PRIVATE CLIENT

Netherlands

LEXOLOGY
Getting The Deal Through

Consulting editor
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Private Client

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Quick reference guide enabling side-by-side comparison of local insights, including into tax; trusts and foundations; same-sex marriages; civil unions; succession; capacity and power of attorney; immigration; and recent trends.

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Netherlands

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LEGAL FRAMEWORK

Key legislation

What key legislation and regulations are relevant to foreign individuals moving to or investing in your jurisdiction? What government bodies are charged with enforcing these laws and what is the extent of their powers?

If a foreign individual will be living or working in the Netherlands for more than 90 days, the individual will be considered to be immigrated to the Netherlands. What the individual needs to arrange before moving to the Netherlands depends on the specific situation. The government website has a checklist with the specific organisations the individual needs to deal with for each part of the process. For more information, see Migration and travel | Government.nl .

If a foreign individual will be investing in the Netherlands there are no specific regulations or laws applicable. Whether the investment will result in a yearly non-resident personal income tax obligation for the individual depends on the type of investments (real estate or shares in a Dutch company or other securities).

Law stated - 17 January 2023

Real property

Are there any particular rules or restrictions on foreign individuals purchasing or investing in real property in your jurisdiction?

There are no particular rules or restrictions that apply to foreign individuals purchasing or investing in real estate in the Netherlands. However, some municipalities requires that the owner of the house lives in the property rather than renting it to a third party. The obligation to live in the purchased house means that the municipality can fine the owner if the house is rented to a third party.

Law stated - 17 January 2023

Establishing a business

Are there any particular rules or restrictions on foreign individuals establishing a business in your jurisdiction?

There are no particular rules or restrictions that apply to foreign individuals establishing a business in the Netherlands. The same rules apply to foreign individuals as to locals.

Law stated - 17 January 2023

TAX

Residence and domicile

How does an individual become taxable in your jurisdiction?

An individual becomes taxable in the Netherlands when they become a Dutch resident or non-resident taxpayer.

A Dutch resident taxpayer is an individual who has their main residence in the Netherlands. Residency is assessed on all relevant factual circumstances. The most important criteria include the following:

- where a permanent home is maintained;
- where employment duties are performed;
- where the individual's family resides;
- where the individual is registered with the local authorities;
- where bank accounts and other assets are maintained; and
- the intended length of stay in the Netherlands.

A Dutch non-resident taxpayer is an individual who has their main residence outside the Netherlands and who has Dutch source income.

In addition to a qualification as Dutch tax resident or non-resident, an individual could qualify as a 'qualifying non-resident taxpayer'. Individuals who have been granted a 30 per cent-ruling (ie, a tax-free reimbursement amounting to 30 per cent of the income) are considered resident taxpayers and may opt to be treated as a qualifying non-resident taxpayers. In short, that means that they are treated as tax residents for box 1 and as non-residents for box 2 and box 3 purposes.

Gift tax and inheritance tax is levied on all worldwide assets (minus debts) of the deceased (or on the gifted assets in the case of a donor) who is a Dutch tax resident at the time of death or gift.

Any deceased or donor with the Dutch nationality is deemed to be a Dutch tax resident at time of death or gift if that moment is within 10 years after emigration. For gift tax purposes, a former Dutch tax resident – not having the Dutch nationality – is also deemed to be a Dutch tax resident if they donate within one year of the emigration.

Law stated - 17 January 2023

Income

What, if any, taxes apply to an individual's income?

Dutch tax residents are subject to personal income tax on their worldwide income. Non-residents are subject to personal income tax only for income derived from specific Dutch sources. Dutch sources can be, for example, employment (including directors' fees), business income, income derived on Dutch entities and immovable property in the Netherlands.

The worldwide income of Dutch taxpayers is – in principle – subject to Dutch personal income tax. Different tax regimes (ie, the boxes) apply to different types of income. The Dutch personal income tax system includes three boxes and each box has its own rules and tax rates.

Box 1

Box 1 includes all income in relation to work and home ownership. Amongst others employment income, business income (ie, self-employed entrepreneur) and deemed income of residential home ownership are taxable income included in box 1. Special rules apply for mortgage interest on the residential home and so-called lucrative investments (eg, carried interest arrangements or comparable arrangements). The tax rate is progressive and varies from 37.07 per cent up to 49.50 per cent (2023 rates).

Box 2

Box 2 includes income in relation to a 'substantial interest'. A Dutch tax resident that holds at least 5 per cent of the shares (or a class of shares) of an entity has a substantial interest. Having the right to purchase 5 per cent or more of the shares is also a substantial interest. Any substantial interest income is subject to 26.9 per cent personal income tax (2023 rates). Substantial interest income is – among others – (deemed) dividend income and (deemed) capital gains. (Qualifying) non-resident taxpayers are in principle only subject to personal income tax in relation to a substantial interest in a Dutch entity. For completeness' sake, we note that the transfer of a substantial interest due inheritance or gift is a taxable event. Emigration is considered a deemed transfer for substantial interest purposes.

Box 3 could be seen as the Dutch equivalent of a net wealth tax. Box 3 applies to deemed income on other assets that do not fall under the scope of box 1 or box 2. Assets that are intended for the daily use of a taxpayer are excluded from the tax base.

The box 3 system has been a point of political and legal discussions during the past few years as the deemed income is considered to be unfair (especially for taxpayers with bank savings). The Dutch Supreme Court ruled in December 2021 that the current box 3 system has been in breach of European law since 2017.

As from 1 January 2023, a new transitional legislation over the tax treatment of savings and investments has entered into force until the introduction of new legislation that is announced for 2026. During the transitional period, a taxpayer's actual assets will be categorised under one of three categories, namely bank deposits (savings), other assets and debts.

The value under each category on 1 January will be deemed to yield a fixed percentage. The weighted average yield over all categories will be applied to the total assets above a personal exemption of €57,000 (2023) in order to determine the taxable benefit that will be subject to tax at a flat rate of 32 per cent (2023).

See the table for an overview of the fixed percentages for recent years. The fixed percentages for 2022 and 2023 with regard to bank deposits and debts are yet to be announced.

Year	Category 1 Bank deposits	Category 2 All other assets	Category 3 Debts
2021	0.01 per cent	5.69 per cent	2.46 per cent
2022	To be determined	5.53 per cent	To be determined
2023	To be determined	6.17 per cent	To be determined

For Dutch personal income tax purposes, all (box 3) assets of children up to 18 years old should be allocated to their parents. Once the children turn 18, they become independently subject to Dutch personal income tax.

From 2026, it is expected that the box 3 taxation will be fully based on actual income.

Law stated - 17 January 2023

Capital gains

What, if any, taxes apply to an individual's capital gains?

Capital gains can be taxed in box 1 or box. An entrepreneur who is subject to Box 1 and sells an asset that was activated on their balance sheet will be taxed in box 1. The taxable base is the difference between the book value and the fair market value. A shareholder who holds 5 per cent or more of the share capital in a company will be taxed in box 2 if they make a profit on these shares at the moment of the disposal of shares.

In box 3, a capital gain is effectively not taxed. The value of the asset on 1 January will be deemed to yield a fixed percentage.

Law stated - 17 January 2023

Lifetime gifts

What, if any, taxes apply if an individual makes lifetime gifts?

Dutch gift tax is imposed on the fair market value of the gift, less an exempt amount that varies depending on the relationship with the donor. The rate levied on the net gift (10 per cent to 40 per cent) also depends on this relationship. The tax is due if:

- the gift is received from a resident of the Netherlands;
- the gift is received from a former resident of the Netherlands who is a Dutch national within ten years of their departure from the Netherlands; or
- the gift is received from a former resident of the Netherlands within one year after their departure from the Netherlands.

Rates gift tax 2023

Value gift	Partner (foster- or step) child/child with a disability	Grandchildren and further descendants	Other heirs such as a brother, sister or parents
€0 – €138.641	10 per cent	18 per cent	30 per cent
€138.642 – more	20 per cent	36 per cent	40 per cent

Law stated - 17 January 2023

Inheritance

What, if any, taxes apply to an individual's transfers on death and to their estate following death?

Dutch inheritance tax is imposed on the fair market value of the inheritance, less an exempt amount that varies depending on the relationship with the deceased and the heir. The rate levied on the net inheritance (10 per cent to 40 per cent) also depends on this relationship.

Rates inheritance tax 2023

Value inheritance	Partner (foster- or step) child/child with a disability	Grandchildren and further descendants	Other heirs such as a brother, sister or parents
€0 – €138.641	10 per cent	18 per cent	30 per cent
€138.642 – more	20 per cent	36 per cent	40 per cent

The tax is due if:

- the inheritance is received from a resident of the Netherlands;
- the inheritance is received from a former resident of the Netherlands who is a Dutch national, within 10 years of their departure from the Netherlands.

Law stated - 17 January 2023

Real property

What, if any, taxes apply to an individual's real property?

In the Netherlands, a municipal tax applies to the ownership of immovable property. The circumstances at 1 January of a given year are decisive. The tax is payable upon an annual assessment that is based on the value of the property (as determined by the municipality). Non-residents and residents are subject to municipal tax applicable to the ownership of immovable property.

The transfer of immovable investment property or certain rights there to (eg, buildings, houses, shares in real estate companies) is, in principle, subject to 10.4 per cent (2023) transfer tax, payable by the new owner.

The transfer of a home in which the buyers will actually live is subject to 2 per cent (2023) transfer tax, payable by the new owners. As of 2021, young first-time buyers on the housing market are eligible for a transfer tax exemption. Buyers will qualify as a first-time buyer if they are 18 or older but under the age of 35 when they buy their first property. The first-time buyer can only use the exemption once. A maximum housing value limit of €440,000 (2023) applies, which will be indexed annually. This limit applies to the entire dwelling and not to the value of the part of the dwelling acquired. Only starters who buy a house under €440,000 (2023) will receive the exemption, while starters who buy a house exceeding the threshold will pay 2 per cent transfer tax on the entire amount of the house.

Law stated - 17 January 2023

Non-cash assets

What, if any, taxes apply on the import or export, for personal use and enjoyment, of assets other than cash by an individual to your jurisdiction?

Customs duties, excises (only for goods that qualify as excise goods) and import value added tax (VAT) will, in principle, become due when goods are brought into Netherlands from outside the European Union. However, goods having no commercial character (therefore for personal use and enjoyment) contained in personal luggage may be exempted from duties and taxes but only if they remain below a total amount of €430 per traveller. For tobacco and alcohol products, different thresholds apply. If the total amount of goods exceeds these thresholds (even if they are transported into the Netherlands for personal use) will trigger taxes. There are no customs duties payable when travelling from another EU member state to the Netherlands. The same applies to excise duties and VAT as long as the goods are purchased tax included, they are destined for personal use and are transported by the private individual when crossing the border.

EU and Netherlands legislation foresee certain general reliefs of import duties, excise and VAT, such as for persons transferring their normal residence from outside the European Union to the Netherlands. In principle, there are no customs duties, excise or VAT due if goods are taken out of the Netherlands (eg, export). Individuals having their residence outside of the EU can apply for a refund of the VAT paid on goods purchased in the Netherlands and intended for personal use when they are exported to a place outside the EU in their personal luggage.

In the Netherlands, the standard rate for VAT relating to consumer goods amounts to 21 per cent.

Law stated - 17 January 2023

Other taxes

What, if any, other taxes may be particularly relevant to an individual?

Employee insurance contributions and national insurance tax are levied on residents and non-residents under a number of different regulations.

Under the national insurance tax regulations, contributions are levied on income up to a maximum of €37,149 (2023). In 2022, the contribution was capped at €9.808 per annum. From this amount several levy rebates may be deducted. National insurance contributions paid by an employee are not deductible from taxable income. National insurance contributions and income taxes are included as a single tax in the first income tax bracket.

Under the employee insurance regulations, contributions are to be paid on income up to a maximum of €59,706. The contribution rate depends on the employer's industry, but on average the yearly contributions to be fully paid by the employer amount to €7,027 for an employee with a permanent employment contract and €10,012 for an employee with a temporary employment contract.

It is compulsory for all residents of the Netherlands and all employees who are subject to Dutch wage tax to be covered under the Dutch Health Insurance Act and to have a statutory health insurance policy. For employees, the contribution will consist of:

- a nominal contribution of approximately €1,522 (including €385 own-risk), to be paid to the health insurance company; and
- an income-related contribution (6.7 per cent on income up to a maximum of €59,706, with a maximum of €4,200), to be paid to the Dutch tax authorities by the employer.

Consumption taxes

Value-added tax (VAT) is payable on sales of goods and on services rendered in the Netherlands as well as on the importation of goods and on the 'intra-European' acquisition of goods. There are three VAT rates: 21 per cent, 9 per cent and zero per cent.

The main VAT rate is 21 per cent. The reduced 9 per cent VAT rate is applicable on certain prime necessities (and also on certain energy-saving insulation activities on houses). The special zero per cent VAT rate is applicable mainly to intra-EU supplies, exports, imports stored in bonded warehouses, services rendered in connection with the above, and certain other services.

The following are exempt from VAT:

- the supply of immovable property two years after putting it into use and lease. However, if the lessee's use of the immovable property is 90 per cent or more for input vat-deductible purposes, the lessor and lessee may opt to be subject to vat on rent, in which case the lessor may deduct the vat charged in respect of the property;
- medical, cultural, social and educational services;
- services provided by banks and other financial institutions in connection with payment transactions and the granting of credit facilities;
- insurance transactions; and
- transactions in shares.

Road tax

An individual who owns or uses a car in the Netherlands may become liable to Dutch road tax. The individual who owns the car at the start date of each quarter will be liable to road tax. The amount due depends on the weight of the car and the type of fuel it uses.

Law stated - 17 January 2023

Trusts and other holding vehicles

What, if any, taxes apply to trusts or other asset-holding vehicles in your jurisdiction, and how are such taxes imposed?

Trusts

As of 1 January 2010, a tax regime applies to assets that have been excluded from other taxable assets. These secluded private assets are qualified in Dutch tax law as segregated private property (APV) . An APV is a secluded asset that serves a more than incidental private interest. An APV is not limited to trusts. The Antillean private fund foundation, a (private) foundation, an Anstalt, a Stiftung and a Genossenschaft can also be qualified as an APV. If a Dutch taxpayer, their fiscal partner or their underaged children have a right to an APV, this must be stated in the personal income tax return.

Because an APV is considered to be fiscally transparent, the right an individual has to the assets in an APV can be qualified in various ways for tax purposes. Taxation can take place in Box 1 as income, in Box 3 as an asset, through inheritance tax or through gift tax.

The main rule of taxation of an APV is that as long as the settlor is alive, the assets will be considered to be attributed to them. If the settlor were to pass away the assets will be attributed to the beneficiaries. Until then, the beneficiaries will not be taxed over these assets.

Dutch holding companies

The profits of Netherlands-based holding companies are subject to corporate income tax. The corporate income tax rates in the Netherlands are 19 per cent for taxable income up to €200,000 and 25.8 per cent for the amount exceeding the €200,000. If certain conditions are met, capital gains realised on subsidiaries and dividends received from subsidiaries are 100 per cent tax exempt. Dividends distributed to individuals, who are residents of the Netherlands, are taxed at a rate of 15 per cent withholding tax by the company and are taxed at a rate of 26.9 per cent (2023) personal income tax by the individual, provided this individual holds a minimum of 5 per cent in the shares of the company. The 15 per cent withholding tax will be creditable in the personal income tax return of the Dutch tax resident shareholder.

Dividend distributions made by a Dutch holding company can be exempt under the Dutch domestic dividend withholding tax exemption or can be lowered to zero under a tax treaty or under the parent-subsidiary directive. Certain conditions need to be satisfied to achieve the zero or exemption on dividend distributions.

The holding needs to submit a corporate income tax return annually. Corporate income tax is due through the annual corporate income tax assessment.

Law stated - 17 January 2023

Charities

How are charities taxed in your jurisdiction?

Foundations (and associations) are liable to tax for the levy of corporate income tax if and insofar as a business is conducted.

The Netherlands offers a special status for charities that support the public interest, called ANBI. For this purpose, the charity needs to meet certain strict conditions. The most import condition requires that at least 90 per cent of the actual activities of the charity support the public interest. Gifts and inheritances to ANBI's are exempt from gift and inheritance tax. Furthermore, the individual taxpayer, under certain conditions, is allowed a deduction of certain gifts for income tax purposes.

Law stated - 17 January 2023

Anti-avoidance and anti-abuse provisions

What anti-avoidance and anti-abuse tax provisions apply in the context of private client wealth management?

The Netherlands has implemented the EU Anti-Tax Avoidance Directive (1 and 2). The directive concerns different anti-avoidance measures, including, among others, the earnings stripping rule (limitation of interest deduction), exit taxation (the Dutch tax law already contains an exit taxation rule) and the general anti-abuse rule.

The Netherlands signed the Multilateral Instrument (MLI), which implements treaty-related anti-tax avoidance measures alongside the existing treaties for the avoidance of double taxation. Per 1 January 2020, the MLI has entered into force for covered tax treaties until ratification of the MLI in the other jurisdiction is completed as well. The entry into force of the MLI is likely to affect the entitlement to tax treaty benefits under covered tax treaties concluded by the Netherlands. The MLI, among others, introduces a principal purpose test.

The Netherlands also implemented the Mandatory Disclosure Directive (DAC 6) in its national law per 1 January 2020. Under DAC 6, intermediaries (tax advisers, notaries, banks etc) will need to report arrangements that meet the hallmarks as listed in the DAC 6 Directive within one month of the transaction being ready for implementation.

As of 27 September 2020, Dutch legal entities are obliged to register their ultimate beneficial owners (UBOs) with the UBO register. These are the persons who ultimately benefit from, or have an interest in, business or organisation. Following a European Court of Justice case, the obligation to register the UBO has been partly suspended because of European privacy concerns.

Law stated - 17 January 2023

TRUSTS AND FOUNDATIONS

Trusts

Does your jurisdiction recognise trusts?

There are no trusts according to Dutch law. The Netherlands had ratified the Hague Trust Convention and recognises foreign trusts. The Hague Trust Convention does not provide a definite answer regarding the tax position of the trust.

Law stated - 17 January 2023

Private foundations

Does your jurisdiction recognise private foundations?

In the Netherlands, it is possible to set up a private foundation. The foundation can be used for various purposes and can be established by natural persons or companies. Neither the founder nor the directors of the foundation can receive an advantage from the foundation. Also, it is required to appoint an extern board member.

Foundations that do not run an enterprise are exempt from Dutch corporate income tax. If the foundation qualifies for special charity status, receivables and distributions made by Dutch private foundations can remain without Dutch gift tax.

Law stated - 17 January 2023

Disputes

What issues typically give rise to disputes relating to trusts and foundations? How are these disputes resolved? (What are the most common causes of action? Which courts are used? Is alternative dispute resolution (ADR) available and commonly used? What remedies are commonly awarded?)

In the Netherlands, a trust is a foreign legal entity. It is possible for the Dutch tax Authorities to have a different view on the qualification of the entity itself, resulting in a different way of taxation. Other issues might entail the qualification of the ultimate beneficial owner or the beneficiary. These issues can be resolved simply by communicating with the Tax Authorities and if that fails, litigation.

Law stated - 17 January 2023

SAME-SEX MARRIAGES AND CIVIL UNIONS

Same-sex relationships

Does your jurisdiction have any form of legally recognised same-sex relationship?

The Netherlands recognises same-sex marriages and official cohabitation. Same-sex relationships benefit from the same (preferential) regimes as heterosexual relationships in income tax, gift tax and inheritance tax.

Law stated - 17 January 2023

Heterosexual civil unions

Does your jurisdiction recognise any form of legal relationship for heterosexual couples other than marriage?

As an alternative for marriage a heterosexual couple could opt for a civil partnership or a notarial cohabitation agreement.

The civil partnership has the same benefit remiges and specific exemptions as spouses in income tax, gift tax and inheritance tax.

In the situation of a notarial cohabitation agreement, the couple must be registered at the same address in the basic registration person to benefit from the same regimes and specific exemptions as spouses in the income tax. To be considered as a partner for the gift and inheritance tax, the following conditions need to be met:

- both individuals are of age;
- registered at the same address in the basic registration persons;
- a mutual duty of care should be included in the core habitation contract;

- the individuals are no relatives in the direct ascending line; and
- the individuals have not met the conditions above with another person.

Law stated - 17 January 2023

SUCCESSION

Estate constitution

What property constitutes an individual's estate for succession purposes?

From a Dutch inheritance tax perspective, an individual's estate consists of all the (worldwide) assets left after they have died. The estate includes legal and beneficial as co-ownership as well. Gifts made within 180 days prior the donor's decease, who live in the Netherlands at the moment of decease, are added to the taxable basis of the legacy.

Law stated - 17 January 2023

Disposition

To what extent do individuals have freedom of disposition over their estate during their lifetime?

In principle, individuals can gift everything they own during their lifetime. However, certain legal restrictions apply.

Individuals married under the regime of community of property cannot give away common goods without the consent approval of their spouse.

Law stated - 17 January 2023

To what extent do individuals have freedom of disposition over their estate on death?

In a will, an individual can freely dispose of their estate. However, when Dutch law applies to the succession, the children can claim their legal portion.

Law stated - 17 January 2023

Intestacy

If an individual dies in your jurisdiction without leaving valid instructions for the disposition of the estate, to whom does the estate pass and in what shares?

If a Dutch resident dies without leaving a will, the Dutch law will apply.

If the deceased leaves a surviving spouse and children, the surviving spouse and children are the inheritors each in equal shares. The spouse will receive the entire inheritance directly after the decease. The children are entitled to part of the inheritance – their legal inheritance – but do not yet receive their part of the inheritance. Their inheritance is converted into a claim against that partner that has not yet become due and payable until the surviving partner dies.

In the event that there is no surviving spouse, the children receive the estate in full property, each in equal shares.

In the event that the deceased leaves a surviving spouse but no children, the surviving spouse receives the deceased's share in the community property in full ownership.

If the deceased leaves no surviving spouse nor children, the estate is divided between the surviving blood relatives on the basis of the degree of kinship with the deceased.

Law stated - 17 January 2023

Adopted and illegitimate children

In relation to the disposition of an individual's estate, are adopted or illegitimate children treated the same as natural legitimate children and, if not, how may they inherit?

Adopted and illegitimate children are treated the same as natural legitimate children. Stepchildren inherit only when specifically included in the testator's will.

Law stated - 17 January 2023

Distribution

What law governs the distribution of an individual's estate and does this depend on the type of property within it?

Since 17 August 2015, the European Union's Succession Regulation (EU) No. 650/2012 has determined the conflict of law rules. In the event that no choice of law has been made in a will, in principle, the law of the state in which the individual had their last habitual residence is applicable. However, if it is clear from all circumstances that, at the moment of death, the deceased had a manifestly closer connection with another state, the law of that state is applicable. The applicable law governs the distribution of both the movable and the immovable estate.

A choice of law can be made in the will for the law of the state of which the resident has nationality. This law governs the distribution of both the movable and the immovable estate.

On the basis of the European Union's Succession Regulation, the Netherlands will respect the application of non-Dutch law, even if the foreign law infringes Dutch forced heirship rules.

Law stated - 17 January 2023

Formalities

What formalities are required for an individual to make a valid will in your jurisdiction?

According to Dutch law, an individual needs to make a notarial will. The will must be dated and signed by the testator.

Law stated - 17 January 2023

Foreign wills

Are foreign wills recognised in your jurisdiction and how is this achieved?

If a Dutch resident who is not a Dutch national has drafted a will in accordance with the laws of their state of nationality, in principle, the Netherlands will recognise the will provided that it is valid according to the laws of the state of nationality.

Law stated - 17 January 2023

Administration

Who has the right to administer an estate?

The executor appointed in the will has the right to administer the estate. However, such a testamentary executor has very limited rights. If no executor has been appointed, the heirs administer the estate.

Law stated - 17 January 2023

How does title to a deceased's assets pass to the heirs and successors? What are the rules for administration of the estate?

Reject inheritance

It is possible to reject an inheritance. The inheritor is not responsible for the estate and will not be involved in its settlement. They will receive nothing, but also will not be liable for debts.

Purely accept inheritance

Another option is to accept an inheritance in full; all the assets and debts of the deceased person. Accepting in full can simply be done by withdrawing assets from the inheritance, or by settling depts.

Accept inheritance beneficiary

The third option is to accept the inheritance beneficiary. The inheritor is not liable for debts. This means the assets from the inheritance are withheld until it is certain that all debts have been paid.

Title to a deceased's assets passes to the heirs and successors on the basis of a notarial certificate of succession. Provided that there is no executor, the notarial certificate of inheritance gives the heirs the authorisation to administer the estate. They must take all precautionary measures to preserve the assets until the estate is divided between the heirs.

Law stated - 17 January 2023

Challenge

Is there a procedure for disappointed heirs and/or beneficiaries to make a claim against an estate?

Disappointed heirs may start a procedure before the court of first instance.

Law stated - 17 January 2023

CAPACITY AND POWER OF ATTORNEY

Minors

What are the rules for holding and managing the property of a minor in your jurisdiction?

When both parents are alive, they jointly hold and manage the property of a minor. Upon the death of a parent, the surviving parent holds and manages the property. After the death of both parents, a guardian who has been appointed in the parents' stead can take over the holding and management of the property of the minor. If there is no will, a guardian will be appointed by the court.

Law stated - 17 January 2023

Age of majority

At what age does an individual attain legal capacity for the purposes of holding and managing property in your jurisdiction?

In the Netherlands, someone can legally attain property at the age of 18.

Law stated - 17 January 2023

Loss of capacity

If someone loses capacity to manage their affairs in your jurisdiction, what is the procedure for managing them on their behalf?

In a specific will on personal matters, individuals can give the power of attorney to persons of their choice to manage their assets in case they lose legal capacity. If no such will has been made, any interested party can ask the court to declare that a person has lost the capacity to manage their affairs. The court will appoint an administrator. The administrator must report to the court.

Law stated - 17 January 2023

IMMIGRATION

Visitors' visas

Do foreign nationals require a visa to visit your jurisdiction?

Residents of the European Union, Lithuania, Norway, Iceland and Switzerland can stay in the Netherlands without applying for a visa for a period of 90 days, if they have a valid identification document. If an individual wants to stay in the Netherlands for longer than four months, the individual needs to be registered in the basic registration persons. Residents of other countries do need a visa.

Law stated - 17 January 2023

High net worth individuals

Is there a visa programme targeted specifically at high net worth individuals?

There is no specific visa programme for those individuals. The Netherlands does not offer a 'golden visa' for high net worth individuals.

Law stated - 17 January 2023

UPDATE & TRENDS

Key developments

Are there any proposals in your jurisdiction for new legislation or regulation, or to revise existing legislation or regulation, in areas of law relevant to high-net worth individuals, particularly those coming to or investing in your jurisdiction? Are there any other current developments or trends relevant to such individuals that should be noted?

Changes to the box 3 regime are expected in the coming years.

Law stated - 17 January 2023

Jurisdictions

Andorra	Cases & Lacambra
Armenia	Concern Dialog Law Firm
Australia	Kalus Kenny Intelex
Austria	DORDA
Belgium	Loyens & Loeff
Canada	Rogerson Law Corporation
Colombia	Rimôn
Cyprus	Patrikios Pavlou & Associates LLC
Germany	POELLATH
Hong Kong	Charles Russell Speechlys
Ireland	Matheson LLP
Italy	Boies Schiller Flexner LLP
Japan	Anderson Mōri & Tomotsune
Liechtenstein	Gasser Partner
Malta	GVZH Advocates
Monaco	CMS Pasquier Ciulla Marquet Pastor Svara & Gazo
Netherlands	VanLoman Tax Lawyers
Spain	Cases & Lacambra
Switzerland	Kellerhals Carrard
United Kingdom - England & Wales	McDermott Will & Emery
USA	Holland & Knight LLP