantly different from investing or equivalent work.

6. For the purposes of Article 4.13, first paragraph, under a:

   a. be possessions also means goods which are not accessory to a company where that company entering the value or the extent to which the company is entitled to the proceeds of those goods;

   b. be investment also means bank deposits and other claims, except claims arising from actual work of a company which differ appreciably from investing or equivalent work.

7. For the purposes of the first paragraph in determining the value in the economic movement of the substantial interest in the company, the goods referred to in the sixth paragraph, under a, valued in accordance with the general measure referred to in Article 5:22 governance.

8. The flat benefits referred to in Article 4.13, first paragraph, under a, is not applicable to a substantial interest in:

   a. banks, building societies and insurance companies which are officially listed on stock exchanges to be designated by ministerial regulation;

   b. companies whose actual work to differ materially from investing or equivalent work;

   c. companies subject to tax on the profit that results in real terms to Dutch tax.

9. If the assets of a company established in the Netherlands in somewhat significantly, directly or indirectly, shares or profit shares of a company referred to in paragraph properly, these shares or profit shares for the purposes of this Article shall be deemed to belong to those for whom the interest is held by the former company. The shares and profit shares are allocated in proportion to everyone's interest. To take into account in a calendar year benefit is reduced by a proportionate share of the benefit by the Company or indirectly through another such company for the shares and profit shares in a company referred to in the first paragraph in that calendar year as investment income for the tax of corporation tax is taken into account.

10. The fourth to eighth paragraph of this Article shall not apply to the determination of the flat benefits from shares or
profit shares of a body referred to in Article 6a of the Corporation Tax Act 1969. The ninth paragraph shall not apply with respect to shares and profit shares in respect of which at a company established in Article 3.29a Netherlands will apply, or does not apply because that company is an entity referred to in Article 6a of the Corporation Tax Act 1969.

Article 4.15. Cost of regular benefits

1. costs of regular benefits are the costs relating thereto insofar as they are made for the acquisition, collection and preservation of these benefits and their total size does not exceed what is usual.

2. When determining the cost of regular benefits continue to interest and debt charges that correspond to money claims referred to in Article 5.4, first paragraph, out of consideration.

3. so far in connection with the payment of debts accumulated deductible expenses which the obligation to pay - other than in the event of death or disability of the taxpayer - legal or not conditional, or in fact, directly or indirectly, is limited, these costs are not deductible.

4. The costs do not include
   a. dividend tax and gaming tax levied;
   b. tax imposed in respect thereof if a scheme to avoid double taxation applies to the taxpayer. on income or items of income in any form outside the Netherlands

Section 4.6. Alienation Benefits

Section 4.6.1. To be regarded as acts alienation

Article 4.16. Fictional disposals

1. Under the alienation of shares or profit also includes:
   a. buy back shares;
   b. the redemption and repurchase of preference shares;
   c. the payment of a liquidation payments;
   d. it shall automatically be a shareholder or holder of preference shares in another company if assets of the company in which the taxpayer has a substantial interest, under universal title to another company. The preceding sentence shall apply mutatis mutandis to a taxpayer with substantial interest in a company whose assets under universal title to another company and that of law holder to acquire rights to shares or profit shares of the other company;
   e. transition under universal title and transition by inheritance by particular title;
   f. placing on the ability of a company or become part of the result from an activity;
   g. it no longer exist a substantial interest;
   h. other than by death, cease to be a resident taxpayer including both the situation where the taxpayer for the purposes of the Tax Regulation for the Kingdom, the Netherlands Tax Regulations for the country or a Convention for the avoidance of double taxation is deemed not a resident of the Netherlands to be more;
   i. granting an option to purchase.

2. If a share certificate or profit is alienated, the person is only entitled to the benefits of it are deemed entitlement also to have disposed of, unless that entitlement to that share or profit certificate remains in force.

3. If shares or profit shares under article 4.11 part of a substantial interest, these shares or profit shares deemed to be alienated if the taxpayer so requests.

4. A belonging to a substantial interest enjoyment right is deemed to be alienated if the usufruct ends.

5. With payable of a liquidation payment referred to in paragraph c, shall be treated as paid by the taxpayer to continue the business of the company in which the taxpayer has a substantial interest in the context of the dissolution of that company pursuant to Article 14c, paragraph one, of the Corporation Tax Act 1969.

Article 4.17. Exception of transfers under marital property division and marriage community other than death
The transition under marital property and the division of matrimonial property within two years after the dissolution of the marriage community other than death shall not be deemed disposition, provided that the transferee domestic taxpayer and the acquired shares or profit shares do not form part of the assets of a cost-driven company and do not belong to the result from an activity from him.

Article 4.17a. Exception for transfer by inheritance

1. The transition inheritances under universal title or by particular title at the request of the joint parties not deemed disposition for the part of the transfer price, specified in the second paragraph if:
   a. drives the company to which the shares or profit shares relate, an undertaking referred to in Article 3.2 or a co-entitlement referred to in Article 3.3, first paragraph, under a, hold;
   b. the shares or profit shares do not belong to the testator of a substantial interest under section 4.10;
   c. domestic taxpayer is the acquirer and the acquired shares or profit shares do not form part of the assets of a company driven to his account and not part of the income from an activity from him, and
   d. in case of a transfer by inheritance by particular title, it will take place within two years after the death.

2. If the first paragraph applies, shall not be considered part of the sale, the transfer price which is attributable to the business assets of the company in which the shares or profit shares relate.

3. This article is related to preference shares only apply if:
   a. preference shares represent a conversion of a previously held by the deceased substantial interest of ordinary shares;
   b. the conversion of preference shares has been accompanied by the allocation of shares to another;
   c. during the conversion of preference shares, the company to which the converted shares related drove a company referred to in the first paragraph, under a, or a co-entitlement meant to be kept there, and
   d. purchasers of preferred shares for at least 5% of the issued capital shareholder of ordinary shares referred to in subparagraph b.

4. The first paragraph, under a, is related to a co-entitlement only applies to the extent that is a co-entitlement that is a direct continuation of a previously driven by the company undertaking referred to in Article 3.2, and the alienated shares or profit shares are acquired by a person who is already managing partner of the firm in which the co-entitlement relates, or any shareholder of a company such general partner already.

5. If the body where the deceased has a substantial interest in another body, for the purposes of this Article, the assets and liabilities of that other body, taking into account the extent of that interest, attributable to the former body, an interest provided that:
   a. the testator indirectly has a substantial interest in that other body, or
   b. the testator in that other body indirectly has an interest of less than 5% but less than 0.5%:
      1°. interest that has formed as meant under a an indirect substantial interest in one of his predecessors by inheritance, matrimonial or donation;
      2°. interest that is watered only by inheritance, donation or transfer under marital property, and
      3°. immediately preceding the dilution of that stake to below 5% other body floated a company or a co-entitlement held as referred to in paragraph a

If the share capital of the company in which the deceased held an indirect interest of several classes of shares exist, the imputation is in accordance with the value in the economic movement of such shares. This paragraph regarding indirectly held preference shares only apply if they are issued in the context of a business transfer that satisfies the rules and conditions. Ministerial regulation

6. For the purposes of this Article shall be considered as business assets:
   1°. 's assets and liabilities to the extent attributable to the company or co-entitlement referred to in the first paragraph, under a, plus:
   2°. investment capital up to five percent of the value in the economic movement of the assets referred to under 1
7. If business assets referred to in the sixth paragraph under 1°, is also regarded defined in the second sentence of a claim against the transferee of shares or jouissance passing by inheritance, or a company in which he directly or indirectly has, if the claim arose before January 1, 2010 pursuant to a transfer of shares or profit shares in a company, and that company at the time of transfer and at the time of application find this article an undertaking referred to in a substantial interest the first paragraph, under a, floats.

The part of the claim referred to in the first sentence that is partly classified as capital assets, is calculated using the formula:

\[ A = V \times O / T, \text{ but up to } O \]

which suggests,

A: The value in the economic movement of the part of the claim at the time of application to be considered finding this article;

Q: the value in the course of trade of the claim at the time of finding purposes of this Article;

O: the value in economic transactions of the business assets referred to in the sixth paragraph of the company to which the claim exists at the time of finding purposes of this Article;

T: the value in the economic movement of all assets and liabilities of the company to which the claim exists at the time of finding purposes of this Article.

8. Which within two years after the dissolution of a marriage community by death in the distribution of that community more to belonging to a substantial interest shares, equivalent to the proportionate entitlement of the deceased in which shares are allocated to the estate, is a disposition of which the surviving spouse for the purposes of this Article and Article 4.39a is equated with a transition by inheritance and where the surviving spouse is considered. testator as A ministerial regulation may set further rules concerning the application of this Article.

**Article 4.17b. Exception for distribution legacy within two years**

1. the division of an estate within two years after the death of the testator, at the request of the joint parties not considered disposal, provided that the transferee domestic taxpayer and the acquired shares or profit shares do not form part of the assets of a cost-driven company and do not belong to the result from an activity from him.

2. The condition set out in Article 4.17a, paragraph c, the transferee must be a domestic taxpayer is requested by the joint parties not apply if the transfer by inheritance the transferee is not resident in the Netherlands within two years after the death of the testator is followed by a distribution of the estate to the extent that the acquired shares are allocated to a taxpayer where such shares or profit shares are not part of the assets of a passionate account for firm and not the result of an activity of belong to him.

3. If as a result of the distribution of the estate within two years after the death of the testator change is made in the entitlement to preference shares referred to in Article 4.17a, paragraph, or a claim referred to in the seventh paragraph of that article ,, Article 4.17a at the request of the parties joint application based on the resulting entitlement.

4. A ministerial regulation may set further rules concerning the application of this Article.

**Article 4.17c. Exception for transfer donation**

1. The transfer during life with paragraph 4.22 will apply, at the request of the joint parties not deemed disposition for the part of the transfer price, specified in the second paragraph if:

a. drives the company to which the shares or profit shares relate, an undertaking referred to in Article 3.2, or a co-entitlement referred to in Article 3.3, first paragraph, under a, hold;

b. the shares or profit shares do not belong to the transferor of a substantial interest under section 4.10;

c. domestic taxpayer is the acquirer and the acquired shares or profit shares do not form part of the assets of a company driven to his account and not part of the income from an activity from him, and
d. the transferee is already in the company in which the shares or profit shares relate, during the 36 months immediately preceding the date of alienation in employment

2. If the first paragraph applies, shall not be deemed disposition the part of the transfer price which is attributable to the business assets of the company to which the shares or profit shares relate, but never more than the transfer price less the consideration.

3. Article 4.17a, third to sixth paragraph shall apply mutatis mutandis.

4. A ministerial regulation may set further rules regarding the application of this Article may be made to determine in which cases under control conditions to be the period specified in the first paragraph, subparagraph d, to one in which determine settlement period is shortened.

**Article 4.18. Passers**

Article 4.16, first paragraph, point h shall not apply to a substantial interest in a company not resident in the Netherlands if other than death cease to be a resident taxpayer including both the situation where the taxpayer for the purposes of the Taxation of the Kingdom of the Netherlands Tax Regulations for the country or a Convention for the avoidance of double taxation is deemed not to be resident of the Netherlands, takes place more than eight years after the taxpayer in the Netherlands to live and the taxpayer during the last twenty-five years in aggregate more than lived. ten years in the Netherlands

**Section 4.6.2. The extent of alienation benefits**

**Article 4.19. Alienation Benefits**

1. the alienation benefits be made on the transfer price minus the purchase price. In case of alienation of part of the decision in shares or jouissance rights, a proportion of the purchase price taken into consideration.

2. Where Article 4.17a 4.17c or article is applicable, notwithstanding the first paragraph, second sentence, and cost into consideration the cost that would be taken into account if it was not requested the application of Article 4.17a, or Article 4.17c, with the proviso that if then the cost would be more than the transfer price, purchase price is taken as an amount equal to the transfer price.

**Article 4.20. Transfer Price**

Under transfer price means the consideration on disposal, net of payable by the transferor eligible costs.

**Article 4.21. Acquisition price**

1. Under purchase price means the consideration for the acquisition plus costs come at the expense of the purchaser.

2. If a taxpayer shares or profit shares of the same class with a different purchase price, the cost of those shares or profit made on the average acquisition price.

3. If a disposition an acquisition price was taken into account by applying the second paragraph, the calculation of the cost of non-alienated shares or profit shares based on the acquisition price taken into account at the disposal.

4. If a contribution is made on the basis of Article 3.65, the acquisition price are negative.

5 By Order in Council, may, as necessary, rules are made regarding the amount of the purchase price and reducing attacks in respect of preserved income due to alienation benefit from a substantial interest for those situations where one of the following occurs:

a. transferee of the shares marries a person who lives in the Netherlands;

b. the transferee of the shares dies and that death go by inheritance shares on a natural person resident in the Netherlands;

c. the transferee of the shares donates shares to a natural person resident in the Netherlands;

d. other situations where the shares pursuant to a distribution of a marital community or a division of an estate
ending up back at a transferee who lives in the Netherlands.

Article 4.22. Correction value in the course of trade

1. If a disposition or acquisition consideration is missing or arranged with a not closed under normal circumstances Agreement, as consideration deemed to be the value at the time of the disposition, or the acquisition, in the course of trade in the shares or profit shares can be granted.

2. The first paragraph shall also apply to a disposition if the interest in the company is maintained, except in case of issue of shares.

Article 4.23. Cost to occur after obtaining substantial interest

If a share or profit certificate will include, at a time after the collection of which a substantial interest, the cost of that share or gain evidence put to the market value at that time traffic can be given to them.

Article 4.24. No interim loss company

1. If the taxpayer disposes of shares or jouissance but his interest in the activities of the company directly or indirectly wholly or primarily reserves, a negative disposition advantage is not taken into account.

2. Negative alienation benefit under the first paragraph is not taken into account is:
   a. if the taxpayer retains shares in the company, added to the purchase price of the remaining shares in the company;
   b. if the taxpayer retains no shares in the company, together with acquisition price of the shares in the company through which he has retained the interest directly or indirectly;
   c. if the acquisition price is not based on the a and b is added to other shares and Article 4:16, paragraph is applied, together with the cost of the profit shares of the company in which the taxpayer has a substantial interest.

3. the first and second members, except in cases referred to in paragraph c, shall not apply if the negative alienation advantage not taken into account may be the purchase price of a share. not attached

4. The first and second paragraphs shall apply mutatis mutandis if the taxpayer shares or jouissance alienates his spouse or partner or any of their blood or marriage in the direct line or a company in which one of these persons has a substantial interest, and he retains a substantial interest in the company in which the shares or profit shares relate.

5. This Article shall not apply to disposals within the meaning of Article 4.16, paragraph, section h, section 4.16, paragraph, and Article 7.5, seventh paragraph.

Article 4.24a. no negative alienation benefit silent return from a BV

The alienation benefit in respect of a silent return under Article 14c of the Corporation Tax Act 1969 is at least set to nil.

Article 4.25. Cost in the development of domestic tax

1. If a taxpayer in the Netherlands goes live and he at that time shares or profit shares of a company, the acquisition price of the shares or profit shares set to the value at that time in the course of trade in such shares or jouissance may be granted.

2. The first paragraph does not apply if the taxpayer previously ceased to live in the Netherlands.

3. the first paragraph shall not apply if the shares or profit shares of a company established in the Netherlands.

4. by General Rules may be made relating to the purchase price for the cases referred to in the second and third paragraphs, and for the case before Article 7.5, paragraph, is applied.

5. By Order of Directors may also be made with regard to reducing the attack in determining which Article 4.16, paragraph, section h, or Article 7.5, seventh paragraph, applied rules in case of return of the taxpayer to the
Netherlands within ten years after he has ceased to attend or Section 7.5, paragraph, is used in the Netherlands.

6. by General Rules may be made with respect to the size of the acquisition price and reducing attacks in respect of income due to alienation conserved benefit from a substantial interest for situations where the acquirer of the shares in the Netherlands goes live.

Article 4.26. Bonus Shares and participation certificates

1. In case of issue of shares, payment on proof of participation in a mutual fund or issue of bonus shares to shareholders, as consideration includes the amount in respect of such distribution or payment shall be regarded as regular benefits increased by a any toebetaling by the taxpayer.

2. Inclusion on shares shall be treated as issue of shares.

Article 4.27. Regular benefits exempt from investment and foreign investment entities

1. If a benefit referred to in Article 4.13, first paragraph, under a, is taken into account, the purchase price of the relevant share certificate or profit thus increased.

2. Where, under Article 4.14, paragraph nine, a benefit referred to in Article 4.13, first paragraph, under a, is taken into account, the acquisition price of the shares of the company established in the Netherlands by means of which the shares or profit shares held by the company not established in the Netherlands thus increased.

Article 4.28. Transfer Price in installments

1. If a transfer price of one or more installments of which is the number or size at the time of the alienation is not yet determined, is an estimated transfer price shall be used.

2. The difference between the estimated transfer price referred to in the first paragraph and what actually enjoyed - taken in accordance with Article 4:43 - is the extent that the terms actually enjoyed the estimated transfer price exceeding eligible.

3. If the total of the installments actually received is less than the estimated transfer price, the difference is taken into account as negative alienation advantage.

Article 4.29. Transfer price adjustments

1. If, after the date of the transfer, the transfer price is increased, the difference with the original transfer price deemed alienation advantage.

2. If, after the date of the transfer, the transfer price is reduced, the difference with the original transfer price considered as negative alienation advantage.

Article 4.30. Acquisition price purchase options upon exercise or expiration

1. If a call option is exercised, the purchase price of the purchase option included in the acquisition price of the shares or jouissance.

2. If a call option on shares or profit shares is not exercised, the purchase price of the option added to the purchase price of the class of shares or profit shares to which it referred, or in the absence of that kind, the acquisition price of the shares, jouissance respectively belonging to the substantial interest.

Article 4.31. Granted purchase options

The alienation advantage in respect of the provision by the taxpayer of a call option is set at the amount of compensation.

Article 4.32. Put options
1. If the taxpayer acquires a right to dispose of shares or profit is the compensation therefor regarded as costs related to alienation, if the taxable person exercises the right, be deducted from the transfer price.

2. When the taxpayer who is alienated, the fee will be deducted from the purchase price of the shares or jouissance.

**Article 4:33. Cost reduction in share capital repayment**

In case of refund of what was paid in shares, the purchase price less the refund if they are not taken. As regular benefit eligible The first sentence shall apply mutatis mutandis in case of refund jouissance.

**Article 4.33a. Adoption cost for conversion downgraded claim**

If, with respect to a claim any circumstance referred to in Article 3.98a, second paragraph, the purchase price of the acquired shares or profit shares respectively the legislation already in the possession of the taxpayer shares or profit shares in the debtor plus the cated under Article 3.98a, first paragraph, first sentence, the result of an efficacy advantage or, if a revaluation reserve referred to in the second sentence of Article 3.98a, paragraph is formed, since the Article 3.98a, fourth, seventh or eighth paragraph, the result of an efficacy advantage recharged.

**Article 4.34. Liquidation payments**

1. In the event of a liquidation payment as alienation advantage into account the amount paid above the acquisition price of the shares or jouissance.

2. Insofar as the liquidation distribution is not the cost less. alienation as advantage is taken into account,

3. If upon dissolution of the company after the liquidation of the assets is complete, after application of the second paragraph, an amount of remaining purchase price, the residual purchase price considered negative alienation advantage.

. 4 The first, second and third paragraph shall not apply to:

a. liquidation distributions consisting of the expense of the taxpayer continue the business of a company pursuant to Article 14c of the Corporation Tax Act 1969;

b. the alienation advantage that is enjoyed by a disposition referred to in Article 4:16, paragraph.

5. Alienation Benefits provided are determined by the value of the assets of the company so far as continued by the taxpayer plus 50% of the loss in the fourth paragraph under Article 14c, third paragraph, of the Act corporation in 1969 is regarded as business loss within the meaning of Article 3148, second paragraph, minus 20% of the amount under Article 14c of the Corporation Tax Act 1969 is exempt and further reduced by a proportionate share of the cost. The value of the assets plus 50% of the loss is at least set to nil.

**Article 4.35. Location**

For the purposes of this Section, a body whose creation has taken place under Dutch law still deemed to be established in the Netherlands. A European company at its inception was governed by Dutch law, be deemed for the purposes of the first sentence to be incorporated under Dutch law.

**Section 4.7. Determining cost**

**Article 4.36. Disposal**

The acquisition price of shares or profit shares belonging to a substantial interest may, either upon request by the inspector amenable be determined. Objection

**Article 4.37. Revision available**

1. If any fact provides grounds to suspect that the acquisition price is set too high, the inspector may review the decision before eligible for objection.

2. A fact that the inspector was known or could reasonably be aware may not provide ground for review, unless the
taxpayer is in bad faith in relation to this fact. Article 16, second paragraph, introduction and part c of the General State Taxes Act shall apply mutatis mutandis.

3. the power to review shall expire five years after the date of adoption of the decision, except to the extent the purchase price was payable to an individual who is not resident in the Netherlands or a legal person who is not established in the Netherlands, in which case the authority to review shall expire twelve years after the date of adoption of the Decision.

Section 4.8. Arrangements by Slide

Section 4.8.1. Settlement at the request of transfers under Matrimonial

Article 4.38. Settlement on request

1. If choosing the joint stakeholders before, is not applied Article 4.17.

2. The choice is made in the declaration or declarations in which the resulting alienation advantage is understood.

Section 4.8.1a. Passing on cost of transfers pursuant to matrimonial property and inheritance rights and to transfer donation

Article 4.39. Passing on cost of transfers under marital property division and marriage community

1. If the transition under matrimonial property law by applying Article 4:17 absence of a disposition is deemed cost applied to the purchase price through whom the shares or profit shares in the matrimonial cases are.

2. If, under the division of matrimonial Article 4:17 is applied and that article was not applied in the development of this wedding community in respect of member shares or profit is considered acquisition price of the shares or profit shares the acquisition price applied to the person of whom are in the context of the distribution has been obtained.

3. the purchase price referred to in the first and second paragraph shall be distributed evenly over the acquirers provided in the context of the division of family property an entitlement under Article 4.3 is established.

Article 4.39a. Passing on cost of transfers by inheritance

1. If, in the context of a transition takes by inheritance Article 4.17a applicable, applies to the heirs as purchase price for the part of the transition that is not classified as disposal pursuant to Article 4.17a the acquisition price in force before the testator, less the part that is used in the determination of the alienation advantage. pursuant to Article 4:19, paragraph with him eligible

2. The purchase price referred to in the first paragraph shall be distributed evenly over the acquirers in so far as the transition of a right referred to in Article 4.3 is established.

Article 4.39b. Passing on cost allocation in succession within two years

1. If, in the context of the distribution of an estate article 4.17b, paragraph is applied, is considered cost the purchase price that applied to the person from whom in the context of the distribution is obtained.

2. If Article 4.17b, paragraph is applied, is the heir who is admitted excreted as purchase price for the part of the transition that is classified as disposal pursuant to Article 4.17a not the cost that applied to the deceased, less the part that is used in the determination of the alienation advantage. pursuant to Article 4:19, paragraph with him eligible

3. the purchase price referred to in subsection or paragraph is distributed evenly over the acquirers in so far as the distribution of a right referred to in Article 4.3 is established.

Article 4.39c. Passing on cost to transfer donation

1. If Article 4.17c, paragraph applies, shall be deemed acquisition price for the part of the transfer that is not classified
as disposal pursuant to Article 4.17c the acquisition price that applied to the transferor in respect of transferred shares, reduced by the part thereof which is used in the determination of the alienation advantage. pursuant to Article 4:19, paragraph with him eligible

2. The purchase price referred to in the first paragraph shall be distributed evenly over the acquirers in so far as the disposal of a right referred to in Article 4.3 is established.

Section 4.8.2. Passing on if no longer a substantial interest is present

Article 4.40. Passing on request (may develop fictitious substantial interest)

At the request of the taxpayer, Article 4.16, paragraph, section g, not apply in respect of shares or profit shares which remain. To its ability

Section 4.8.3. Passing on in the context of a share merger, legal merger or demerger

Article 4.41. Passing on request (may develop fictitious substantial interest)

1. At the request of the taxpayer, income from the alienation of shares or profit shares under a share merger referred to in Article 3:55 disregarded. Article 3:55, paragraph, shall apply mutatis mutandis.

2. At the request of the taxpayer the benefit referred to in section 4.16, paragraph, subparagraph d, not taken into account in the case of a division of a legal entity provided that the sharing and acquiring legal entity in the Netherlands are located, or in the Article 3.55, paragraph in a Member State of the European Union or designated by ministerial regulation state that is party to the Agreement on the European Economic Area are located. Article 3:56, fourth, sixth and seventh paragraphs, shall apply mutatis mutandis.

3. At the request of taxable benefit referred to in section 4.16, paragraph, subparagraph d, not taken into account in the case of a merger, provided that the vanishing and the acquiring legal entity in the Netherlands are located, or in the sense of Article 3.55, paragraph in a Member State of the European Union or designated by ministerial regulation state that is party to the Agreement on the European Economic Area are located. Article 3:57, fourth, sixth and seventh paragraphs shall apply mutatis mutandis.

4. The option provided for in the preceding paragraphs the advantage of not taking into consideration does not apply in the context of the share merger, demerger or merger enjoyed charge.

Article 4.42. Passing on cost

1. If continues by applying Article 4:41 favor in the context of a share merger not taken into consideration, as acquisition price of the shares or profit shares deemed to be the cost of the under the share merger alienated shares or jouissance.

2. If continues by applying Article 4:41 favor in the context of a split out of consideration, the acquisition price of the shares or profit shares in the legal person for a proportionate share attributable to the shares or profit shares that the taxpayer immediately after the division, in the acquiring entities. Article 3:56, paragraph, subparagraph a, shall apply mutatis mutandis.

3. If continues by applying Article 4:41 favor in the context of a merger out of consideration, the acquisition price of the shares or profit shares in the amalgamated entity identified as the acquisition price of the shares or profit shares that the taxpayer immediately after the merger in the acquiring entity.

Section 4.8.4. Passing on in the context of a silent return

Article 4.42a. Passing on alienation benefit silent return

1. At the request of the taxpayer, the benefits associated with the alienation in the context of the dissolution of a company pursuant to Article 14c, paragraph one, of the Corporation Tax Act 1969 shall not be taken into account.

2. Our Minister may attach to the application of the first paragraph. These conditions may only serve to ensure the
assessment and collection of income tax.

Section 4.9. Time Genie Ting

Article 4.43. Time Genie Ting regular benefits

1. Regular benefits are deemed to have been received at the time when they are:
   a. received;
   b. settled;
   c. disposed;
   d. become interest-bearing or
   e. claimable and collectible.

2. Regular benefits referred to in Article 4.13, first paragraph, under a, shall be deemed to have been received at the end of the calendar year or the end of the domestic tax liability if it ends in the course of the calendar year at the latest.

Article 4.44. Payment Time deductible expenses

The deductible expenses to bring on regular benefits due be taken into account at the time when they are paid or credited, have been made available or interest-bearing have become by the taxpayer.

Article 4.45. Prepaid interest

1. In a calendar year by way of advance paid interest on debts, costs of loans including (prepaid interest), not taken into account if they relate to periods ending later than six months after the end of the calendar year in which they are met and insofar as they relate to the period commencing at the end of the calendar year in which the interest is attributable to calendar months and portions of calendar months in proportion to qualify, as calendar.

2. Prepaid interest under the first paragraph is not taken into account shall be deemed to be met in each of the calendar year referred to in the first paragraph following calendar years to which the interest relates. In equal parts here are portions of calendar years considered as calendar years.

3. the year in which the taxpayer dies which is in respect of prepaid interest that year by him or is deemed to be met and the prepaid interest in subsequent years shall be deemed to have been met fully taken into account.

Article 4.46. Time Genie Ting alienation benefits

1. Alienation Benefits are deemed to have been received at the time of disposal.

2. In the case of a disposition referred to in Article 4.16, paragraph, subparagraph h, is regarded as the time and enjoy the time immediately preceding the cessation of the resident taxpayer.

3. the benefit referred to in article 4.16, paragraph, part i is enjoyed at the time when the purchase option is granted.

4. The benefit referred to in article 4:28, subsection, shall be taken into account at the time when the actually enjoyed periods - exceed the estimated transfer price - construed in accordance with Article 4.43. The negative benefit referred to in article 4:28, subsection, shall be taken into account at the time when the last installment is received.

5. The benefit referred to in section 4.29, subsection, shall be deemed to have been received at the time of the increase in the transfer price. The negative alienation benefit referred to in section 4.29, subsection, shall be taken into account at the time of the reduction in the transfer price.

6. Negative alienation advantage referred to in article 4:34 in the event of dissolution of the company is taken into account at the time when the liquidation is completed.

7. Alienation referred to in section 4.16, subsection is taken into account on the date specified in the request, but no earlier than the date on which the request is received by the inspector.

8. The benefit referred to in section 4.16, subsection shall be deemed to have been received at the time when the business of the company in which the taxpayer has a substantial interest, risk and expense of the taxpayer.
Section 4.10. Loss Settlement

Article 4.47. Loss

If the calculation of the income from a substantial interest results in a negative amount, this is regarded as a loss from a substantial interest.

Article 4.48. Preserve income disregard

For the purposes of this section, income from a substantial interest and loss from a substantial interest determined without taking into account to preserve income.

Article 4.49. Loss Settlement

1. the loss of substantial interest is deducted from the income from a substantial interest of the preceding calendar year and the following nine calendar years.
2. For the purposes of the first paragraph, loss of substantial interest also mean loss from a substantial interest in a company established in the Netherlands under Article 7.5, second paragraph.
3. the settlement takes place in the order in which the losses arose and incomes are enjoyed.
4. loss of substantial interest to the extent resulting from the allocation of common items of income to the taxpayer and can not be offset against income from a substantial interest of the years in which the taxpayer has a partner, is where the partnership with the death of the taxpayer ends regarded as a loss from a substantial interest of the partner provided that both the taxpayer and his partner was a resident taxpayer at the time of termination.

Article 4.50. Determination loss

1. The inspector shall determine the amount of a loss from a substantial interest in fixed eligible for objection.
2. Inspectors, the decision referred simultaneously with the determination of the assessment for the year in which the loss arose.
3. the amount of the loss from a substantial interest is shown separately on the tax bill.
4. If any fact provides grounds to suspect that the amount of the loss from a substantial interest is set too high, the inspector may review the decision referred to in the first paragraph. Revision takes place at eligible for objection.
5. A fact that the inspector was known or could have reasonably known does not constitute grounds for review, in bad faith unless the taxpayer in respect of this fact.
6. Article 16, second paragraph, introduction and parts b and c, third and fourth paragraphs of the General State Taxes Act shall apply mutatis mutandis to reviews.

Article 4.51. Formalization loss carry-back

1. Settlement of loss from a substantial interest income from a substantial interest in a prior calendar year takes place by reducing the impact on eligible for objection to the inspector.
2. Inspectors, the decision simultaneously with the determination of the assessment for the year in which the loss arose.
3. If a prior calendar year no attack has been established and the income from a substantial interest of that year, a loss is settled, the inspector invites the taxpayer still fail to make tax return for that year. For the purposes of Article 11, third paragraph, of the General State Taxes Act, the taxpayer shall be deemed in this case delay for doing it obtained from the end of the year until the time of the solicitation of declaration. Declare
4. Appeal against the decision referred to in the first paragraph may only relate to the application of Article 4.49.
5. Prior to the probable adoption of the decision referred to in the first paragraph, according to rules set by the inspector eligible for objection by ministerial regulation provisionally losses up to the amount of the reduction will be
determined. Presumably a preliminary losses can be completed. By one or more interim loss settlements

6. Provisional loss settlements are settled by the decision referred to in subsection or, if such a decision is not adopted, the assessment for the year in which the loss that led to a temporary loss relief is indicated.

**Article 4.52. Formalization loss carry-forwards**

1. Settlement of a loss from a substantial interest in the income from a substantial interest of the next calendar year takes place at eligible for objection to the inspector.

2. Inspectors, the decision simultaneously with the determination of the assessment for the year that the loss is settled.

3. The amount of the unrelieved loss is reported separately on the tax bill.

4. Appeal against the decision can only relate to the application of Article 4:49, and, if no tax is due to the size of the offset amount.

**Article 4:53. Conversion loss at the end of substantial interest in a tax rebate**

1. If the taxpayer and his partner in the calendar year and the preceding calendar year have no material interest, is not yet settled a loss from a substantial interest at the request of the taxpayer converted into a tax credit for loss of substantial interest. If the taxpayer has no partner, and the calendar is deceased, by way of derogation from the first sentence only as a condition for filing an application for conversion of a not offset losses from a substantial interest in a tax credit, the taxpayer at the time of death has no substantial interest.

2. The tax credit is 25% of the loss is not yet settled.

3. The inspector shall determine the amount of the tax reduction in fixed eligible for objection. Article 4.50, fourth, fifth and sixth paragraphs, shall apply mutatis mutandis.

4. The tax credit for loss of substantial interest reduces the load on the taxable income from employment and home ownership in the first paragraph, first sentence, first-mentioned calendar year and the subsequent seven years, but no later than the ninth year following the year in which the loss suffered. If the first paragraph, second sentence applies, the tax credit for loss decreases from a substantial interest tax on the taxable income from employment and home of the calendar year of death.

5. The tax credit for loss of substantial interest so far this has resulted from the allocation of common items of income to the taxpayer and can not be offset against the tax on taxable income from employment and home of the years in which the taxpayer has a partner, is where the partnership by the death of the taxpayer ends, classified as tax reduction for loss from a substantial interest of the partner provided that both the taxpayer and his partner was a resident taxpayer at the time of the termination of the partnership.

**Chapter 5. Taxable amount in savings and investments**

**Section 5.1. Taxable income from savings and investments**

**Article 5.1. Taxable income from savings and investments**

Taxable income from savings and investments is income from savings and investments less the personal allowance (Chapter 6).

**Article 5.2. Benefit from savings and investments**

1. The income from savings and investments is set at 4% (fixed return) of the base savings and investments. Save the base and investing is the yield basis at the beginning of the calendar (date) to the extent that yield basis exceeds the tax-free allowance.

2. If the taxpayer the entire calendar same partner has or for the purposes of Section 2.17 shall be deemed to have had, by way of derogation from the first paragraph, income from savings and investments is set at 4% (fixed return) of the under of Article 2.17 imputed to him part of the joint basis savings and investments. Save the joint basis and investing is the joint yield basis at the beginning of the calendar (date) of the taxpayer and his partner to the extent that joint return basis exceeds the tax-free allowance of the taxpayer and his partner.
3. If the taxpayer at the beginning of the calendar year has not been a resident taxpayer, or if the resident taxpayer during the calendar year other than death, is also based on the yield basis at the beginning of the calendar year, but the income from savings and invest reduced in proportion to time, portions of calendar months are neglected.

**Article 5.3. Return Basis**

1. The yield basis is the value of the assets less the value of the debt.

2. Possessions are:
   - a. property;
   - b. rights that directly or indirectly relate to immovable property;
   - c. movable property by the taxpayer and persons are not to be used or consumed in his household for personal purposes as well as movable property used for personal purposes or consumed but mainly serve as an investment;
   - d. rights to movable property;
   - e. rights not business concern, including money and
   - f. other proprietary rights, with value in economic transactions.

Assets arising from the General State Taxes Act, a tax which the General State Taxes Act applies, from the Collection Act 1990 or corresponding foreign law, are not taken into account. Notwithstanding the second sentence are property arising from the inheritance tax is taken into account as well as the related assets resulting from tax rate referred to in Chapter VA of the General State Taxes Act, or the recovery rate provided for in Chapter V of the Collection 1990. The third sentence shall apply to property arising from the inheritance tax corresponding foreign inheritance tax, as well as the related assets resulting from an interest rate regime that is included in a law that corresponds to the General Law on State Taxes or Tax Collection Act 1990.

3. Payables are obligations to value in economic transactions, provided that:
   - a. liabilities that may result in expenditures that qualify as a personal deduction, not be taken into account under Chapter 6 in whole or in part;
   - b. obligations under the General Law on State Taxes, a tax which the General State Taxes Act applies, from the Collection Act 1990 or corresponding foreign law, not be taken into account;
   - c. notwithstanding subsection b obligations or be taken as well as the related obligations under the tax rate provided for in Chapter VA of the Act into account the inheritance tax on state taxes, or the recovery rate specified in Chapter V of the Collection Act 1990;
   - d. shall apply to obligations arising out of the inheritance tax corresponding foreign inheritance tax and the related obligations arising out of the framework for the taxation rate referred to in Chapter VA of the General State Taxes Act, or the rules the recovery rate specified in Chapter V of the Tax Collection Act 1990, matching rate regime;
   - e. obligations, other than obligations referred to in the fourth paragraph, the elements a and b, and the extent that the aggregate value thereof exceeds € 2,900. only eligible If the taxpayer the entire calendar same partner has or is deemed for the purposes of Article 2.17 is to have had, the amount under e, mentioned in the first sentence, the taxpayer and his spouse jointly set at € 5,800.

4. Notwithstanding paragraph, opening words and under c, is not taken into account the obligation arising from the Succession Act 1956 with regard to the application of Article 7 of the Act 1928 where there is no question of immediately recoverable tax as referred to in Article 7, first paragraph, of the Nature Conservation Act 1928.

**Article 5.4. Allocation of certain inheritances**

1. The assets do not include amounts due to the spouse of a deceased parent of the taxpayer:
   - a. resulting from the distribution of the estate of that parent;
   - b. arising from outstanding debt by that spouse allowance for a bequest by consideration of the value of that spouse under a will of that parent;
   - c. otherwise arising from a disposition of that parent, or
   - d. concerning a legal portion referred to in Article 80, first paragraph, of Book 4 of the Civil Code of the taxpayer
that are not payable under Article 81 of Book 4 of the Code or that are not payable because the liability depends on a condition or conditions referred to in Articles 82 or 83 of Book 4 of the Code.

2. Among the debts are debts that correspond to the claims referred to in the first paragraph.

3. The assets do not include goods:
   a. which a usufruct in favor of the spouse of a deceased parent of the taxpayer under a testamentary disposition of that parent;
   b. which as a result of the exercise by the taxpayer of a consensus right referred to in Articles 19 or 21 of Book 4 of the Civil Code a usufruct in favor of the surviving spouse, provided for in Article 13, first paragraph, of Book 4 of that code;
   c. which for the spouse of a deceased parent of the taxpayer under Article 29 or 30 of Book 4 of the Civil Code a usufruct.

4. Where goods under paragraph does not belong to the property of the taxpayer, those goods to the spouse referred to in that paragraph shall be used for the value the goods would have if they bear no usufruct would rest.

5. The first to fourth paragraph shall apply mutatis mutandis if:
   a. a natural person by right of representation to the estate of the deceased parent or referred to in the first paragraph is called;
   b. an existing monetary claim referred to in the first paragraph or a well which a usufruct referred to in the third paragraph is obtained by inheritance or matrimonial property by blood or marriage in the direct descendants of those referred to in paragraph deceased parent or spouse as heir left.

6. For the purposes of this Article husband also includes the partner for the provisions which concern the imposition of inheritance tax, provided for in Article 1a, first, second, third and fifth paragraph of the Succession Act 1956, and among older co include the spouse of the parent of the taxpayer.

7. Possessions obtained under the condition of death which a condition precedent in favor of a weathered back connection, be considered as if they were obtained unconditionally.

**Article 5.5. Tax-free capital**

The tax-free allowance amounts to € 21,139.

**Article 5.6. Elderly Surcharge**

1. The tax-free allowance referred to in Article 5.5 shall be increased by the elderly allowance if:
   a. taxpayer at the end of the calendar year, or, if the taxpayer during the year ended, at the end of the tax, the retirement age provided for in Article 7a, first paragraph, of the AOW, has reached, and
   b. basis the savings and investments, before reduction with the elderly charge, does not exceed € 279,708.

When income from work and home before taking into account the personal allowance of:

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<th>is the elderly surcharge</th>
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2. If the taxpayer the entire calendar same partner or for the purposes of Section 2.17 shall be deemed to have had, is taken for the purposes of paragraph eligible save the joint basis and invest, before reduction with the elderly person's allowance, and the amount of € 279,708 mentioned in the first paragraph increased to € 559,416.

**Section 5.2. Exemptions**

**Article 5.7. Exemption forest and nature areas and estates**
1. The assets do not belong
   a. forest;
   b. natural areas;
   c. immovable property forming part of a property designated under the Nature Conservation Act 1928, with the exception of the common estates built on this property.

2. by General Rules may be made on what is understood under nature.

Article 5.8. Exemption objects of art and science

1. The assets are not objects of art and science, unless they serve primarily as an investment.
2. As objects of art and science are also considered objects of art and science that are made available to third parties for cultural and scientific purposes. available
3. Objects of art and science that are part of a collection are not considered by this fact as an investment.

Article 5.9. Exemption rights to movable property by inheritance

The assets do not include the rights to movable property by inheritance have emerged so far as these matters submitted by the taxpayer or persons belonging to his household for personal purposes or consumed, unless these rights primarily as an investment. The taxpayer

Article 5.10. Exemption certain rights

1. The assets do not belong
   a. duty on capital allowances or benefits from life insurance, consisting only of a capital death benefit of the taxpayer, his spouse or a blood relative, or to benefits in kind in respect of the care of a funeral, provided that:
      1°. the sum of the sum insured per insured from such life does not exceed € 6,859;
      or if the sum of the sum insured exceeds € 6,859:
      2°. the sum of the value of those rights per person does not exceed € 6,859;
   b. the balance of a bank, being a financial company under the Act on Financial Supervision in the Netherlands may pursue the business of a bank escrow account held in which the credit is only unlocked when the death of the opening of the blocked bill to establish individual, ie the account holder, his spouse or a blood or marriage, provided that the balance of the linked to the death of the person in the sense accounts in total does not exceed € 6,859;
   c. rights to capital distributions that can occur with disability, illness or accident only;
   d. rights in terms of a transfer price of a substantial interest referred to in Article 4:28;
   e. money, electronic money in the form of a smart card, as well as property rights intended for making consumer purchases such as gift cards, for a total amount of € 512 with the proviso that if the taxpayer throughout the calendar year same partner has or the application of Article 2.17 shall be deemed to have had the amount specified for the taxpayer and his partner states. jointly € 1,024

2. Paragraph, a and b, shall not apply if the sum of the value associated with the death of a person rights referred to in the first paragraph, under a, and the balance of the death of that person linked accounts referred to in the first paragraph, point b, total exceeds € 6,859.

Article 5.11 [Repealed as of 01-01-2012]

Article 5.12. Exemption current terms of income and liabilities

The assets and liabilities are not current terms of income and obligations relating to a period of one year or less and whose underlying asset is also in possession of the taxpayer.

Section 5.3. Green investments
Article 5.13. Exemption green investments

The assets do not belong green investments for a total amount of € 56,420. If the taxpayer the entire calendar same partner has or is deemed for the purposes of Article 2.17 is to have had, the amount mentioned in the first sentence of the taxpayer and his partner jointly set at € 112,840.

Article 5.14. Exemption green investments

1. Green investments in shares, participation certificates and loans to designated green funds. Appointment is made at the request of the Fund subject to objection by the inspector. Be laid down by ministerial regulation with regard to the appointment and revocation of the designation.

2. If green funds can be designated for the purposes of this Article:
   a. bank as referred to in Section 1:1 of the Act on Financial Supervision, the purpose and the actual activities consist mainly in providing direct or indirect loans for projects in the interest of protecting the environment, including nature and forest, or invest directly or indirectly assets in such projects;
   b. investment referred to in Section 1:1 of the Act on Financial Supervision, the purpose and the actual activities mainly consist in investing directly or indirectly in capital projects in the interest of protecting the environment, including natural and forest.

3. Projects referred to in the second paragraph:
   a. Netherlands situated in projects or classes of projects by the Minister of Infrastructure and the Environment, in consultation with the Minister of Finance, after consultation with the Minister of Economic Affairs, Agriculture and Innovation, by ministerial regulation or statement designated as projects the importance of protecting the environment, including natural and forest;
   b. in developing countries and equivalent areas located projects or classes of projects by the Minister of Infrastructure and the Environment in accordance with the Minister of Finance, after consultation with the Minister of Economic Affairs, Agriculture and Innovation and the Minister of Foreign Affairs by ministerial regulation or statement designated as projects in the interest of protecting the environment, including nature and forest.

4. Designation as referred to in the first paragraph is already possible for an initial period of three months in which an institution still does not meet the requirement contained in the second paragraph that the purpose and actual activities consist mainly in providing appropriations for projects in the interest of protecting the environment, including natural and forest, or invest directly or indirectly assets in such projects.

5. At the request of an institution, the initial period of three months referred to in the fourth paragraph shall be replaced by a start-up period of up to two years if the institution meets set conditions. by ministerial regulation

6. on declarations and designations referred to in the third paragraph of Chapter V of the General Law on State Taxes not apply.

7. be laid down by ministerial regulation concerning the indirect lending, referred to in the second paragraph a

8. A ministerial regulation may be laid down concerning the declaration referred to in the third paragraph. further in accordance with the Minister of Infrastructure and the Environment or the Minister of Economic Affairs, Agriculture and Innovation The design of a ministerial order referred to in subsection or before the plan is adopted, sent at least four weeks to the States-General. In the previous sentence

Article 5.15 [Repealed as of 01-01-2013]

Section 5.3A [expired as of 01-01-2013]

Article 5.16 [Repealed as of 01-01-2013]

ARTICLE 5.17 [Repealed as of 01-01-2013]

ARTICLE 5.18 [Repealed as of 01-01-2013]

Article 5.18a [Repealed as of 01-01-2013]
Article 5.18b. Exemption SME investments

[Editor: This article shall no longer in operation. The article has been withdrawn by Stb. 2012/321.]

1. SME investments in the calendar year or in any of the five preceding calendar years emitted by an SME shares and shares in an SME fund.

An SME is a company:

a. which is wholly or partly divided into shares;

b. whose purpose and actual activities consist in activities other than the investment of assets;

c. at the time of issue of the shares referred to in the first sentence, consolidated considered:

1°. less than 250 employees;

2°. in any year has not yet been reached in excess of € 50 million turnover;

3°. has not had more than € 43 million total assets in any year, and

d. established in an area that receives support from the European Regional Development Fund.

An SME fund is designated under paragraph investment referred to in Section 1:1 of the Act on Financial Supervision, the purpose and the actual activities exclusively or almost exclusively exist in the investment of assets in SMEs by companies in the calendar year or in any of the five preceding calendar years shares issued.

2. The requirement contained in the first paragraph, section d, does not apply if - assessed in accordance with subsection c - the company concerned less than 50 employees and the turnover and balance sheet total does not exceed € 10 million.

3. Designation as SME Fund shall, at the request of an investment with eligible for objection. Be laid down by ministerial regulation with regard to the appointment and revocation of the designation.

4. Designation as referred to in the third paragraph is already possible for an initial period of three months in which an investment is not yet meet the requirement contained in the first paragraph that the purpose and actual activities exclusively or almost exclusively exist in the investment of assets in by SMEs in the calendar year or in any of the five preceding calendar years shares issued.

5. At the request of an investment is the initial period of three months referred to in the fourth paragraph shall be replaced by a start-up period of up to two years if the investment meets to set terms and conditions. ministerial regulation

6. A ministerial regulation may set further rules., for the purposes of this article

Section 5.4. Appreciation

Article 5.19. Valuation assets and liabilities; generally

1. Assets and liabilities are taken into account for the value in economic transactions.

2. Assets and liabilities, whether or not combined, in the course of trade as a unit tend to be regarded as a unit are taken into account.

3. If the value of an asset or a liability on the reference date can not be determined, that value is determined at the naastbij located when that is possible.

4. Pleasure rights granted to a business fee that is paid in regular installments maturing relating to a period not exceeding one year, are valued at nil. The first sentence shall apply to debts that correspond to the enjoyment rights referred to therein.

Article 5.20. Guest houses other than their own homes

1. the value of a property, is, notwithstanding Article 5:19, first paragraph, set at the value determined in accordance with Chapter IV of the Property Valuation Act for that property values or for the calendar year. If the property is part of a property referred to in Article 16 of the Property Valuation Act, the value of the property is set to the portion of the value of the property attributable to the property.
2. If in respect of a dwelling paragraph may find the lack of an established pursuant to Chapter IV of the Property Valuation Act value, not applicable, the value of the property determined by analogy with the provisions of or pursuant Articles 16 to 18 and 20, second paragraph, of the Act.

3. If a property is rented whole or in part and at this rental Section 5 of Title 4 of Book 7 of the Dutch Civil Code applies, or under a lease entered into for at least 12 years is leased and the leasing Title 5 of Book 7 of the Civil Code applies, the value is set to a fix in general administrative percentage value of the data referred to in the first or second paragraph.

4. In case of lease, for the purposes of this Article and the provisions based on the value data referred to in the first or second paragraph shall be reduced by the value of the ground rent. determine by order of Directors

**Article 5.21. Valuation effects**

For the valuation of securities included in any price list designated by ministerial order, the value in the course of trade on the reference date set at the closing price indicated in the price list that relates to the last trading day of the previous calendar year.

**Article 5.22. Appreciation rights of enjoyment**

1. When General Administrative Rules in relation to the value of taking into account rights of enjoyment .

2. Possessions which a usufruct is established, are valued at the difference between the value of the unencumbered property and the value of the usufruct. established in accordance with paragraph The first sentence shall apply to debt where the interest owner a pleasure to meet.

. 3 of this Act and the provisions based upon the purposes usufruct means any entitlement to benefits from goods.

4. If a usufruct is established in the form of benefits in kind provided for in Article 3101, second paragraph, for the purposes of the second paragraph, the value of the usufruct of nil.

**Article 5.23. Rating: additional rules**

By Order in Council may, in the context of this chapter appropriate, rules are made for the valuation of assets and liabilities.

**Chapter 6. Personal allowance**

**Section 6.1. Personal allowance**

**Article 6.1. Personal allowance**

. 1 Personal deduction is the aggregate amount of:

   a in the calendar year of the taxpayer oppressive personal allowances and
   b. part of the personal allowance from previous years that has not previously been taken into account.

. 2 Personal deductions are:

   a maintenance expenditure obligations (section 6.2);
   b [repealed];
   c living expenses of children (Section 6.4);
   d expenses for specific medical expenses (Section 6.5);
   e weekend expenses for disabled (Section 6.6);
   f educational expenses (Section 6.7);
   g expenditure listed buildings (Section 6.8);
   h. deductible donations (Section 6.9).

3. Expenditure referred to in the second paragraph, under c, d and e, are taken into account so far has been able to
make sense of that expenditure. taxpayer reasonably reduced

4. An order in council claims reimbursements or allowances and enjoyed or enjoying fees or allowances are designated to be disregarded in determining the extent of which the taxpayer to spending down.

**Article 6.2. Take into account personal deduction**

1. the personal allowance reduces income from employment and home of the calendar year, but not below zero.
2. Insofar as the personal allowance on income from employment and home of the calendar year does not reduce the deduction reduces the taxable income from savings and investments of the year, but not below zero.
3. Insofar as the personal allowance on income from work and home and the taxable income from savings and investments of the calendar year does not reduce the deduction reduces the income from a substantial interest of the year, but not below zero.
4. For the purposes of the first and the third paragraph, the income from work and home and income determining them to preserve income. from a substantial interest without taking
5. A reduction be the first expenditure for specific medical expenses referred to in Section 6.1, second paragraph, section d, taken into account.

**Article 6.2a. Determination excluded personal allowance**

1. The inspector shall determine the amount of the personal allowance is not taken into account at any time to determine eligible for objection.
2. If a decision as referred to in the first paragraph shall be given to the establishment of a tax assessment, simultaneously, the amount of the personal allowance is not taken into account separately on the tax bill.
3. If there are grounds to suspect that the amount referred to in the first paragraph is set too high, the inspector may review the decision referred to in that paragraph. Revision takes place at eligible for objection.
4. A fact that the inspector was known or could have reasonably known does not constitute grounds for review, unless the taxpayer is in bad faith in relation to this fact.
5. Article 16, second paragraph, introduction and parts b and c, third and fourth paragraphs of the General State Taxes Act shall apply mutatis mutandis to reviews.
6. Appeal against the decision referred to in the first paragraph may only relate to the amount referred to in Article 6.1, first paragraph, under a Appeal against the in the third paragraph, second sentence, decision referred to relate only to the amount of the review.

**Article 6.2b [Repealed as of 01-01-2009]**

**Section 6.2. Maintenance Obligations**

**Article 6.3. Maintenance Obligations**

. 1 Maintenance obligations are:

. a periodic payments and benefits under an obligation arising directly from the family, unless they are made to by blood or marriage in the direct line or in the second degree of kinship;
. b redemption payments of such benefits or benefits in kind made to the former spouse;
. c under section 6.5 of the Employment and Assistance Act of cost recoveries assistance providing for the livelihood of the sustainable living of the taxpayer divorced spouse or former spouse;
. d amounts in the context of divorce or separation from bed and be paid in respect of the obligation to settle pension and annuities and other income insurance for which the premiums paid are taken as expenses for income supply;
. e in court grants periodical benefits and allowances which are based on a legal obligation to pay compensation for damage caused by lack of maintenance;
. f. legally grants periodical benefits and allowances based on an urgent moral obligation to supply a livelihood.
2. Maintenance obligations referred to in the first paragraph, under a, e, f, are where these take the form of periodic benefits of housing in a house or part of a home and if they are provided by a limited owner of the property or that portion of a property, considered him for the amount for which such benefits are taken on the basis of Article 3101, second paragraph, eligible to enjoy this one,

**Article 6.4. Excluded maintenance**

1. Among the maintenance obligations referred to in Article 6.3, first paragraph, points e and f, non-periodic payments and benefits to be made to:
   a. blood or marriage in the direct line or in the second degree of kinship;
   b. persons belonging to the household of the taxpayer.

2. Among the maintenance obligations referred to in Article 6.3, first paragraph, under b and d, are not the lump sum payments and settlement amounts incurred in the form of annuities and other income measures, so the premiums paid for those services as expenses for income provision eligible were taken.

3. Among the maintenance obligations referred to in Article 6.3, first paragraph, section d, are not rights to periodic payments and benefits granted by the person to the clearing obligation.

**Article 6.5. Redemption alimony payment by annuity premium**

1. Among the maintenance obligations referred to in Article 6.3, first paragraph, point b, are lump sum payments to be made in the form of a payment of a premium for an annuity from an insurer referred to in Article 3126, first paragraph, under a, under 1°.

2. The terms of the annuity must:
   a. to the former spouse;
   b. effective immediately after paying the premium;
   c. terminate upon the death of the former spouse appearance.

3. the premium paid for the annuity is considered a premium for an annuity as provided in Article 3124, first paragraph a

4. If the annuity is no longer fulfills the conditions referred to in this Article shall be deemed a circumstance referred to in Article 3133, second paragraph, to have taken place.

**Article 6.6. Settlement of pension payment by annuity premium**

1. Among the maintenance obligations referred to in Article 6.3, first paragraph, section d, include amounts paid in respect of the settlement of pension rights in the form of a payment of a premium for an annuity as provided in Article 3125, first paragraph, to an insurer referred to in Article 3126, first paragraph, under a, under 1°.

2. For the purposes of Article 3125, first paragraph, the spouse or former spouse designated as the taxpayer and if the policyholder of the annuity referred to in that provision.

3. the premium paid for the annuity is considered a premium for an annuity as provided in Article 3124, first paragraph a

4. The annuity is considered an annuity referred to in Article 3125, first paragraph.

5. If the annuity is no longer fulfills the conditions referred to in this Article shall be deemed a circumstance referred to in Article 3133, second paragraph, to have taken place.

**Article 6.7. Extension family law benefits**

1. Until the maintenance obligations referred to in Article 6.3, first paragraph, under a, are the periodic payments and benefits if this has been agreed in the context of divorce or separation from bed and board to offset:
   a. pension;
   b. annuities and other income provisions where the premiums paid for have been taken. edition as provision for
2. Among the maintenance obligations referred to in Article 6.3, first paragraph, under a, are the periodic payments and benefits that replace such maintenance obligations.

3. The first and second paragraph shall only apply to periodic payments and benefits incurred by the person to the settlement or replacement required.

Section 6.3 [Repealed as of 01-01-2011]

Article 6.8 [Repealed as of 01-01-2011]

Article 6.9 [Repealed as of 31-10-2001]

Article 6.10 [Repealed as of 31-10-2001]

Article 6.11 [Repealed as of 31-10-2001]

Article 6.12 [Repealed as of 31-10-2001]

Section 6.4. Living expenses of children

Article 6.13. Definition

1. Expenses for maintenance of children are living expenses of children younger than 21 years at least be maintained by the taxpayer. Significantly, to assess the extent to which a child is maintained by the taxpayer, when the taxpayer is a partner has, the expenditure of the taxpayer and his partner for the livelihood of the child together.

2. If expenditure referred to in the first paragraph does not apply to expenditure taken into account. Closely in Section 6.5

Article 6.14. Limitations

1. . Expending on maintenance of a child will not be eligible if:
   a. the taxpayer or a person belonging to his household, the child is entitled to child benefit under the General Child or an allowance according to the nature and scope corresponding to that law foreign scheme;
   b. for the child's right to family allowances under Article 7b of the National Child is excluded;

2. A ministerial regulation identifies where the first paragraph, under a, not applicable. In

Article 6.15. Take size into account expenses

Living expenses of a child is taken into consideration determined according to set rules. An amount by ministerial regulation

Section 6.5. Expenses for specific medical expenses

Article 6.16. Circle of persons whose specific care costs are taken into account

Expenses for specific medical expenses are taken into account for the expenditure incurred for the taxpayer, his partner, are under 27-year-old children, belonging to his household severely disabled people aged 27 or older and with the taxpayer resident care-dependent parents, brothers or sisters. By Order of Directors is determined when a person for the purposes of this section as severely disabled or is considered. Care as dependent
Article 6.17. Expenses for specific medical expenses

1. Expenditure on specific care costs are the expenses due to illness or disability are made for:
   a. medical and surgical aid, with the exception of laser eye surgery to replace glasses or contact lenses;
   b. transport;
   c. pharmaceutical tools provided on a doctor's prescription;
   d. other tools, except for glasses, contact lenses and other tools to support the vision;
   e. additional family services;
   f. the extra cost of a meeting held on medical prescription diet to an amount determined by ministerial regulation;
   g. extra clothing and bedding and related additional expenditure, to establish rules by ministerial order under;
   h. journeys in connection with the regular visits due to illness or disability for more than a month nursed people
      with whom the visitor at the start of the illness or disability conducted a joint household, if the distance between
      the home or residence of the visitor and the place where nursing takes place, measured along the most common
      way amount to more than 10 kilometers.

2. If another tool referred to in the first paragraph, section d, is also considered a means that enables the person to
   perform a normal body function without the means which he would not be capable of. Including:
   a. adaptations of a house, houseboat, caravan or appurtenance thereof, due to a disability to medical prescription
      made, provided that the modifications do not lead to an increase in value of the house, houseboat, caravan or
      appurtenance thereof which exceeds ten percent of the on the taxpayer oppressive adjustment costs;
   b. matters and adjustments of business, other than an adaptation of a house, houseboat, caravan or appurtenance
      thereof unless these matters and adjustments of such a nature that they are used. mainly by sick or disabled
      persons

3. Homemaker is considered to the extent that the expenditure homemaker exceed the amount given in the following
   table as an extra.

   With a total income before application of the personal allowance of

<table>
<thead>
<tr>
<th>above</th>
<th>but not more than</th>
<th>homemaker is considered to the extent that the expenditure homemaker exceed the percentage of</th>
</tr>
</thead>
<tbody>
<tr>
<td>€ 30,593</td>
<td>0%</td>
<td>the total income before application of the personal allowance indicated in this column extra</td>
</tr>
<tr>
<td>€ 45,890</td>
<td>1%</td>
<td></td>
</tr>
<tr>
<td>€ 61,181</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>€ 61,181</td>
<td>3%</td>
<td></td>
</tr>
</tbody>
</table>

4. If the taxpayer has a partner throughout the year, the expenditure homemaker merged and applies for the
   purposes of the third paragraph the aggregate amount of the aggregate income of the taxpayer and his partner
   before application of the personal allowance. The first sentence shall also apply if the taxpayer under Article 2.17,
   paragraph, first sentence, the calendar year is deemed to have had a partner.

5. Expenditure for additional home help are only recognized to the extent that they appear from which invoices dated
   in a clear and concise manner the name and address of the homemaker listed.

6. The expenditure referred to in the first paragraph, section h, are taken into account, if traveling:
   a. vehicle other than a taxi: for € 0.19 per kilometer;
   b. otherwise: for the actual costs.

7. For the purposes of the first paragraph, section f, with a medical prescription equated a prescription from a person
   authorized to use the title dietitian.

8. A ministerial regulation may set further rules regarding the content of the rules referred to in the first paragraph,
item f, and the seventh member.

. 9 For the purposes of the first paragraph, under a, under medical and surgical assistance means:
   a. treatment by a doctor;
   b. treatment on prescription and under the supervision of a doctor by a paramedic;
   c. treatment by a paramedic to be designated by ministerial regulation, provided for treating a statement issued by
      the paramedic who satisfies the rules and conditions. ministerial regulation

**Article 6.18. Limitations of expenses for specific medical expenses**

. 1 If expenditure referred to in Article 6.17, paragraph does not apply to:
   a. premium and premium substitute tax and social security expenditure in nature and scope corresponding foreign
      plans;
   b. premiums and contributions to a health insurance scheme and premium replacement and replacement
      contribution taxes and expenditure in nature and scope corresponding foreign plans;
   c. the contributions due under the Exceptional Medical Expenses Act;
   d. contributions payable under the Social Support Act;
   e. contributions payable under the Health Insurance Act;
   f. expenditure borne by a compulsory excess of an agreed voluntary excess referred to in Article 1, parts g and h,
      the Health Insurance Act;
   g. expenditures for care covered by the insured risk required by the taxpayer pursuant to the Health Insurance
      Act;
   h. designated by ministerial regulation expenditure due to modification of the provisions in or pursuant to the
      Health Insurance no longer be regarded as expenditure referred to in subparagraph g;
   i. expenditure referred to in the Exceptional Medical Expenses Act or the Social Support Act where a contribution is
      payable to obtain a grant or allowance referred to in the Exceptional Medical Expenses Act or the Social Support
      Act to fund such expenditure;
   j. expenditure taken into account. closely in Section 6.6

2. Paragraph, parts g and h, shall apply to expenditure incurred for the persons referred to in Article 6.16 by the
   taxpayer.

**Article 6.19. Increase spending on specific care costs**

1. the amount of expenditure referred to in Article 6.17, first paragraph, subparagraphs b to g, is increased by:
   a. 113%, if the taxpayer at the beginning of the calendar year the retirement age provided for in Article 7a, first
      paragraph, of the AOW, has reached;
   b. 40%, if the taxpayer at the beginning of the calendar year the retirement age provided for in Article 7a, first
      paragraph, of the AOW, has not reached this provided the aggregate income before application of the personal
      allowance, not exceeds the amount specified in the second line of the second column of the table in Article 2.10a.

2. If the taxpayer has a partner throughout the calendar year, the expenditure referred to in Article 6.17, first
   paragraph, subparagraphs b to g, the taxpayer and partner together and apply for the purposes of paragraph instead
   of the total income before application of the personal allowance the aggregate amount of the aggregate income of
   the taxpayer and his partner before application of the personal allowance.

   If the aggregate amount of the aggregate income of the taxpayer and the partner mentioned in the first sentence,
   before application of the personal allowance, is not the amount mentioned in the second line of the second column
   of the table in Article 2.10a to top and the taxpayer at the beginning of the calendar year the retirement age provided
   for in Article 7a, first paragraph, of the AOW, has not reached, but the partner at the beginning of the calendar year
   the retirement age provided for in Article 7a, first member of the AOW, it has reached, in derogation from the first
   paragraph the amount of expenditure referred to in Article 6.17, first paragraph, subparagraphs b to g, increased by
   113%.

3. the second paragraph shall also apply if the taxpayer under Article 2.17, paragraph, first sentence, the calendar
Article 6.20. Take size into account expenses for specific medical expenses

1. Expenditure on specific care costs are taken into account insofar as they together, after application of the mark under Article 6.19, exceed:
   a. if the aggregate income before application of the personal allowance does not exceed € 7,457: € 125;
   b. if the aggregate income before application of the personal allowance € 7,457 exceed, € 39,618 but not beyond:
      1.65% of the total income before application of the personal allowance;
   c. if the aggregate income before application of the personal allowance € 39,618 exceeds the sum of 1.65% of € 39,618 and 5.75% of the portion of the total income before application of the personal allowance to € 39,618 is beyond.

2. If the taxpayer has a partner throughout the year, the expenditure for specific medical expenses aggregated and applies for the purposes of the first paragraph, the aggregate amount of the aggregate income of the taxpayer and his partner before application of the personal allowance and is in paragraph, part a and part b, the amount of € 7,457 replaced by € 14,914 and in the first paragraph, under a, the amount of € 125 replaced by € 250. The first sentence shall also apply if the taxpayer under Article 2.17, paragraph, first sentence, the calendar year is deemed to have had a partner.

Article 6:21 [Repealed as of 01-01-2009]

Article 6:22 [Repealed as of 01-01-2009]

Article 6:23 [Repealed as of 01-01-2009]

Article 6:24 [Repealed as of 01-01-2009]

Section 6.6. Weekend Expenditure for disabled

Article 6.25. Definitions

1. Weekend Expenditure for the disabled are the additional expenses incurred to care for his severely disabled child, sibling or person placed under his mentorship provided this child, this sibling or person 21 years or older and usually by a taxable staying at a facility.

2. Under mentoring means mentoring by Book 1, Title 20 of the Civil Code.

3. By Order of Directors determines when a child, sibling or under mentorship of the taxable person prescribed for the purposes of this Article shall be considered as severely disabled.

Article 6.26. The amount to be taken into account

Weekend Expenditure for the disabled are taken into account determined according to set rules. An amount by ministerial regulation

Section 6.7. Training Expenditure

Article 6.27. Training Expenditure

1. Educational expenses are the expenses due to tracking by the taxpayer of a course or study done from work and home for the purpose of acquiring income for:
   a. tuition, tuition, tuition fees, examination fees as provided in section 7.44 of the Law on Higher Education and Research or promotional costs;
   b. required by the educational Asked instructional and protective equipment.

2. If educational expenses shall also be considered expenditure relating to following a procedure recognizing prior learning for which a certificate is issued by an authority designated by ministerial regulation.
3. Expenditure for tracking by the taxpayer of a training or study for the purpose of gaining income from work and home on his partner pressures, are also regarded as educational expenses.

4. For the purposes of this article, the term:
   a. learning tool: a tool aimed at imparting knowledge and skills related study with the exception of computer and its peripherals;
   b. protection: a study related utensil that is intended to prevent injury to a person or to prevent damage to clothing;
   c. promotion costs: the cost of publication of the thesis and the cost of the prescribed clothing for the candidate and the assistants for the ceremony.

Article 6.28. Limitations

1. Educational expenses are not deductible to the extent for training or study at the taxpayer exempt payments and benefits provided for in Article 3104, parts d, e, h, below 3 °, m and q, are provided.

2. Educational expenses are not deductible to the extent the relevant program of study at the taxpayer a performance as referred to in Articles 4.7, first and second paragraphs, or 5.2, first paragraph, of the Act 2000 is granted.

3. If the performance specified in the second paragraph, under the provisions of Chapter 4, respectively Chapter 5 of the Act 2000 final is not converted into a gift, the training expenses under paragraph are not deductions have been eligible, still-deductible in the year in which the final performance is not converted into a gift.

4. the following paragraph to take into account educational expenses are set at an amount of € 2,421 per academic year for higher education and an amount of € 1,677 per year for vocational education which the performance specified in the second paragraph, which finally not converted into a grant relates or, if lower, the amount of that performance. If the implementation of the performance-not the entire study is concerned, the amounts included in the first sentence recalculated to time.

Article 6:29 [Repealed as of 01-01-2013]

Article 6.30. Take size into account expenses

1. Training Expenditure shall be deductible if the combined amount exceeds € 250 and, beyond the standard period of study, then not to a higher total amount than € 15,000.

2. The standard study period is a continuous period of not more than five calendar years in which the taxpayer reaching the age of 30 the time available for work largely spent on training with a total workload of such a size that also no full employment possible is.

Section 6.8. Expenditure on listed buildings

Article 6.31. Expenditure on listed buildings

1. If expenses related to a listed building are taken into account 80% of the oppressive maintenance. The first sentence shall apply only if the private property within the meaning of Article 3111 of whether it is a possession that under Article 5.1 in the taxation is concerned, the value of the taxpayer directly or indirectly largely concern.

2. Below listed building means a building that is registered in one of the registers referred to in Article 6 or Article 7 of the 1988.

3. Maintenance of a listed building, the cost of work on it to the extent that would have extended the property, as it existed at the start of the work, in serviceable condition to restore or maintain and reasonably incurred.

Section 6.9. Deductible gifts

Article 6.32. Deductible gifts

1. Deductible gifts are:
   a. regular donations;
b. other gifts.

2. From a deductible gift is no question if the gift is paid, settled or made available on or after the death of the taxpayer or by a related time.

**Article 6.33. Definitions**

In this section and the provisions based definitions shall apply:

- **a** gifts: bevoordelingen out of generosity and compulsory contributions where no direct consideration therefor;
- **b** institutions: charities;
- **c** associations: not subject to corporation or its exempt associations with full legal and at least 25 members, based in a Member State of the European Union, Aruba, Curaçao, Sint Maarten, one designated by ministerial regulation power or the BES islands.

**Article 6.34. Periodic gifts**

Periodic gifts are gifts in the form of fixed and uniform periodic payments that end by death, institutions or associations.

**Article 6.35. Other gifts**

Other gifts are gifts to institutions or foundations to support SBBI.

**Article 6.36. Fee waivers**

1. Gifts that consist of the waiver by a volunteer as defined in Article 2, paragraph, of the Wage Tax Act 1964 of a fee shall be considered if:
   - **a** setting that has issued the taxpayer has used as a volunteer as defined in Article 2, paragraph, of the Wage Tax Act 1964 a statement;
   - **b** the taxpayer can claim the fee mentioned in the declaration;
   - **c** the institution willing and able to pay that fee and
   - **d** the taxpayer has the freedom to dispose of the fee.

2. Gifts that consist of a waiver by the volunteer fees for actual costs are taken into account to the extent that those costs to generally accepted views are to be reimbursed, provided that costs for transport by car, other than be taken for € 0.19 per kilometer. eligible by taxi, The first sentence shall also apply in the situation where the setting for these costs has hit., No compensation

3. If gifts under the first paragraph are taken into account, can gifts under the second paragraph of the same institution the extent that the actual costs are higher than the compensation referred to in the first paragraph. eligible only

**Article 6:37 [Repealed as of 11-04-2007]**

**Article 6:38. The consideration of periodic gifts**

Periodic donations are accepted if they are based on a commitment made by notarial deed of gift to at least return. allowances or benefits for five years or more annually

**Article 6.39. Extent to take into account other gifts**

1. Other gifts are taken into account insofar as they are supported by written documents and where together they both € 60 and 1% of the total income before application of the personal allowance to go upstairs, and then up to 10% of the total income before application of the personal allowance.

2. If the taxpayer throughout the calendar year a partner has to be merged other gifts. Over this period for the purposes of the first paragraph, instead of the total income before application of the personal allowance the aggregate amount of the aggregate income of the taxpayer and his partner before application of the personal allowance.
3. If the taxpayer during part of the calendar year and she has a partner referred to in Article 2.17, paragraph, of this law have made a selection, the taxpayer for the purposes of paragraph considered throughout the calendar year a partner to have had.

**Article 6.39a. Donations to cultural institutions**

1. the amount of donations to cultural institutions for determining the amount to be taken into account for the purposes of this section increased by 25%, but up to € 1,250.

2. The ceiling provided for in Article 6:39, first and second paragraph shall be increased by the amount by which the amount of donations referred to in Article 6:35 under paragraph is increased.

**Section 6.10. Time deduction**

**Article 6.40. Time deduction**

1. so far in this Act otherwise provided, expenditure in respect of personal allowances for deductible at the time when they are:
   a. paid;
   b. settled;
   c. disposal or
   d. become interest bearing.

2. Paragraph, part d, does not apply in respect of deductible gifts.

**Chapter 7. Taxation of non-resident taxpayers**

**Section 7.1. Dutch income**

**Article 7.1. Dutch income**

Regarding the foreign taxable income tax levied on his received during the calendar year:

a. taxable income from employment and home ownership in the Netherlands;

b. taxable income from a substantial interest in a company established in the Netherlands and

c. taxable income from savings and investments in the Netherlands.

**Section 7.2. Taxable income from work and home**

**Article 7.2. Taxable income from work and home**

1. the taxable income from employment and home ownership in the Netherlands is the income from work and home in the Netherlands less losses from work and home, calculated in accordance with the rules in Chapter 3 and reduced, by analogy with Articles 6.2, 6.2a and 6:31, with expenditure on listed buildings.

2. The income from work and home in the Netherlands, the aggregate amount of:
   a. taxable income from the Dutch company, which is the taxable income referred to in Articles 3.2 and 3.3 of a company, or part of a company that is driven by a permanent establishment or a permanent representative in the Netherlands in Netherlands (Dutch company);
   b. the taxable income in respect of the provision in the Netherlands or has engaged in labor;
   c. taxable income from other activities in the Netherlands;
   d. taxable periodic payments and benefits where the premiums paid for are taken as expenses for income provisions into account whether arising from pension schemes where the contributions payable by the taxable profits of a Dutch company paid for are made, with the consideration of negative expenses for income provisions under Article 3133, second paragraph, sections h or j, or Article 3136, or not taken into account in the period of non-resident taxpayer;
. e the rights to periodic payments and benefits provided by public law, or on behalf of a Dutch public law;
. f the taxable income from house in Netherlands, less the deduction for little or no home acquisition debt;
. g. negative expenditure on income insurance, and
. h. negative personal allowance.

3. For the purposes of the second paragraph, under a, the activities in the Netherlands in the performance of a company or in the independent practice of a profession by a resident of a non-treaty country under a contract of short duration as a musician or otherwise act as an artist or as a branch of professional sports fanatic, always be regarded as a permanent establishment in the Netherlands. For the purposes of paragraph c, Article 1.2, fourth paragraph, subsection b, is not applicable and the term efficacy in the Netherlands also means the disposal of assets as referred to in Articles 3.91 and 3.92 in the Netherlands established part of an enterprise, activity or company and the holding of shares, assets or rights referred to in Article 3.92b or having debts referred to in Article 3.92b if the benefits to be achieved to be adopted by co-designed a reward to be for work performed in the Netherlands. For the purposes of the second paragraph, under b, under the provision in the Netherlands or has engaged in labor did not understand perform or have performed labor as such by an entertainer or athlete who is a resident of a treaty country and not in employment capable of a withholding agent within the meaning of the Wage Tax Act 1964. For the purposes of the second paragraph, section c, be activities in the Netherlands do not include the activities as such of an entertainer or athlete who is a resident of a treaty country. For the purposes of this Article, a treaty country means a country with which the State of the Netherlands an international treaty and Aruba, Curaçao, Sint Maarten, the BES islands, and under a non-treaty country all other countries. Avoidance of double taxation

4. If the calculation of income from work and home in the Netherlands leads to a negative amount, this is regarded as a loss from work and home in the Netherlands. The settlement of this loss takes place according to the rules of Section 3.13.

5. Losses from work and home, the losses from work and home related to years in which the foreign domestic taxpayer was taxable and the losses from work and home in the Netherlands.

6. Netherlands in properties at including rights associated with the exploration and exploitation of natural resources present in the Netherlands is calculated including the generation of energy from the water, currents and winds, or rights to which they are subject, which of the assets of a company are, belong to the ability of a Dutch company.

7. partially completed outside The Netherlands employment for a withholding agent within the meaning of the Wage Tax Act, 1964, shall be deemed to be fulfilled. entirely in Netherlands The first sentence shall not apply where the wages from that employment in accordance with the Tax Regulation for the Kingdom, the Tax for the country Netherlands or conventions to which the State of the Netherlands is a party, is actually subject to a tax on income imposed by or on behalf another jurisdiction or by the government on the BES islands is levied. The first sentence of not applying where the employment is carried out almost entirely outside the Netherlands and the pay is subject to a tax on income that is levied by another state and the reward is not based on a treaty to avoid double taxation or under of any other rule of interregional or international law in fact only in the Netherlands on income on a load. The completed outside Netherlands position of director or auditor of a resident in the Netherlands, as well as employment with a Dutch public corporation or the employment which in the context of a broadcast in the territory of another power work or to be performed under a convention to which the State of the Netherlands is a party, are deemed to be fulfilled in the Netherlands.

8. a Until taxable wage is considered the fair value movement of accrued benefits from a pension plan if the obligations of the pension to which the claims are based wholly or partly administered by a body other than referred to in Article 19a, first paragraph, under a, b, d, e and f of the Wage Tax Act 1964. To the value in the course of trade is excluded, the return of pension contributions over a period during which the taxpayer not resident taxpayer has been.

. b If a part becomes effective with respect to the value of claims that were previously on the basis of:

1 °. part a is included in the Dutch income from work and home is to be set by ministerial regulation under conditions that reduced income with that value of the claims. The inspector accordingly reduces the protective assessment by eligible for objection. Appeal against that decision can only relate to the size of the reduction;

2 °. Article 3.83 in the taxable income from employment and home ownership is understood, to the extent the tax in respect of those claims have been met, that income reduced by the value of the claims and the previously imposed protective assessment by the inspector for this reduced subject to objection. Appeal
against that decision can only relate to the size of the reduction.

c. Where Article 19b of the Law on income tax has found application in 1964, the taxable wage reduced by the value of the claims that are considered part of the salary pursuant to Article 3.83 or pursuant to a part, where the tax on the value of those claims have been met.

d. At the request of the taxpayer, if the value of claims on the basis of a component is included in the Dutch income from work and home from a previous calendar year, and

1°. compliance with the conditions for deferral under Article 25, fifth paragraph, of the Tax Collection Act 1990, and

2°. obligations which the claims are based entirely placed with an insurer referred to in Article 19a, first paragraph, under a, b, d, e, f, of the Wage Tax Act 1964, the Dutch income from work and home reduced from the previous calendar year that the value of claims. The inspector accordingly reduces the protective assessment for that year is eligible for objection. Appeal against that decision can only relate to the size of the reduction.

e. , the value of accrued benefits is reduced by the value of the claims which are not charged have come from Dutch taxable income from work and home.

9. the amount of taxable periodic payments of a claim is reduced by the negative expenditure taken into account in respect of those facilities to the extent the claim for income tax due on that negative expenditure is met.

10. the case of a claim for periodic payments Article 3133, second paragraph, find parts h and j, only apply if the foreign taxpayer during the calendar year in respect of the premium claim is met, which is taken as expenditure, eligible for income support The preceding sentence shall not apply to part h the year of the transfer of the annuity obligations. Referred to in that section

11. The amount to be taken into account in a foreign taxpayer under Article 3133, second paragraph, sections h or j, in the cases determined by ministerial regulation and under the conditions set in the scheme, to less negative expenditure negative expenditure taken with him. in respect of the same claim under Article 3136 eligible

12. the extent of a foreign taxpayer the negative expenses for income provisions that are taken into account under Article 3133, second paragraph, sections h or j, also included in the taxable income from work and home in the Netherlands from a previous calendar year, is reduced to such conditions, the taxable income from work and home in the Netherlands that last calendar year that it understood negative expenditure by ministerial regulation under. The reduction is achieved by reducing the impact on that year eligible for objection to the inspector. Appeal against that decision can only relate to the size of the reduction.

13. For the purposes of the second paragraph is not a natural person resident in the Netherlands is part of a foreign company referred to in Article 5b of the Wage Tax Act 1964, considered a proportionate part, related to the number of members of the company , having enjoyed the wages received by the company for action or sports, provided for in Article 35g of the Wage Tax Act 1964, except insofar as he can prove that he has enjoyed. another part of the fee

14. Until the taxable income in respect of the provision in the Netherlands or has engaged in employment are considered:


2°. benefits under Article 17 of the Decision referred to in 1° to the spouse or partner of choice in the Netherlands member or former member of the European Parliament;

3°. benefits under Article 17 of the Decision referred to in point 1° to the borne of a chosen Netherlands member or former member of the European Parliament children.

15. Until the taxable income from other activities in the Netherlands are counted benefits under Articles 9 and 13 of the Decision referred to in the fourteenth paragraph in the Netherlands to an elected member or former member of the European Parliament.

16. The reduction referred to in the eighth paragraph, under b, c and e, takes place partly in the claims and contributions provided for in Article 3136, third and fourth paragraphs.

**Article 7.3. Exemption international traffic**
To driving a Dutch company belongs not to transport water or air of persons and goods between places outside the Netherlands and locations in the Netherlands, and between places outside the Netherlands themselves (transport in international traffic), unless the management of the enterprise based in the Netherlands.

**Article 7.4. Offshore activities**

Work within the framework of a company are being made for a continuous period of at least 30 days in, on or above the North Sea extraction, are a Dutch company. The North Sea extraction consists of the territorial sea of the Netherlands as well as outside the territorial sea under the North part of the seabed and its subsoil, where the Kingdom of the Netherlands since under international law rights may exercise in the exploration and exploitation of natural resources.

**Section 7.3. Taxable income from a substantial interest**

**Article 7.5. Taxable income from a substantial interest**

1. the taxable income from a substantial interest in a company established in the Netherlands, the income from belonging to the assets of an undertaking substantial interest in a company established in the Netherlands, less losses from a substantial interest, calculated according to the rules of section 4, with the exception of the personal allowance referred to in Article 4.12 and reduced by analogy with Articles 6.2, 6.2a and 6:31, with expenditure on listed buildings. To assess whether there is a substantial interest, Article 1.2, fourth paragraph, subsection b, is not applicable. For the purposes of the first sentence of Section 4.2 shall apply mutatis mutandis.

2. If the calculation of income from a substantial interest in a company established in the Netherlands leads to a negative amount, this is regarded as a loss from a substantial interest in a company established in the Netherlands. The settlement of this loss takes place according to the rules of Section 4.10.

3. Losses from a substantial interest, the losses from a substantial interest that relate to years in which the foreign domestic taxpayer was taxable and the losses from a substantial interest in a company established in the Netherlands.

4. Article 4.41, paragraph does not apply if the company's shares or profit acquires not established in the Netherlands.

5. Article 4.41, second and third paragraph shall not apply if and insofar as the acquiring company is not established in the Netherlands.

6. Except for the purposes of the fourth and fifth paragraphs, a body that has been for ten years after displacement of the actual management of the company from the Netherlands established at least five years in the Netherlands are deemed to be established in the Netherlands.

7. A displacement of effective management of a company from the Netherlands is a disposal of the substantial interest.

**Article 7.6. Cost substantial interest**

1. If acquisition price of shares and profit shares belonging to a substantial interest, is the value in the course of trade at the time when the domestic tax liability in the Netherlands has ended, if alienation benefits upon termination of the domestic tax liability of the taxpayer are taken into account.

2. The first paragraph shall apply mutatis mutandis after a disposition referred to in Article 7.5, paragraph.

3. by General Rules may be made on the purchase price if Article 26 of the Tax Collection Act 1990 is applied.

4. By Order of Directors may further rules with respect to the acquisition price of the shares or profit derived from a natural person who in respect of that disposition to preserve income is received if Article 26 of the Tax Collection Act 1990 is applied.

**Section 7.4. Taxable income from savings and investments**

**Article 7.7. Taxable income from savings and investments**

1. the taxable income from savings and investments in the Netherlands has the advantage that a taxpayer from savings and investments in the Netherlands, calculated according to the rules of Chapter 5, with the exception of the personal allowance referred to in Article 5.1 and less, by analogy with Articles 6.2, 6.2a and 6:31, with expenditure on listed buildings. The benefit from savings and investments in the Netherlands is set at 4% (fixed return) of the
yield basis in the Netherlands at the beginning of the calendar year (reference date).

2. The yield basis in the Netherlands is the value of the assets in the Netherlands less the value of the liabilities associated with those assets in the Netherlands. Assets in the Netherlands are:
   a. real property situated in the Netherlands;
   b. rights that directly or indirectly relate to immovable property situated in the Netherlands and
   c. rights to shares in the profits of an enterprise whose leadership based in the Netherlands, where they do not arise from holding of securities or from employment and are not taxed. pursuant to Sections 7.2 or 7.3

3. Under immovable property situated in the Netherlands are understood rights associated with the exploration or exploitation of natural resources present in the Netherlands.

4. If the taxpayer in respect of one or more assets at the beginning of the calendar year no taxable income from savings and investments in the Netherlands enjoy, or if the taxpayer in respect of one or more assets during the calendar year other than death ceases taxable income from savings and investments in the Netherlands to enjoy, is also based on the yield basis in the Netherlands at the beginning of the calendar year, but the gains from savings and investments in the Netherlands in respect of those assets is reduced in proportion to time, portions of calendar months are neglected.

Chapter 8. Tax

Section 8.1. Connection tax and contributions

Article 8.1. Definitions

1. In this chapter and the ensuing provisions shall apply:
   a. tax disk first: the percentage recorded in the first line of the fourth column of the table in section 2.10;
   b. combined income levy: the total amount, after application of measures to avoid double taxation, the tax on the taxable income from work and home, the tax on the taxable income from a substantial interest, the tax on the taxable income savings and investment and social insurance calculated in accordance with Article 10 of the Act funding national insurance contributions;
   c. combined tax rate: the sum of the tax first disc and the premium rates established under Article 11 of the Social Security Act funding for the general old-age insurance, survivors' insurance and general insurance special health;
   d. combined tax credit: the aggregate amount of the tax credit for the income tax, the tax credit for the general old-age insurance, the tax credit for the survivors' insurance and the tax credit for the overall exceptional medical insurance;
   e. labor: the aggregate amount of which is enjoyed with current employment as profits from one or more companies, wage and income from one or more works by the taxpayer.

2. To labor is also considered:
   a. wage received due to temporary inactivity referred to in Article 628 of Book 7 of the Civil Code, as well as what is enjoyed by virtue of their nature and scope corresponding regulations, for a maximum period of 104 weeks by the employee with a public employment;
   b. wage enjoyed as wage guarantee provided for in Article 628a of Book 7 of the Civil Code;
   c. enjoyed wage for temporary disability as defined in Article 629 of Book 7 of the Civil Code, and which is enjoyed by virtue of their nature and scope corresponding arrangements and which is enjoyed under the Sickness by the employee with a public employment;
   d. benefits under the Work and Care Act and additions by the person to whom the taxpayer is employed by state.

3. Not to labor the amount which is calculated pursuant to Article 19g, paragraph two, of the Wage Tax Act 1964 is effected by an employee who at the beginning of the calendar year has reached. the age of 61

Article 8.2. Amount of the standard tax

The standard tax is the aggregate amount of:
a. general tax (Article 8.10);
b. the employed (Article 8.11);
c. the work bonus (Article 8.12);
d. [repealed];
e. the income-related combination tax (Article 8.14a);
f. the parental leave tax (Article 8.14b);
g. the single parent (Article 8.15);
h. [repealed];
i. disabled young people off (Article 8.16A);
j. the elderly discount (Article 8:17);
k. the single elderly discount (Article 8.18), and
l. the discount for green investments (Article 8.19).

**Article 8.3. Calculation for income tax**

The tax credit for the income tax is the part of the standard tax credit that the standard tax credit in the same ratio as the first tax disc capable of combined tax rate.

**Article 8.4. Tax calculation for the general old-age insurance**

The tax credit for the general old-age insurance is part of the standard tax credit that the standard tax credit in the same proportion as the premium rate set under Article 11, first paragraph, of the finance Act social insurance for the general old-age insurance bears to the combined tax rate.

**Article 8.5. Tax calculation for the survivors' insurance**

The tax credit for the survivors' insurance is part of the standard tax credit that the standard tax credit in the same proportion as the premium rate set under Article 11, second paragraph, of the finance Act social insurance survivors' insurance bears to the combined tax rate.

**Article 8.6. Tax calculation for the general insurance exceptional medical**

The tax credit for the general insurance special health is part of the standard tax credit that the standard tax credit in the same proportion as the premium rate set under Article 11, third paragraph, of the finance Act social insurance general insurance specific medical condition to the combined tax rate.

**Article 8.7. Special rules for the calculation of the tax**

In applying Article 8.3, Article 8.5 and Article 8.6 on the part of the standard tax on the elderly person, the single elderly discount, or discount for green investment relates, the combined tax rate reduced by the Article 11, first paragraph, social insurance contribution rate for general old set of funding Act. In that case, the tax credit for the general old-age insurance attributable share of the elderly person, the single elderly discount and the discount for green investments notwithstanding Article 8.4 to nil.

**Article 8.8. Maximum combined tax**

The combined tax credit shall not exceed the amount of the combined income levy.

**Article 8.9. Increase maximum combined tax credit for lower-earning partner**

1. If the combined tax credit is limited to an amount below the level of 66 2/3% of the general tax by Article 8.8 plus applicable to the taxable earned income, income-related combination tax and parental discount (key level) if the taxpayer in the calendar year for more than six months, the same partner, the combined tax then raised to the key level. The increase is, however, up to the amount of the combined owed by the partner income levy is reduced by its combined tax credit.
2. Regarding the taxpayer who was born before January 1, 1963, the general tax credit for 100% taken into account for determining the key level. With regard to the taxpayer who was born before January 1, 1972 but after December 31, 1962 and in respect of the taxpayer, other than a taxable person as defined in the first sentence, among whose household in the calendar for more than six months a child has not reached at the beginning of the calendar year aged 6 years and registered at the same residential address as the taxpayer is in the personal records database, during that time, the general tax credit for 73 1/3% used in the determination of the key level into account.

3. Increasing the combined tax credit is reduced by the amount of the tax under arrangements to prevent double taxation.

4. This Article shall not apply if the taxpayer has not reached at the beginning of the calendar year the age of 21 and in the calendar for more than six months has largely been maintained by his parents.

5. A taxpayer who fails to comply only by his death in the calendar year or the death of his partner to the condition of the first paragraph on having the same partner in the calendar for more than six months, for the purposes of this Article, considered more than six months have been the same. partner If only failed due to the death of a child in the calendar year referred to in the second paragraph, the period of six months referred to in that paragraph, for purposes of this Article with respect to that year is deemed to be met that period.

Article 8.9a. Special increase tax credit for the income tax for non-premieplichtigen

1. the special increase in the tax credit for the income tax applies to the taxpayer who has to increase the combined tax credit referred to in Section 8.9, but that law as non-contributory can not fully effectuate this increase. The special increase applies only to residents of a Member State of the European Union, the BES islands or a designated by ministerial regulation other power which the Netherlands has rules to prevent double taxation agreement which provides for the exchange of information.

2. The special increase in the tax credit for the income tax is equal to the increase in combined tax, where the taxpayer thereon as non-contributory has no right, but he would have if he had been. liable in Netherlands law thereon

3. However, the special increase in the tax credit for the income tax does not exceed the aggregate amount of the tax after application of measures to avoid double taxation and national insurance contributions which are partner is payable on the taxable income from employment and house, less its combined tax.

Section 8.2. Elements of the standard tax

Article 8.10. General tax

1. the general tax applies to every taxpayer.

2. The general tax credit is € 2,001.

Article 8.11. Employed

1. The tax applies to the taxpayer who earned enjoy.

2. The tax is:
   a 1,827% of earned income to a maximum of € 161, plus:
   b 16.115% of earned income to the extent they exceed € 8,816, the sum of the amounts calculated on the base of a and b does not exceed € 1,723, minus:
   c 4% of earned income to the extent they exceed € 40,248, provided that the reduction amounts to more than € 1,173.

If the earned income does not exceed € 40,248, is the earned income tax credit granted at least according to Article 22a of the Law on income tax in 1964, but up to the amount specified in the first sentence of subsection b last.

Article 8.12. Work Bonus

1. the employment bonus applies to the taxpayer who earned enjoy and at the beginning of the calendar year has reached the age of 60 but not the age of 64.
2. The work bonus is:
   a. 57.763% of earned income to the extent they exceed € 17,139, with a maximum of € 1,100, reduced, but not below zero, with:
   b. 10.502% of earned income to the extent they exceed € 22,852.

Article 8.13 [Repealed as of 01-01-2006]

Article 8.14 [Repealed as of 01-01-2009]

Article 8.14a. Income-related combination tax

1. The income-related combination tax applies to the taxpayer if:
   a. he earned that has more than € 4,814, or he is eligible for the self-employed;
   b. in the calendar year for at least six months of a child who has not reached the same home address as the taxpayer is registered in the population registry, at the beginning of the calendar year aged 12 years and
c. has no partner in the calendar year, or if he has a partner, he lower in the calendar year earned income than his partner.

A ministerial order is determined which cases a child that is not registered with the same home address as the taxpayer is in the personal records database, for the purposes of subparagraph b is also considered at the same home address as the taxpayer are registered in the population registry.

2. The income-related combination tax credit is € 1,024 plus 4% of earned income, to the extent that amounts to the taxpayer more than € 4,814, but not more than € 2,133.

3. If the earned income of the taxpayer during the calendar year is equal to that of his partner, the income-related combination tax credit applies only to the oldest taxpayer.

4. If only because of the death in the calendar year of the taxpayer or of a child in the first paragraph, point b, meant not met the six-month period referred to in that paragraph, for the purposes of this article with respect to that year is deemed to have met that deadline.

Article 8.14b. Parental Discount

1. the parental discount applies to the taxpayer during the calendar uses his right to parental leave provided for in Chapter 6 of the Work and Care Act.

2. The parental discount is 50% of the statutory minimum wage per day, as set by or pursuant to Article 8 of the Minimum Wage and Minimum Holiday Allowance, per day parental leave in the calendar year, except that the parental leave tax does not exceed in the previous calendar enjoyed taxable income reduced by the taxable income received during the calendar year.

3. A ministerial regulation may set further rules for the application of this Article.

Article 8.15. Single parent

1. The single parent applies to the taxpayer during the calendar year for more than six months:
   a. no partner has;
   b. a household with a child that is significantly maintained by him and at the same home address as the taxpayer is registered in the population registry, and
   c. these household with no other than children, the youngest at the start of the calendar year has not reached the age of 18

2. For the purposes of the first paragraph, point b, and the third member, a child who has not reached at the beginning of the calendar year the age of 16 shall be deemed to belong to the household of the taxpayer and by him significant extent should be maintained.

3. the single parent is € 947. This amount is increased by 4.3% of earned income, up to a maximum of € 1,319 if a
child referred to in the first paragraph at the beginning of the calendar year has not reached. the age of 16

4. If only because of the death in the calendar year of the taxpayer or of a child in the first paragraph, point b, meant not met the six-month period referred to in the first paragraph, for the purposes of this article related to that year is deemed to have met that deadline.

Article 8:16 [Repealed as of 01-01-2011]

Article 8.16A. Young disabled Discount

1. the young disabled discount applies to the taxpayer who is entitled to grant of a benefit or employment support, except for him the elderly discount applies. disabled young people right in the calendar year under the Work and Employment Support

2. The young disabled discount of € 708.

Article 8.17. Elderly Discount

1. the elderly discount applies to the taxpayer at the end of the calendar year or the taxpayer during the year ended, at the end of the tax, the retirement age provided for in Article 7a, first paragraph, of the AOW, has reached.

2. The elderly discount is € 1,032 if the taxpayer a total income of no more than € 35,450. If the taxpayer a total income of more than € 35,450 is the elderly discount € 150.

Article 8.18. Single elderly discount

1. the single elderly discount applies to the taxpayer if he comes in the calendar year qualify for a benefit referred to in Article 9, paragraph, subparagraph a or c, of the AOW, or earlier would be eligible if he would meet the condition of Article 7, paragraph b, of the AOW.

2. The single elderly discount is € 429.

Article 8.18a [Repealed as of 01-01-2012]

Article 8.18b [Repealed as of 01-01-2007]

Article 8.19. Discount for green investments

1. the discount for green investments applies to the taxpayer whose green investments are exempt under Article 5.13. For the taxpayer and his partner in whom a joint exemption for green investments is taken into account, pursuant to article 5.13 discount for the taxpayer and his partner is jointly.

2. Discount for green investments is 0.7% of the amount on the reference date is exempt. pursuant to Article 5:13

Section 8.20 [Repealed as of 01-01-2013]

Article 8:21 [Repealed as of 01-01-2003]

Article 8.22. Supplement for SME investments

[Editor: This article shall no longer in operation. The article has been withdrawn by Stb. 2011/873.]

1. the fee for SME investments (levy surcharge) applies to the taxpayer during the calendar shares alienates in respect of which he has in the calendar year or in any of the three previous calendar years, the discount for SME investments referred to in Section 8:21, enjoyed . The charge is 7.5% of the value in the economic movement of the shares disposed of or, if that's more, an amount equal to the previously received in respect of those shares discount for SME investments.

2. For the purposes of this Article, alienation also the meaning given to it by Article 4.16. A share merger referred to in Article 3:55 shall not be regarded as a disposal. A ministerial regulation may also indicate other situations that are not considered. Alienation as a
Chapter 9. Method of assessment

Section 9.1. Tax by assessment

Article 9.1. Tax by assessment or protective assessment

1. the tax referred to in Articles 2.7 and 2.8, is levied by assessment.

2. The tax referred to in Article 2.9, shall be levied by way of protective assessment.

3. If the taxpayer is also liable for national insurance levy of tax and national insurance contributions through a tax assessment made and where the tax is charged by way of protective assessment, through a conservative assessment. Here are the rules governing the assessment and collection of income tax shall apply mutatis mutandis. In that case, if Article 67a of the General Law on State Taxes will apply once that provision applied.

Article 9.2. Withholding taxes

1. The charges are for:
   a. payroll tax levied with the exception of the payroll tax as final tax levied;
   b. the dividend tax levied;
   c. the gaming tax levied at rates of gambling relating to components of the total income;
   d. withholding tax levied by the Grand Duchy of Luxembourg or the Republic of Austria, pursuant to Article 11, first paragraph, of Directive 2003/48/EC of the Council of the European Union of 3 June 2003 on taxation of savings income in the form of interest payments (OJ EC L 157), a Member State of which the beneficial owner received within the meaning of the Directive, interest payments referred to in Article 6 of that Directive, and
   e. on the basis of Article 12 of the Decision of the European Parliament No 2005/684/EC, Euratom of 28 September 2005 adopting the Statute for Members of the European Parliament (OJ L 262 / 1), levied Community tax relating to components of the total income to the extent the right to tax under the tax treaty assigned to Netherlands.

2. Notwithstanding paragraph shall not be considered as dividend tax if the taxpayer by whom the dividend is deducted person is not the beneficial owner of the dividend yield which is withheld. Not if the beneficial owner is a person who in connection with the receipt of the proceeds has made a contribution as part of a set of transactions whereby it is probable that:
   a. yield whole or in part, directly or indirectly benefited by a natural or legal person is entitled to a lesser extent, reduction, refund or credit of dividend than the one that the proceeds; and
   b. or legal this individual a position in shares, participation certificates or loans referred to in Article 10, first paragraph, under d, of the Corporation Tax Act 1969 retains, directly or indirectly acquires or similar to its position in similar shares, profit-sharing loans prior to the time the composite transaction has started.

3. For the purposes of paragraph:
   a. is a set of transactions also occur if transactions are entered into on a regulated market as referred to in Section 1:1 of the Act on Financial Supervision or a regulated market as defined in Article 1.1 of the Law on financial supervision system similar to that located or operating in a State which is not a Member State of the European Union;
   b. with a set of transactions treated as a transaction relating to the sole acquisition of one or more dividend coupons or the establishment of short-term enjoyment of rights to shares.

4. Notwithstanding paragraph shall not be considered as dividend tax if the dividend is deducted from the revenue that is part of an annuity savings account or annuity investment account referred to in Article 11a of the Law on income tax in 1964.

5. Notwithstanding paragraph shall not be considered as dividend tax if the dividend is deducted from the revenue that is part of an annuity savings account under Article 3.126a or an annuity investment account referred to in Article 3.126a.

6. Regarding a taxpayer who is part of a foreign company referred to in Article 5b of the Wage Tax Act 1964, is also regarded as a tax proportionate share of the payroll tax is levied on the wages received by the company referred in
Article 35g of that law, which is related to the proportion allocated to him part of the fee received by the company.

7. If Article 9.1, paragraph applies, is also regarded as the premium tax by way of withholding for national insurance with the exception of contributions payable by way of final levy for national insurance.

8. 's under this Article to be considered for charges not constitute tax for the tax to be levied by way of protective assessment.

9. For foreign taxpayers, notwithstanding the first paragraph, introduction and part b, designated as the dividend tax levied relating to components of aggregate income. The first sentence shall apply with respect to withholding tax referred to in the first paragraph, section d, and withholding tax referred to in the tenth paragraph.

10. A ministerial regulation may be laid down with regard to the calculation of the tax due in Belgium and contributions and social security under Article 27 of the June 5, 2001 in Luxembourg established Treaty between the Kingdom of the Netherlands and the Kingdom Belgium for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital, with Protocol I and II, (Treaty Series 2001, 136), are classified as Dutch wage tax withheld.

11. By Order of Directors may be appointed by another power than mentioned in the first paragraph, section d, withholding tax levied on an as beneficial owner within the meaning of the Directive referred to in that section received that power interest payments as tax provided that the withholding tax is similar to that in Article 11 of the Directive and the interest payment falls within the definition of Article 6 of the Directive.

Article 9.3 [Repealed as of 01-01-2009]

Article 9.4. Whether or not an attack

1. A stop is adopted if:
   a. tax payable for the balance of the common charges and tax refunds (tax credit), with more than €45 is beyond, or
   b. the taxpayer has incurred. return by a deadline set by ministerial regulation

2. Otherwise, no withholding tax determined and not settled.

3. The first paragraph, under a, shall not apply:
   a. if the taxpayer during the calendar year the retirement age provided for in Article 7a, first paragraph, of the AOW, and reached a collective income that consists solely of a benefit under the Old Age;
   b. if the taxpayer is not resident in the Netherlands artist or professional athlete is provided for in Article 5a of the Wage Tax Act 1964, or a member of a foreign company within the meaning of Article 5b of that law, and his total income consists only from gage referred to in Article 35 or 35g of that Act.

4. The third paragraph, under a, shall not apply if a provisional refund is determined taking into account of negative items of taxable income, or wholly or partially wrong or a higher amount than in Article 8.9, first paragraph, second sentence, is indicated, an increase in the combined tax under Article 8.9 was taken into account. In the latter case, the taxpayer need to do if the incorrect increment appears in the declaration of the partner a declaration.

5. In the case referred to in the first paragraph, subsection b, if the tax balance exceed the tax due is not, or no more than €14, the stop set at zero. In addition, the withholding taxes and tax refunds not settled.

6. If one or more tax refunds are determined, if, following the previous paragraphs no attack is detected, after expiry of the period referred to in Article 11, third paragraph, of the General Law on State Taxes, an attack is deemed adopted to the amount of the provisional refund or refunds.

7. If Article 9.1, paragraph applies, this Article shall apply with respect to the aggregate amount of tax and national insurance contributions.

Section 9.2. Special rules

Article 9.5. Special rules for initial assessments
1. A provisional assessment is reviewed by the inspector upon request to the extent that provisional assessment at a different amount than the amount which is determined the attack, and after deduction of withholding taxes already imposed provisional assessments, will be established. Presumably

2. If a request for revision in whole or in part is rejected, the inspector decided that eligible for objection, the period for filing of objections ends on the day of the date of the assessment that the preliminary assessment will be settled. The first sentence shall apply if a request for the imposition of a provisional assessment is rejected.

3. Notwithstanding the General Administrative Law and Article 26 of the General Law on State Taxes is a provisional assessment is not subject to objection.

4. Notwithstanding Article 7:10, first paragraph, of the General Administrative Law Act, the inspector decides within six weeks of receipt of a complaint referred to in the second paragraph.

5. The preceding paragraphs shall apply mutatis mutandis in respect of decisions which appear separately on the tax bill of the provisional assessment which for the purposes of this Article, the aggregate income referred to in Article 2.18, the payment discount, referred to in Article 27a of the Collection 1990 and the tax rate and the interest rate revision, are referred to in Chapter VA of the General Law on State Taxes, considered part of the provisional assessment.

Article 9.6. Special rules for automatically reductions

1. An official reduction of a tax assessment is solely at the foot of this article.

2. In to be designated by ministerial regulation cases, an incorrect tax bill automatically reduced by the inspector.

3. If the taxpayer a request for official reduction has done and the request is rejected, in whole or in part, the inspector decided that a subject to objection.

4. This Article shall apply mutatis mutandis in respect of decisions which appear separately on the tax bill of the tax bill which for the purposes of this Article, the aggregate income referred to in Article 2.18 and the tax rate and the revision interest referred to in Chapter VA of the General Law on State Taxes, considered as part of the tax bill.

Chapter 10. Additional regulations

Section 10.1. Directory

Article 10.1. Inflation

1. At the beginning of the calendar year in Articles 2.10, 2.10a, 3.15, first paragraph, 3:41, 3:42, 3.42a, 3:47, 3.68, 3.77, 3.87, 3.125, 3.126a, 3.127, 3.129, 3.133, 3.3, 5.5, 5.6, 5.10, 5:13, 6:17, subsection, 6:20, 6:28, 8:10, 8:11, second paragraph, first sentence, section a, 8.14a, 8.15, 8.16A, 8.17, 8.18 9.4 and 10.7 indicated amounts and last mentioned amount by ministerial regulation replaced in Article 8.11, second paragraph, first sentence, parts b and c by others. These amounts are calculated by multiplying the correction factor table and then to make it deems necessary. Rounding the amounts to be replaced if in the previous year such rounding is applied, can be based on the unrounded amount. Replacement at

2. Notwithstanding the extent of the first paragraph, second sentence, the amount indicated in the second line of the second column and the third line of the first column of the table in Article 2.10, calculated by dividing the amount to be replaced multiplying the result of the formula: 1 + (75% x (table correction - 1)).

Article 10.2. The correction table

1. the table correction factor is the ratio of the average of the price indices of the eighteenth to the calendar year prior to the seventh month to the average of the price indices of the thirtieth to the nineteenth to the calendar year preceding month.

2. The price indices are the figures from the "Consumer Price Index for All Households, derived" from the Central Bureau of Statistics. The average price indices are calculated from the price indices mentioned in the issue of the Statistical Bulletin, in which the index of the nineteenth seventh respectively in the previous calendar month for the first time, temporary or otherwise, is published.

3. If the basis for the price indices change, indicated by ministerial regulation on the way over to the new series of
price indices.

**Article 10.3. Adjustment notional rental value**

1. At the beginning of the calendar year, the percentages indicated below and amounts referred to in Article 3.19, second paragraph, and Article 3112, first and fifth paragraphs, by ministerial regulation replaced by other percentages and other amounts. The concerns relating to Article 3.19, second paragraph: the final amount of the first column, the final amount of the second column, the two amounts in the third column and the first five percentages in the third column. This is in relation to Article 3112, first paragraph: the final amount of the first column, the final amount of the second column, the two amounts in the third column and the first four rates in the third column. This is in relation to Article 3112, fifth paragraph, the proportion in the first sentence and the amounts in the second sentence.

2. The last mentioned amount in the first, second and third columns in Article 3.19, second paragraph, and Article 3112, first paragraph, and in Article 3112, paragraph, second sentence, first and last amount indicated, are calculated by multiplying the correction factor table, replace the amount referred to in Article 10.2.

3. the percentage in the third column in Article 3.19, second paragraph, fifth and as indicated in the third column of Article 3112, first paragraph, fourth is calculated by multiplying the product of the factor the replacement rate ih and the factor iw.

4. Among the factor iH means the ratio of the index of house rent for July of the previous calendar year to that index over July of the second preceding calendar year.

5. Among the iw factor means the ratio of the average of their own home values that relate to the previous calendar year and the average of those values that relate to the calendar year.

6. in Article 3112, first paragraph, third column, first mentioned three percentages are successively calculated by the formula set out in the third paragraph, fourth set as a percentage by multiplying by 0.4, 0, Article 3112, first paragraph, third column, 6 and 0.8.

7. The percentage provided for in Article 3112, paragraph, first sentence, is calculated by the formula set out in the third paragraph, as stated percentage fourth multiplying by 10/6. in Article 3112, first paragraph, third column,

8. The first four listed percentages in the third column in Article 3.19, second paragraph, are successively calculated by respectively zero and increase the calculated according to paragraph three percentages of Article 3112, first paragraph, third column, after application of the tenth paragraph by 0.85% points.

9. The first mentioned amount in the third column of Article 3.19, second paragraph, is calculated by the formula set out in paragraph last mentioned amount in the first column of Article 3.19, paragraph multiplying the calculated according to the third paragraph, fifth indicated in the third column of Article 3.19, second paragraph. The first mentioned amount in the third column of Article 3112, first paragraph, is calculated by the last mentioned amount calculated according to the second paragraph in the first column of Article 3112, first paragraph, multiplying the calculated according to the third paragraph, as stated percentage fourth in the third column of Article 3112, second paragraph. The amount specified in Article 3112, paragraph, second sentence, second is calculated by the formula set out paragraph first mentioned amount of the second sentence of Article 3112, paragraph multiplying the calculated according to the seventh paragraph percentage of Article 3112, fifth paragraph, first sentence.

10. The latter percentage in the eighth paragraph at the beginning of the calendar year by ministerial regulation replaced by a different percentage. This percentage is calculated by multiplying the product of the factor ih the replacement rate and factor iw referred to in the fourth and fifth paragraphs.

**Article 10.3a. Gradual increase to 2016 the percentage of notional rental value at the last drive**

1. At the beginning of the calendar years 2010 to 2016, the percentages referred to in the second paragraph by ministerial regulation replaced by other percentages. These percentages are calculated as stated in the second paragraph.

**. 2 In the manner as in the first paragraph stipulates, is:**

**a** increased if the latter percentage specified in the third column in article 3.19, paragraph 0.15% point;

**b** increased if the latter percentage specified in the third column in Article 3112, first paragraph, with 0.2571% point;
c. the percentage specified in the second sentence of Article 3112, paragraph, plus 0.1929% point.

3. When applying paragraph shall deem necessary rounding applied to the increased rates. If, in the previous year, such rounding is applied, it is assumed in the replacement of the non-rounded percentage.

Article 10.4 [Repealed as of 01-01-2012]

Article 10.5. Completion and definition index of house rent

1. Calculations according to Article 10.3, the percentages rounded down to five hundredth accurate. The calculation according to Article 10.3, second paragraph, the amounts are rounded down to a multiple of € 10,000.

2. Among index of house rent in Article 10.3 shall be the average of the consumer price index for all households for house rent, mentioned in the song of the Month Statistics of prices, published by the Central Bureau of Statistics, in which the index for the month July for the first time, temporary or otherwise, is published.

3. If the basis for the price indices mentioned in the second paragraph is changed, be made regarding the way in which switching from the old to the new series of price indices by ministerial regulation. rules

Article 10.6. Directory exemption accommodation

1. At the beginning of the calendar year, the amount set out in Articles 3.97 and 3114 by ministerial regulation replaced by another. This amount is calculated by multiplying the ratio of the index of house rent for July of the previous calendar year to that index over July of the second preceding calendar year, and then to make it deems necessary. Rounding the amount to replace

2. Article 10.1, first paragraph, last sentence, and Article 10.5, second and third paragraphs are also applicable here.

Article 10.6a. Annual percentage reduction in combined tax credit scheme to lower-earning partner

At the beginning of the calendar year, the percentage specified in Article 8.9, first paragraph, by ministerial regulation replaced by a different percentage. This percentage is calculated by reducing 6 2/3%-point. Replacement rate

Article 10.7. Directory income limits and percentages employed

1. At the beginning of the calendar year, the percentages referred to in Article 8.11, second paragraph, first sentence, parts a and b, and in Article 8.11, second paragraph, first sentence, parts b and c, first mentioned amounts and in Article 8:11, second paragraph, second sentence, amount specified by ministerial regulation replaced by other percentages and other amounts.

2. The percentage in Article 8.11, second paragraph, first sentence, section a, is calculated by the amount referred to in that section after application of Article 10.1 divided by the amount calculated under paragraph.

3. the percentage in Article 8.11, second paragraph, first sentence, subsection b, is calculated by the difference of the in Article 8.11, second paragraph, first sentence, part b, last mentioned amount and in Article 8.11, second paragraph, first sentence , under a specified amount, after application of Article 10.1 divided by the difference:
   a 108% of the twelve times the amount referred to in Article 8, first paragraph, under a, of the Minimum Wage and Minimum Holiday Allowance, and
   b. the amount calculated under paragraph.

4. The in Article 8.11, second paragraph, first sentence, part b, first mentioned amount is set at 50% of the twelve times the amount referred to in Article 8, first paragraph, under a, of the Minimum Wage and Minimum Holiday Allowance.

5. The first-mentioned amount in Article 8.11, second paragraph, first sentence, c, and the amount will be set at 108% of 225% of the twelve-fold to in Article 8, paragraph second sentence of Article 8.11, second paragraph, , a part, of the amount referred Minimum Wage and Minimum Holiday Allowance reduced by € 2,600.

6. Calculated according to the second and third paragraphs percentages are rounded off to three decimal places.

Article 10.7a [Repealed as of 01-01-2012]
Section 10.2. Other supplementary schemes

Article 10.8. Providing data and information

1. by or pursuant to order in council administratieplichtigen designated are bound by the obligations under Article 53, second and third paragraph, of the Act to comply in relation to the provision by or pursuant to order in council to State Taxes point data and information which may be relevant to consideration of the taxation of income from employment and home ownership, income from savings and investments, and for determining the amount of the personal allowance. Rules in relation to the submission deadline and the manner in which the information referred to in the first sentence and information to the inspector must be provided. By or pursuant to order in council

2. The design of a general administrative measure referred to in the first paragraph shall be at least four weeks before the plan is adopted, sent to the States General.

Article 10.9. Legal entities with Natuurschoonwet estates

1. by General Rules may be made under which the levying of income tax work, rights and obligations of an entity referred to in the second paragraph shall be treated as functions, rights and obligations of its shareholders.

2. A legal person referred to in the first paragraph, is a limited company or private limited company whose assets consist solely or mainly designated under the Nature Conservation Act 1928 estates and whose activities solely or mainly in the maintenance of such estates.

Article 10.10. Assets in Aruba, Curaçao, Sint Maarten and the BES islands

1. Articles 3:40 to 3:47, Article 3:51, first paragraph, and Article 3:52, first paragraph, point b, in derogation from Article 3.45, first paragraph, point b, and fourth paragraph, under b, apply mutatis mutandis to investments in assets that are allocated to the property of a permanent establishment located in Aruba, Curaçao, Sint Maarten and the BES islands, except that the table contained applied to these investments separately in Article 3.41, second paragraph,

2. projects as referred to in Section 5.14, subsection shall also be considered projects or classes of projects, which are located on Aruba, Curaçao, Sint Maarten and the BES islands on which Our Minister of Infrastructure and Environment, in accordance with Our Minister and declared under written after consultation with the Minister of Economic Affairs, Agriculture and Innovation, by him to set conditions relating to the audit in respect of the fact that such projects or classes of projects should be in the interest the protection of the environment, including nature and forest. A written statement is not issued on applications for a project for January 1, 1998 fulfilled one of the project descriptions of the provisions laid down pursuant to Section 5.14, paragraph, or which, before that date beginning with the implementation of the corresponding physical work is made. A declaration may be withdrawn if compliance with the conditions imposed in respect of the control.

3. A ministerial regulation Further conditions may be made with respect to the first and second paragraph. It will monitor compliance with the conditions imposed are dedicated to Dutch officials.

4. For the calculation of the avoidance of double taxation provided for in Article 24 of the Tax Regulation for the Kingdom of Article 3.1 of the Tax for the country Netherlands respectively, the profit is attributable to the permanent establishment located in Aruba, Curaçao Sint Maarten or the BES islands respectively calculated without regard to the first paragraph.

Chapter 10a. Transitional Law revision due to tax treatment own home

Article 10bis.1. Existing home acquisition debt

1. Under existing home acquisition debt of the taxpayer means the home acquisition debt referred to in Article 3.119a, first paragraph, as that article read on December 31, 2012, in which the taxpayer on December 31, 2012.

2. Under existing home acquisition debt referred to in the first paragraph shall also include the home acquisition debt referred to in Article 3.119a, first paragraph, as that article read on December 31, 2012, that:

a. taxable person who did not have such a home acquisition debt at December 31, 2012, had at the time the taxpayer in 2013, the alienation of a private home, where again immediately before such a home acquisition debt in 2012;

b. created in 2013, if it is higher than the existing on December 31, 2012 home acquisition debt under paragraph as
a result of an existing on December 31, 2012 final, written agreement of the taxpayer to acquire their own home;

3. If, after December 31, 2012 on the existing home acquisition debt of the taxpayer referred to in the first paragraph is repaid, the amount of the existing home acquisition debt reduced by the repayment. Under repayment does not mean the whole maturing in one calendar year of belonging to the existing home acquisition debt and appearance the following year at least that amount again incurring a debt in relation to their own home (on closing) for the purposes of this paragraph. If the fault re-entered later than the next calendar year is less than the amount of debt repayment prior to the whole, this difference for the purposes of this paragraph be considered as repayment.

4. If, in respect of the taxpayer on December 31, 2012 two homes are considered the same as a private residence and then one of those homes are no longer regarded as a private residence, the existing home acquisition debt referred to in the first paragraph, the taxpayer less belonging to the home acquisition debt debt that the taxpayer had in relation to the property ceases to be. as a private residence

5. For the purposes of this Chapter, Articles 3111 and 3.119aa, fourth paragraph, shall apply mutatis mutandis.

**Article 10bis.2. Endowment, savings or investment account own home**

1. an endowment, a home mortgage savings accounts or investment account own home is an existing on December 31, 2012 endowment referred to in Article 3116, second paragraph, as it read on December 31, 2012, an existing on December 31, 2012 savings account own property referred to in Article 3.116a, paragraph, as it read on December 31, 2012, respectively an existing on December 31, 2012 investment law own property referred to in Article 3.116a, paragraph, as it read on December 31, 2012, if the in respect of the product agreed guaranteed capital on December 31, 2012, or in the absence thereof, on the basis of the agreement as it existed on December 31, 2012 amount to be paid, not subsequently been increased and the period after December 31, 2012 not has been extended.

2. If the taxpayer on December 31, 2012 no endowment, home mortgage savings accounts and investment law own property referred to in paragraph had, the term endowment insurance, home mortgage savings accounts or investment account own home within the meaning of paragraph co means the endowment that, home mortgage savings accounts which, respectively, the investment account that own property:

   a. taxable in 2013, if the taxpayer in 2012 an endowment, savings own home, or investment law own home, had, if agreed in respect of the product in capital guaranteed in 2012, or in the absence thereof, the under the agreement as it existed payment amount is not higher than that in 2012 at the time immediately preceding the alienation of their own home, without exceeding in 2012 the capital, respectively, the amount of that product, in 2013;

   b. agreed, in 2013 opened, respectively held in conjunction with an existing on December 31, 2012 final, written agreement of the taxpayer to acquire their own home.

3. If the taxpayer an existing home acquisition debt is referred to in Article 10bis.1 and also an endowment is that only as a result of the agreement lack of that recipient's benefit will use to repay the home acquisition debt, does not qualify as endowment and the taxpayer that provision for April 1, 2013 still include in the agreement, qualifies the endowment said from that moment as endowment, provided the capital agreed in respect of the guaranteed endowment on December 31, 2012, or in the absence thereof, on the basis of the agreement as it existed on December 31, 2012 amount to be paid, not subsequently been increased and the duration after December 31, 2012 was not extended. The first sentence shall apply mutatis mutandis to private savings and investment property private property rights.

**Article 10bis.3. Taxable income from house**

Among the taxable income from house referred to in Article 3110, shall be understood to include the benefit of endowment, the advantage of home mortgage savings accounts and benefit from investment law own home.

**Article 10bis.4. Benefit from endowment**
1. the advantage of endowment, the interest rate charged on a capital sum from life insurance that is intended to repay the home acquisition debt.

2. has an endowment from there as long as the policyholder or his partner own a home and have:
   a. in the agreement stipulates that the recipient will use the payment to repay the home acquisition debt;
   b. of the Agreement provides that in respect of the insurance will be met with the highest premium does not exceed ten times the lowest premium at least 15 years, or until the death of the insured, annual premiums;
   c. gives the insurance entitled to a one-off capital grant life or death;
   d. premiums for insurance payable to a life insurer as referred to in Section 1:1 of the Act on Financial Supervision.

3. An endowment is deemed to be received by the policyholder or, in the case of irrevocable favoring, to the beneficiary, if a whole to benefit:
   a. insurance no longer meets the conditions of paragraph;
   b. the insurance is not purchased, except where there is conversion pursuant to Article 10bis.8;
   c. insurance is alienated, except insofar as the insurance in connection with entering into or termination of a partnership is converted into one or more other similar insurance policies for one or both partners or former partners;
   d. insurance is inserted into the assets of an undertaking;
   e. insurance is partially or, if the insurance entitles you to one-off payments for life or death of more than one insured to payment per insured partial payment is due;
   f. no annual premiums in respect of insurance are met as referred to in the second paragraph, point b, or the highest premium exceed ten times the lowest premium;
   g. the insurance for a period of 30 years has exceeded, or
   h. the agreed guaranteed capital is increased, on December 31, 2012 after 31 December 2012 or in the absence of a guaranteed capital, is increased under the agreement as it existed on December 31, 2012 amount to be paid after 31 December 2012 the period after December 31, 2012 is extended.

The amount of the benefit for the purposes of the first sentence set the value in economic transactions of insurance.

4. If the policyholder or, in the case of an irrevocable favoring the beneficiary other than death ceases to be a resident taxpayer is the endowment considered in the immediately preceding time to be received by the policyholder or, in the case of payment favoring an irrevocable, the beneficiary and the amount of the payment made to the value in economic transactions of insurance. Under cease to be a resident taxpayer shall also include the situation where the policyholder, respectively, the beneficiary shall be deemed for the purposes of the Tax for the Kingdom, the Tax for the country Netherlands or a convention for the avoidance of double taxation is not a resident of the Netherlands more to be.

5. If the taxpayer under paragraph a distribution is taken into account with respect to which a protective assessment is imposed and the taxpayer is a resident taxpayer again and in the meantime:
   a. not occurred so the house is ceased to be within the meaning of Article 3111 occupiers a circumstance;
   b. the taxpayer has not received as referred to in paragraph a benefit, and
   c. not occurred as referred to in paragraph a circumstance;

at his request, the conserved income for the year in which the payment is taken into account, reduced by the value of that benefit to the extent that value to the conserved income is counted. The inspector accordingly reduces the protective assessment by eligible for objection. Appeal against that decision can only relate to the size of the reduction.

6. Interest included in a benefit from an endowment is made on the amount by which the payment exceeds what in respect of the insurance premiums paid.

7. Under premiums in respect of an endowment shall include:
   a. benefit to a life insurance contract premiums for the same benefits and death benefits or waiver of premium or invalidity, as far as those benefits together not exceed three times the sum insured for life;
   b. with a death benefit: premiums for the same contract life insurance benefits, benefits or waiver of premium for
8. If an endowment is the result of a life that came about after September 14, 1999 and that no endowment was own home, at the moment that the conditions for an endowment, if by 31 December 2012 is the case, partly as a premium in respect of the endowment deemed to be the value in the economic movement of the old policy less the premiums paid thereon (surplus). For the assessment of the condition or the highest and lowest premium remains within the range specified in the second paragraph, under b, remains outside the surplus account.

9. The choice referred to in Article 2.5 shall not apply for the purposes of the fourth paragraph.

10. As to preserve income as defined in Article 2.8 shall also be considered positive income components that are taken on the basis of paragraph into account.

11. Notwithstanding the provisions of Article 3146, the value referred to in the third and fourth member in the course of trade of the endowment shall be deemed to have been received at the time of the fictional benefit.

**Article 10bis.5. Advantage of home mortgage savings accounts or investment account own home**

1. The advantage of home mortgage savings accounts is the yield at the time of release is included in the balance of a home mortgage savings accounts. The advantage of private property is the right investment returns at the time of release is included in the value of an investment account own home.

2. A person has a home mortgage savings accounts in the case of an account with a bank where the following conditions are met:
   
   a. the account holder or his partner has a private house with home acquisition debt;
   
   b. the account is blocked and unblocked only once to repay the home acquisition debt;
   
   c. at least 15 years, or until the death of the account holder or his partner, an annual sum to the account made with the highest total transferred in a year to the account shall not exceed ten times the lowest total in a year amounts transferred, if a savings account as of any time is referred to as home mortgage savings accounts, the present balance regarded at that time as a first payment;
   
   d. the income earned on the account shall be credited to the account, for release in the course of the period during which income is received, you will first have addition to frozen in place prior to release that income is passed;
   
   e. the bank is a financial company under the Act on Financial Supervision in the Netherlands may exercise. the business of banking

3. A person has a right to own investment property if it relates to an administrator of an investment held units in the institution where the following conditions are met:
   
   a. the owner of the investment account or his partner has a private house with home acquisition debt;
   
   b. the investment account is blocked and unblocked only once to repay the home acquisition debt;
   
   c. at least 15 years, or until the death of the owner of the investment account of his partner, an annual sum to the administrator remitted to obtain units with the highest total transferred in a year to the administrator shall be limited than ten times the lowest total transferred in one year, where an investment account as of any time is referred to as investment account home ownership is the market value of the right traffic at that time regarded as the first transfer;
   
   d. the return to the investment law is used to obtain participation rights to the investment law to belong;
   
   e. administrator is a financial company under the Act on Financial Supervision in the Netherlands may exercise. the business of investment

4. A savings account own home or an investment home ownership is deemed to be unblocked if a whole:
   
   a. savings account at any time, respectively the investment law, no longer meets the conditions of paragraph, respectively of the third paragraph;
   
   b. the savings account, respectively, the investment account is transferred or distributed, except to the extent that a transfer or sharing in the framework of the commencement or termination of a partnership and the savings account, respectively, the investment account, is continued as a home mortgage savings accounts, right to own property or investment;
   
   c. the savings account, respectively, the investment account, is inserted into the assets of an undertaking;
. d. the savings account, respectively, the investment account, partially unblocked;
. e. 30 years have passed after the first transfer to the savings account, respectively, after the first payment to the manager of the investment;
. f. the account of the savings account, respectively, the owner of the investment account, dies, in which case the release deemed to have occurred in the preceding time immediately, there is no release accompanying a continuation referred to in subparagraph b, or
. g. the agreed guaranteed capital is increased, on December 31, 2012 after 31 December 2012 or in the absence of a guaranteed capital, is increased under the agreement as it existed on December 31, 2012 amount to be paid after 31 December 2012 the period after December 31, 2012 is extended.

5. Article 10bis.4, fourth and fifth paragraphs shall apply mutatis mutandis. It is read for:
   a. policyholder: a savings account of their own home, respectively owner of an investment property own right;
   b. endowment: home mortgage savings accounts, or investment property own right;
   c. to have come to pay: to be unblocked.

6. The return included in a credit of a home mortgage savings accounts is set to the amount by which the credit exceeds the amounts transferred to the savings account. The return included in the value of an investment account home ownership is set to the amount by which the value of the right to manage the amounts transferred exceeds.

7. Notwithstanding the provisions of Article 3146, the event is the fourth or fifth paragraph applies, the time is deemed to have made the release time of enjoying the advantage of home mortgage savings accounts or investment account own home.

8. Notwithstanding Article 9.2, first paragraph, shall not be considered as dividend tax if the dividend is deducted from the revenue that is part of a savings account own home or an investment property own right.

9. A ministerial regulation may set further rules for the application of this Article.

**Article 10bis.6. Exemption endowment**

. 1 To benefit from endowment should not include interest in the payment of an endowment to the extent the payment does not exceed € 157,000 if:
   a. benefit has served as repayment of the home acquisition debt;
   b. concerning the insurance at least 20 years or, if the insurance to pay is due to earlier death, to death, annual premiums have been paid and
   c. the highest premium does not exceed ten times the lowest.

In derogation from the first sentence, introduction and part b, the interest charged on the payment of an endowment, to the extent that payment does not exceed € 35,700, not regarded as benefit from endowment if relevant of insurance at least 15 years of annual premiums have been paid.

. 2 The conditions referred to in the first paragraph, a and b, shall not apply if:
   a. the policyholder or his partner no longer own property is available and in that regard to the insurance benefit has come or is deemed to have come to benefit or
   b. the insurance is deemed to have come through it cease to be referred to in Article 10bis.4, fourth paragraph. domestic tax to pay

. 3. the amounts determined under the first paragraph shall be reduced by the amount of benefit from a capital earlier in respect of the taxpayer for the purposes of the first paragraph is taken into account, together with the balance of a home mortgage savings accounts that previously with respect to the taxpayer for the purposes of the exemption under Article 10bis.7 has considered and adopted by the value of an investment property that previously own right in respect of the taxpayer for the purposes of the exemption of Article eligible is.

. 4. If, at the time of payment the amount of home acquisition debt is less than the amount determined under the first and third paragraph, the amount provided in the first paragraph, in conjunction with the third paragraph is replaced by the amount the home acquisition debt.

. 5. If the taxpayer has a life insurance policy that has met the conditions for an endowment and in respect of such
insurance within three years regarding him any time after that time again to meet the conditions for an endowment, the amounts referred to in subsection increased by an amount equal to the reduction referred to in the previous paragraph because the application of the first paragraph of this insurance. The interest included in the increase referred to in the first sentence shall be deducted from the surplus referred to in Article 10bis.4, eighth paragraph.

6. If the taxpayer under Article 10bis.4, fourth paragraph, a distribution from an endowment was taken into account and the taxpayer is a resident taxpayer and again:

a. not occurred so the house is ceased to be within the meaning of Article 3111 occupiers a circumstance;

b. the taxpayer in respect of that endowment has not enjoyed under Article 10bis.4, paragraph an advantage, and

c. in respect of that endowment has not been referred to in Article 10bis.4, paragraph a circumstance;

the amounts referred to in subsection increased by an amount equal to the reduction referred to in the previous paragraph because the application of the first paragraph on that endowment.

7. If one or more endowment own home to pay out the death of the partner, the amount for the surviving partner to determine under the preceding paragraphs is increased by the amount that the deceased partner in respect of this endowment on pursuant to the preceding paragraphs could have taken into account immediately before his death. This increase may not exceed the total amount of life insurance is paid as a result of the death of the partner.

8. If one or more endowment own home to pay out the death of a person who is not a partner of the beneficiary, to the beneficiary of this insurance instead of the amount to be determined pursuant to the preceding paragraphs, the amount that the deceased person in respect of this endowment under the preceding paragraphs could have taken into account immediately before his death. If several beneficiaries a benefit referred to in the first sentence received is established for the beneficiary in full what it has given with the understanding that the amount referred to therein that the deceased could have taken in proportion to the benefits to distinguish beneficiaries eligible eligible is taken.

Article 10bis.7. Exemption home mortgage savings accounts and investment law exemption own home

With regard to the advantage of home mortgage savings accounts, respectively, the benefit from investment law own property, shall be exempt whose size is calculated by analogy with Article 10bis.6, except that the seventh and eighth paragraphs of that article apply only in a continuation under Article 10bis.5, fourth paragraph, section f. It is 10bis.5 article, fifth paragraph, second sentence, shall apply and for further contributions read: a home mortgage savings accounts amounts transferred, respectively, to an administrator of an investment account amounts transferred.

Article 10bis.8. Conversion endowment insurance, savings or investment account own home own home

1. Insofar as an endowment, a savings own home or an investment home ownership is converted into another similar insurance, another similar savings account or other similar investment account, and if the agreed capital guaranteed on December 31, 2012, or when lack thereof, on the basis of the agreement as it existed on December 31, 2012 amount to be paid, not subsequently been increased and the period after December 31, 2012 is not extended, the latter insurance, the latter savings account, respectively, the latter investment account, deemed to be of the insurance, the former savings account, respectively, the former investment law. continuation for the purposes of this Chapter

2. A ministerial regulation may set further rules for the application of this Article.

Article 10bis.9. Private Property and Debt own home reserve

1. Under home acquisition debt referred to in Article 3.119a, paragraph also includes existing home acquisition debt referred to in Article 10bis.1, first paragraph, if it is not reduced by the application. reserve of home ownership

2. For the purposes of Article 3.119aa, first paragraph, of the home acquisition debt also included the debts referred to in Article 10bis.10, third and fourth paragraphs.

Article 10bis.10. Deductible expenses own home

1. the interest on debts belonging to the existing home acquisition debt referred to be taken for a maximum of 30 years qualify as deductible expenses related to their own home. Article 10bis.1, paragraph The duration of the period of 30 years starts at the beginning of the first period to which the interest on these debts, which as a component of income from work and home as deductions have been, concerned and ends at the time when the entire debt is repaid. If one belonging to the existing home acquisition debt on debt is closed under Article 10bis.1, third paragraph, the interest taken into account only insofar as the period of 30 years has not expired.
2. If Article 3111, second or third paragraph, applies, the interest of existing home acquisition debt referred to in Article 10bis.1, first paragraph, taken as deductible expenses related to their own home into consideration unless the matter of that debt or part of the period of 30 years has expired. For the part of the debt corresponding to the final size of the total debt at the time immediately preceding the acquisition of the second-occupied property, entered into for the acquisition of private property as referred to in Article 3111, paragraph , and which according to the first paragraph a period of 30 years is taken into account is in derogation of paragraph that part does not affect the duration of the period of 30 years.

3. Among the deductible costs of a private home does not include interest on debts, costs of loans including, belonging to the existing home acquisition debt referred to in Article 10bis.1, first paragraph, for the acquisition of their own home or a portion thereof, where the private property or part thereof directly or indirectly obtained from the partner of the taxpayer, if the total of the debt by the taxpayer and his partner for the acquisition of the property, after such acquisition exceeds before the alienation of the property or a part thereof by his partner.

4. For the purposes of Article 3120, first paragraph, under a, be interest on debts relating to debts existing at 31 December 1995, belonging to the existing home acquisition debt referred to in Article 10bis.1, first paragraph, to the extent that liabilities at that date were secured by a mortgage on their own home and this is still related to the same property, treated as deductible expenses related to their own home on which the mortgage is located.

Article 10bis.11. Deductible expenses after previous use exemption endowment, savings or investment account own home

1. the belonging to the existing home acquisition debt liabilities are taken up to the amount that is used for the acquisition of own property less the portion of the amount of benefits from endowment own property in respect of which the implied interest only eligible previously under Article 3118, as it read on December 31, 2012 Article, or Article 10bis.6 not benefit from endowment is considered.

2. If the taxpayer acquires a private home and in respect of an endowment in one of the three prior years Article 3118, as that section read on December 31, 2012, or article found 10bis.6 application and this insurance at the acquiring an endowment is, is from that time for the purposes of paragraph Article 3118, as this article read on December 31, 2012, respectively, to have found inapplicable. article 10bis.6 deemed

3. If it is taken into account by the taxpayer under Article 10bis.4, fourth paragraph, a distribution from an endowment and as long as:

   a. does not occur a circumstance which the property ceases to be within the meaning of Article 3111 a private home;

   b. the taxpayer does not own property enjoys an advantage in respect of that endowment referred to in Article 10bis.4, first paragraph, and

   c. in respect of that endowment does not arise a situation referred to in Article 10bis.4, third paragraph;

For the purposes of paragraph benefit from this endowment under Article 10bis.4, paragraph ignored.

4. This Article shall apply to a home mortgage savings accounts and investment account own home. Relevant detailed rules may be set by ministerial regulation.

Article 10bis.12. Indexation

At the beginning of the calendar year, the amounts specified in Article 10bis.6, paragraph by ministerial regulation changed in different amounts. These amounts are calculated by multiplying the changing table correction, amounts referred to in Article 10.2, and then to make it deems necessary. Completion If, in the previous calendar year such rounding is applied, can be based on the unrounded amounts. To change

Chapter 10A. Other transitional due to change laws

Article 10a.1. Transitional associated with abolished on 1 January 2006 premium deduction for bridging annuities

1. claims on exclusively or partly relate to annuities provided for in Article 3125, paragraph c, as this section read on December 31, 2005, the provisions in force on that date related to the claims of such annuities apply insofar as the claims arising from premiums taken as expenses for income provisions. eligible before January 1, 2006
2. In the absence of an agreement in which a claim is also included which relates to annuities provided for in Article 3125, paragraph c, as this section read on December 31, 2005, after 31 December 2005, contributions are paid, premiums that are deemed not to relate to annuities referred to in that subsection c.

3. In the absence of an agreement in which a claim is recorded exclusively or relating to annuities provided for in Article 3125, paragraph c, as this section read on December 31, 2005, after 31 December 2005, contributions are met, use of accrued benefits for annuities referred to in that subsection c possible only up to an amount equal to the value in the economic movement of such claim on December 31, 2005. If the rights referred to in the first sentence to a higher amount than the value referred to therein are used for annuities referred to in that subsection c, Article 3133, first paragraph, apply, mutatis mutandis.

Article 10a.2. Transitional provision valuation of work in progress and contracts in progress for introducing Article 3.29b

The valuation of work in progress and contracts in accordance with Article 3.29b will apply for the first time at the end of the first financial year that started on or after January 1, 2007.

Article 10a.3 Assess. Transitional provision for depreciation on assets Amendment Article 3.30 and Article 3.30A introduction

1. Article 3.30, paragraph, or section 3.30A, also finds application in respect of goodwill and other assets, respectively buildings, on which obligations entered into before 1 January 2007 for the acquisition or improvement or production costs are incurred, except that in terms of goodwill and other assets, the portion of the non-amortized acquisition or production costs that can be allocated on an annual basis, shall not exceed the calendar year:
   a in respect of goodwill, 12 / (120-V) x carrying amount of goodwill at January 1, 2007, and
   b with respect to other assets, 12 / (60-V) x carrying value of the asset on January 1, 2007, where V represents the number of months that the taxpayer has already amortized goodwill, respectively, the other asset before January 1, 2007.

2. If the profit is determined on a not coinciding with the calendar year, Article 3.30, second paragraph, and Article 3.30A find first application in respect of the financial year starting on or after January 1, 2007. Then, for the purposes of the first paragraph and the third paragraph for «January 1, 2007» read the date of commencement of the period referred to in the first sentence.

3. Regarding a building that already belonged before January 1, 2007 to the business capital or income assets of the taxpayer and that the taxpayer has already been written but not yet for at least three years prior to January 1, 2007, Article 3.30A for the first application with from the financial year following the financial year in which they ended three years.

Article 10a.4 Assess. Transitional provision relating to amending Article 3.20 per July 1, 2006

For vehicles for which the registration is given before 1 July 2006, Article 3.20, paragraph, first sentence remains, as it was worded sentence on June 30, 2006, apply.

Article 10a.5. Transitional associated with the expiry of the possibility that a natural person to act as pension insurer

With respect to a pension under Article 19 of the Implementing and Amending Article 3.83 Pension remain, second paragraph, and Article 7.2, paragraph eight, as members read on the day preceding the entry into force of Article 1 of the Pensions Act, of application.

Article 10a.6. Transitional provision as of 2009 for the purposes of Article 3137 and Article 3.107a

1. in Article 3.107a, second paragraph, and Article 3137, second paragraph, restriction that the premiums paid in a calendar year and amounts as an expense are not taken into account for income provision not exceeding € 2,269 at the foot of which Articles may be deducted, which does not apply to premiums and amounts paid in the calendar years 2001 to 2009.

2. A ministerial regulation may be laid down for the application of the first paragraph.

Article 10a.7. Existing separated private equity at January 1, 2010
Article 2.14a is not applicable to separated private assets is separated by a person who is deceased, before 1 January 2010 provided that on April 20, 2009:

- value of the assets, less the value of the debt as heir, referred to in Article 2.14a, paragraph, no more than € 5000 and
- separated private assets to any shares or profit shares are to be regarded as a substantial interest as defined in Chapter 4.

Upon request, notwithstanding Article 2.14a, first paragraph, the assets and liabilities and revenues and expenses of an existing secluded private attributed to the person or persons as agreed with the inspector in an adoption agreement by April 19 2009 is closed.

For the purposes of this Article, an existing separated private assets means January 1, 2010 for a secluded private funds referred to in Article 2.14a, paragraph.

For the calculation of income from work and home for the purposes of this law, the company equity and profit ability, that the assets of an existing separated private assets properly and are attributed to the person who this ability has separated under Article 2.14a or to his heirs, by January 1, 2010 chronicled the historical cost subject to such a charge, respectively low valuation, as would have applied if the assets would not be separated.

For the calculation of the income from a substantial interest within the meaning of this Act, the acquisition price of shares and profit shares for the purposes of the Income Tax Act 1964, as it read on December 31, 2000, among a substantial interest, or for the purposes of this Act are of a substantial interest, and that the assets of an existing separated private assets properly and are attributed to the person who has this ability secluded or by January 1, 2010, as to his heirs, under Article 2.14a the acquisition price that applied for the person who shares and profit shares in law or in fact, directly or indirectly, has separated.

For the purposes of this Article, Articles 4.3, 4.4, 4.5 and 4.5a of analogy.

Article 10A.8. Transitional provision in connection with change regime for compensation and benefits in the Wage Tax Act 1964

If the taxpayer so elects Article 3.84, paragraph aside, and continue to Article 10, first paragraph, Article 11 subsection a, b, i, m, q, s and t, Article 13, Article 13a and Chapter IIA of the Wage Tax Act 1964, as they read on December 31, 2010 and the provisions based thereon, in accordance with Article 39c, paragraph, second sentence of the second paragraph and third paragraph of that Act shall apply mutatis mutandis.

Article 10a.9. Transitional provision losses on investments in venture capital in the expiry of Section 6.3 on 1 January 2011

1. Article 3139, paragraph b, as was that part on December 31, 2010, shall continue to apply with respect to what is received as honored ushered debt on a loan on which losses under Section 6.3, as that division on December 31, 2010, or under the second paragraph are taken into account.

2. Section 6.3, as that division on December 31, 2010 ushered in, continue to apply to losses on loans issued before January 1, 2011 as referred to in Article 6.8, first paragraph, as was that member on December 31, 2010.

Article 10a.10. Transitional provision exemption box 3 on savings deposits

Article 5.11, as that article read on December 31, 2011, shall continue to apply pursuant to a savings scheme referred to in Article 32 of the Wage Tax Act 1964, as that section read on December 31, 2011, blocked savings, stock options, shares and profit shares where also met the conditions at that date under or pursuant to the first, third and fourth paragraphs of that article, except for the condition that the savings are not within the period specified in the first paragraph of that article after that date at least four years for purposes other than those referred to therein may be included.

Article 10a.11. Transitional provision life arrangements

Where Article 39d of the Wage Tax Act 1964, Articles 8.2, part l, 8.9, first paragraph, 8.18a, first paragraph, first sentence, and paragraph 9.2, fourth paragraph, and 10.1, as these provisions December 31, 2011 ushered in, to set rules shall apply, except that ushered in the analogous application of Article 8.18a, paragraph, as this provision on December 31, 2011, calendar years after taking into account by or pursuant to order in council ended December 31, 2011 are disregarded.
Article 10a.12. Transitional temporary retirement annuities to increase the retirement age [Operates per 01-01-2014]

1. claims on exclusively or partly relate to annuities provided for in Article 3125, paragraph c, as this section read on December 31, 2013, which do not meet the as of January 1, 2014 in Article 3125, first paragraph, section c conditions, the provisions in force on December 31, 2013 related to the claims for such annuities apply, insofar as the claims arising out of such annuities premiums or amounts taken into account before January 1, 2014 as expenditure on income insurance.

2. In the absence of an agreement in which a claim is also included which relates to annuities provided for in Article 3125, paragraph c, as this section read on December 31, 2013, which do not meet with effect from 1 January 2014 premiums yet to be met, in paragraph c, requirements of Article 3125, those premiums deemed not to relate to annuities referred to in that subsection c.

3. In the absence of an agreement in which a claim is recorded exclusively or relating to annuities provided for in Article 3125, paragraph c, as this section read on December 31, 2013, which do not meet the from January 1, 2014 provisions of Article 3125, paragraph c, even after December 31, 2013 still premiums are met, use of accrued benefits for annuities as set out in that part c is only possible up to a maximum amount equal to the value in the economic movement of such claim on 31 December 2013. If the rights referred to in the first sentence to a higher amount than the value referred to therein are used for annuities referred to in that subsection c, Article 3133, first paragraph, apply, mutatis mutandis.

4. The preceding paragraphs shall apply mutatis mutandis to the balance of the annuity savings account or the value of the annuity investment account which Article 3.126a, paragraph, under a, under 3 °, as it read on December 31, 2013, applies.

Chapter 10b. Horizon Determination

Article 10b.1. Sunset clause

1. Article 6.39a repealed with effect from 1 January 2017.

2. Article 3.13, first paragraph, point j, repealed with effect from January 1, 2018.

3. Paragraph 8.12 is repealed with effect from 1 January 2020.


1. the Income Tax Act 1964 is repealed.

2. The Law on the wealth tax in 1964 is repealed.

Article 11.2. Full text publication and numbering

The text of this law as it reads the entry into force of this Act and other laws that came into force at the same time in force and that this law is changed, published in the Bulletin. For placement in the Official Gazette, Our Minister the numbering of articles, paragraphs, sections and chapters of this Act redefine and he brings in this Act any quotations of articles, paragraphs, sections and chapters in accordance with the new numbering.

Article 11.3. Entry into force

This Act shall come into force on a date to be determined by law.

Article 11.4. Official title

1. This Act may be cited as the Income Tax Act 2001.

2. The official title may be abbreviated to: Act 2001.

Order and command that this will be published in the Official Gazette and that all ministries, authorities, bodies and
officials whom it may concern shall diligently implement it will hold.

Done at The Hague, May 11, 2000

Beatrix

The Minister of Finance,
WJ Bos

The Minister of Finance,
G. Salmon

Published on the thirtieth May 2000
The Minister of Justice,
AH Korthals