

Act of July 2nd, 1959 pertaining to rules and regulations common to a number of national taxes of the Netherlands.

(General Act pertaining to national taxes [Version in force since April 1st, 2002])

History of the Act:

The act was amended as reported in the Staatsblad (Law Gazette of the Kingdom of the Netherlands)

Staatsblad 1995, 554; Staatsblad 1996, 276; Staatsblad 1996, 653; Staatsblad 1996, 655; Staatsblad 1996, 659; Staatsblad 1997, 192; Staatsblad 1997, 279; Staatsblad 1997, 510; Staatsblad 1997, 580; Staatsblad 1997, 660; Staatsblad 1997, 735; Staatsblad 1997, 737; Staatsblad 1997, 738; Staatsblad 1998, 184; Staatsblad 1998, 446; Staatsblad 1998, 621; Staatsblad 1998, 723; Staatsblad 1998, 744; Staatsblad 1999, 30; Staatsblad 1999, 406; Staatsblad 1999, 556; Staatsblad 1999, 579; Staatsblad 2000, 216; Staatsblad 2000, 567; Staatsblad 2000, 569; Staatsblad 2000, 570; Staatsblad 2001, 419; Staatsblad 2001, 491; Staatsblad 2001, 538; Staatsblad 2001, 584; Staatsblad 2001, 639; Staatsblad 2001, 643; Staatsblad 2001, 664; Staatsblad 2002, 53

Text of the Act

We, JULIANA, by the Grace of Gods Queen of the Netherlands, Princess of Oranje-Nassau, etc., etc., etc.,

Make it known:

To all those who will see or hear this being read, Be Greeted!,

That thus We have taken into consideration that for the sake of simplifying the legislation pertaining to national taxes it is desirable to summarise rules and regulations common to a number of taxes in one statutory General Act,

Thus it be that We have heard the Raad van State, and in joint consultation with the Staten-Generaal, have approved and understood, as We approve and understand through this:

See for the Readings of the Staten-General:

Appendix to the Proceedings (Second Chamber) II 54/55, 4080; 55/56, 4080; 57/58, 4080

Proceedings II 57/58, pages 848-864, 867-916, 1018-1037, 1052-1068, 1070-1077

Appendix to the Proceedings (First Chamber) I 57/58, 4080; 58/59, 4080

Proceedings I 1959, pages 59-83.

CHAPTER I. GENERAL PROVISIONS

Section 1

1. The provisions of the Act shall apply to the levying of national taxes as well as to the levying of collection interest, revisionary interest, compensatory interest, fees for official procedures and administrative penalties that can be established or imposed under tax laws.
2. National taxes shall be understood to mean those taxes that are levied and collected by the national Tax Administration by the authority of the national government. For the

implementation of the Act, national taxes shall also be understood to be duties on imports and levies on exports as referred to in Section 1, Paragraph 2, and Paragraph 3 respectively of the Douanewet (*Customs Act*).

3. Chapter VIII, Parts 2 and 5, and Chapter IX, Part 1 shall not be applicable to the duties on imports and the levies on exports, nor to compensatory interest, the fees of official procedures, and the administrative penalties imposed with regard to the implementation of Chapter 5 of the Customs Act. Notwithstanding the first sentence of this Paragraph, Sections 62, 65, and 66 do apply to the penalties as referred to in Chapter 5 of the Customs Act.
4. Parts 5.2 and 10.2.1 of the Algemene wet bestuursrecht (hereafter referred to as the General Act on Administrative Procedure) shall not apply to the levying of national taxes.

Section 2

1. This Act shall understand
 - a. the tax legislation to mean both this Act and other legal provisions for the levying of the taxes that are covered by Section 1.
 - b. entities to mean associations, corporations, and other legal persons, partnerships, companies of legal persons under public law, and terminal capital funds.
2. Where the Tax Legislation refers to:
 - a. an association this term shall include the form of co-operation not being a legal person that in social life can be equated with an association;
 - b. an entity of governorship this term shall include the managing partner of a partnership or of a company, and the domestic representative of an entity not established within the State, as well as the person charged with the settlement in the case of a liquidation.
3. The Tax Legislation shall understand:
 - a. Our Minister to mean the Minister of Finance;
 - b. Director, inspector or collector to mean any director, any inspector, or any collector who is competent with regard to national taxes;
 - c. an open limited partnership to mean any limited partnership which can be joined by limited partners or in which limited partners can be replaced by other limited partners without the consent of all partners, both managing and limited partners, in addition to partners who are joining or replacing other partners by inheritance or bequest;
 - d. 1° The State to mean the Netherlands;
2° The Netherlands to mean 'Nederland' in the sense that for the purpose of levying and collecting income tax, wage tax, company income tax and insurance tax 'Nederland' shall be understood to include also the part of the seabed, as well as the strata beneath the seabed under the North Sea outside the territorial sea to the extent that the Kingdom of the Netherlands, under international law, has the right to exercise there its sovereign privileges for the purpose of exploring for and exploiting natural resources, as well as to include the installations and other equipment in, on, or above that territory for exploring and exploiting the natural resources of that territory;
 - e. the tax assessment to mean: the provisional tax assessment, the assessment proper, the invitation to pay, the additional tax assessment, and the supplementary tax assessment, as well as the preliminary distraining tax assessment, the distraining assessment and the additional assessment for income tax, inheritance duties, and gift tax;
 - f. share in the equity to include the title to a share of a limited partner in a limited partnership;
 - g. the Communautair douanewetboek (hereafter to be referred to as the Community Customs Code) to mean Regulation (EEC) No. 2913/92 of the Council of the

- European Communities, dated October 12th, 1992 enacting the customs code of the community (*PbEC L 302*);
- h. implementation regulation of the Community Customs Code to mean: Regulation (EEC) No. 2454/93 of the Commission of the European Communities, dated July 2nd, 1993 pertaining to the enactment of some provisions with regard to the implementation of Regulation (EEC) No. 2913/92 of the Council of the European Communities enacting the Customs Code of the Community (*PbEC L 253*);
 - i. child to mean a blood relation of the first degree and relation by marriage in descending degree;
 - j. fiscal and social security number (*sociaal-fiscaal nummer*) to mean the number under which a natural person is registered at the national tax administration, which number also serves as the registration number of the person insured for social security.
4. The governance of the national tax authority referred to in the Tax Legislation shall be executed by the officials appointed by Our Minister.
 5. All matters that by virtue or under the provisions of this Act are laid down with respect to the provisional tax assessment, tax assessment, or additional tax assessment referred to in Paragraph 3, sentence e, shall similarly be applicable respectively to the provisional distraining tax assessment, the distraining tax assessment or the distraining additional tax assessment as referred to in said sentence, to the extent that:
 - a. a provisional tax assessment as well as any advance tax payments designated in the Tax Legislation shall not be offset against a distraining tax assessment and a provisional distraining tax assessment shall not be offset against other tax assessment;
 - b. a provisional distraining tax assessment shall not be offset against a distraining tax assessment, but shall be cancelled simultaneously with the settlement of the distraining tax assessment while transferring to the distraining tax assessment the deferral of payment with regard to the provisional distraining tax assessment, any surety having been raised with regard to the provisional distraining tax assessment, as well as any payments having been made towards the provisional tax distraining assessment.
 6. Any provisions in the Tax Legislation that impose legal consequences to the entering into, the existence of, the termination of, or state of having terminated a marriage shall similarly be applicable to the entering into, the existence of, the termination, or the state having terminated a so-called registered partnership between natural persons.

Section 3

1. It shall be established by ministerial decree which director, inspector, or collector is competent.
2. Regulations shall be provided by ministerial decree with regard to the organisation of the national tax administration.

Section 4

1. Where a person lives, or where an entity is established shall be determined according to the circumstances.
2. For the application of the first Paragraph any ships and aircraft having their port of registry within the State are considered part of the territory of the State for the purpose of determining the residence of their crew.
3. For the application of the legal provisions for the implementation of Directive 90/434/EEC of the Council of European Communities, dated July 23rd, 1990 on the common fiscal regulations of mergers, split-ups, bringing-in assets, and exchanges of shares with regard to companies in different Member States (*PbEC L 225*), or of Directive 90/435/EEC of the Council of the European Communities, dated July 23rd 1990 on the common fiscal regulations of parent companies and subsidiary

companies in different Member States (*PbEC L 225*), notwithstanding the provisions in Paragraph 1 and to the extent that this follows from the said Directives, an entity is considered to be established in a Member State of the European Communities if that entity is established in the said Member State according to the fiscal legislation.

Section 5

1. A tax assessment shall be made by the Inspector by completing a tax assessment notice concerning that tax assessment. The date of the tax assessment notice shall be the date of the making of the tax assessment. The Inspector passes the tax assessment notice to the Collector of Taxes for the purpose of collecting the tax assessed as stated on that notice.
2. The first Paragraph shall similarly be applicable to the Inspector making a decision or passing a judgement entailing the establishment – which can be additional or not – of an amount due or to be refunded under the Tax Legislation.
3. In the tax assessment notice or in the notification of the decision or the judgement the Inspector shall state, in any case, the dates by which the amount due or to be refunded must be paid.
4. Notwithstanding Paragraph 1 of this Section, if the customs return has been submitted through computerised data processing facilities as referred to in Section 4bis of the implementation regulation concerning the Community Customs Code the invitation to pay can be established and issued though an electronic notice.

Section 5a

To the extent that the Tax Legislation does not provide otherwise, the Inspector, if requested, issues a decision as referred to in Section 1:3, Paragraph 3 of the General Act on Administrative Procedure within one year after such request was received.

CHAPTER II. ON TAX RETURNS.

Section 6

1. With regard to taxes which, under the Tax Legislation, are levied by means of a tax assessment, or which are paid or transferred on the basis of a tax return, the Inspector is authorised to invite to submit tax returns any person who, in his opinion, is probably liable to pay or to withhold any taxes. If the Tax Legislation has designated affairs of a third person as the affairs of a person who is probably liable to pay or to withhold taxes, the Inspector is authorised to invite that third person also to submit a tax return. Regulations shall be promulgated by ministerial decree with regard to the method in which the invitation to submit tax returns shall be made.
2. Every person who submits a request to this effect to the Inspector, shall in any case be invited to submit tax returns.
3. By ministerial decree, every person who is in the position as described in such a decree can be obliged to request an invitation to submit tax returns within a period of time to be fixed.

Section 7

1. In the invitation to submitting tax returns a statement of data is required, and the handing in or the sending can be required of any documents and other data carriers of the contents thereof, knowledge of which may be important to the levying of tax.
2. For the implementation of Paragraph 1, documents and other data carriers are understood not to include documents and other data carriers which are usually be prepared as evidence against third parties.

Section 8

1. Every person who has been invited to submit tax returns is obliged to do so by:

- a. providing the data requested in the invitation clearly, positively and without reservation by means of filling out, signing and handing in, or sending forms in the fashion to be set by ministerial decree, as well as
 - b. filing or submitting in the fashion to be set by ministerial decree the documents or other data carriers or the contents thereof requested in the invitation.
2. Submitting a tax return is different from making a request as referred to in Section 1:3, Paragraph 3 of the General Act on Administrative Procedure.
 3. If so requested, confirmation of receipt of the tax return shall be issued.
 4. By ministerial decree it can be stipulated in which cases and under which conditions the Inspector is authorised to exempt a person from the obligation to hand in or to send the data and documents and other data carriers stated in the invitation to submit tax returns.

Section 9

1. For those taxes which under the Tax Legislation are levied by means of a tax assessment the tax return shall be submitted to the Inspector within a term, to be set down by him, of at least one month from the invitation to submit tax returns.
2. The Inspector is authorised to extend the term for submission set down by him. He is authorised to set conditions to the extension which may include that data for the imposition of a provisional tax assessment should be submitted after the expiry of a certain date to be set down by him in a fashion prescribed by ministerial decree.
3. The Inspector is not authorised to exhort the taxpayer to submit a tax return any sooner than before the term referred to in Paragraph 1, Paragraph 2 respectively of this Section.

Section 10

1. For those taxes which, under the Tax Legislation, shall be paid or transferred on the basis of a tax return, the tax return shall be submitted to the Inspector or the Collector who is designated in the invitation for the submission of tax returns.
2. If the tax return is in respect of a certain period of time, it shall be submitted within a term, to be set down by the Inspector, ending at least one month from the end of that period of time. If the tax return is not in respect of a certain period of time, it shall be submitted within a term of one month, to be set down by the Inspector.
3. The Inspector is authorised to grant an extension for the submission of a tax return under conditions to be set by him.

CHAPTER III. ON LEVYING TAXES BY MEANS OF A TAX ASSESSMENT

Section 11

1. The tax assessment shall be made by the Inspector.
2. In settling the tax assessment the Inspector is authorised to deviate from the tax return and is also authorised to make the tax assessment through estimates.
3. The authority to establish the tax assessment shall expire by the passage of three years from the date on which the tax liability came into being. If an extension has been granted for the submission of the tax return, this expiry date is extended by the duration of the extension.
4. For the application of Paragraph 3 of this Section any tax liability, the amount of which can only be established after the period of time on which the tax is levied, shall be considered to have come into being at the moment that period of time ends.

Section 12

The Inspector shall take the decision not to impose an assessment on the person who has submitted a tax return by means of a decision open to appeal.

Section 13

1. In the case where the amount of the tax liability can only be established after the period of time on which the tax is levied has ended, the Inspector is authorised, in accordance with regulations to be set by a ministerial decree, to impose a provisional tax assessment up to the amount that will probably be set in the tax assessment, taking account of the setting off of any provisional assessment as well as any advance tax payments in the manner prescribed in Section 15. A provisional tax assessment of a positive amount shall not be made before the start of the period of time on which the tax is levied.
2. A provisional tax assessment of a negative amount (provisional refund) shall be made before, or in the course of the period of time concerned upon request only. Taxpayers on whom a provisional tax assessment can be made, shall be regulated by ministerial decree.
3. Subject to the provisions stated in the previous Paragraphs of this Section a provisional tax assessment can be supplemented by one or more additional tax assessments.

Section 14

1. In the cases to which Section 13 does not apply the Inspector is authorised to impose a provisional tax assessment to an amount of up to the maximum amount at which the tax assessment will be determined, from the date on which the tax liability has come into existence, such in accordance to regulations to be set by Our Minister.
2. Subject to the provisions stated in Paragraph 1 of this Section, a provisional tax assessment can be supplemented by one or more tax assessments.

Section 15

The provisional tax assessments, as well as the advance tax payments designated in the Tax Legislation shall be set off against the tax assessment or – to the amount necessary – against a decision to be made by the Inspector which shall be open to appeal.

Section 16

1. If any fact provides grounds for the suspicion that a tax assessment has been omitted wrongly or that a tax assessment has been determined at an amount that is too low, or that a reduction, exemption, refund, or collection rebate that is provided for in the Tax Legislation has been granted wrongly, or has been granted for an amount that is too high, the Inspector is authorised to impose an additional assessment to the amount of tax underlevied, or the amount of collection rebate granted wrongly or excessively. Any fact known to the Inspector or that within reason could have been known to him, shall not provide grounds for any additional assessment with the exception of the cases in which the taxpayer concerned had not acted in good faith with respect to that fact.
2. An additional assessment can also be imposed in all those cases in which taxes were underlevied because:
 - a. a provisional assessment, an advance tax levy, or an advance tax refund has been determined wrongly or has been set off for an incorrect amount;
 - b. a case has occurred as referred to in Section 2.17, Paragraph 4, Introduction and idem under 1° of the Income Tax Act 2001.
3. The authority to make an additional tax assessment shall expire by the passage of five years from the date on which the tax liability came into existence. Section 11, Paragraph 4 applies here. If an extension for submitting a tax return has been granted, the term within which an additional assessment must be made shall be extended by the duration of the extension.

4. If too little tax has been levied on a part of the object of any taxation that is kept or has come into being in a foreign country, the authority to impose an additional assessment shall expire, notwithstanding the provision in Paragraph 3 of this Section, by the passage of twelve years from the date on which the tax liability came into being.
5. If an amount has been accounted for as a loss in a year though setting it off against a previous year, and with respect to this a reduction or refund provided for in the Tax Legislation has been granted in error or has been granted for too high an amount, the authority for imposing an additional tax assessment shall remain in force for as long as additional assessments can be imposed on the year from which the amount resulted that was accounted for as a loss.
6. If a collection rebate has been granted to the taxpayer wrongly, or has been granted to him for too high an amount because the maximum amount as stated in Sections 8.9, Paragraph 2, or Section 8.9a, Paragraph 3 of the Income Tax Act 2001 was exceeded, the authority to impose an additional tax assessment shall remain in force, after the term for additional assessment as defined in Paragraph 3 of this Section has expired, for a period of eight weeks from the date on which a tax assessment imposed on this taxpayer's partner relevant to the said collection rebate, or a decision or a judgement regarding any reduction of such a tax assessment of his partner has become final.

Section 17

[cancelled]

Section 18

[cancelled]

Section 18a

1. If a decision on the establishment of the value of property under Chapter IV of the Valuation of Property Act (*Wet waardering onroerende zaken*) which under a legal provision has served as the basis for the levying of taxes, has been reviewed with the consequence that:
 - a. a tax assessment or an additional tax assessment was omitted wrongly, or has been established at too low an amount, or that a reduction, exemption, or refund provided for in the Tax Legislation was granted wrongly, or was granted for too high an amount, the Inspector is then authorised to additionally assess the underlevied tax;
 - b. a tax assessment or an additional tax assessment was established at too high an amount or that a reduction, exemption, or refund was wrongly not granted or was granted for too low an amount, the Inspector shall then nullify the wrongly established tax assessment or additional tax assessment, or reduce the tax assessment or the additional tax assessment, respectively, as yet grant the reduction, exemption, or refund provided for by the Tax Legislation.
2. Settling the additional tax assessment, respectively making a decision on the nullification, reduction, exemption or refunding under the provisions in Paragraph 1 takes place within eight weeks from the date on which the decision or judgement with regard to the reviewed determination of the value has become final. The first-mentioned decision is open to an objection.
3. If the levying of taxes is based upon the value attached to a property and if, for that property, a value is established under Chapter IV of the Valuation of Property Act for a period of time relevant to the levying of taxes, Paragraphs 1 and 2 of this Section shall similarly apply.

CHAPTER IV. ON THE LEVYING OF TAXES BY MEANS OF PAYMENT OR TRANSFER ON THE BASIS OF A TAX RETURN

Section 19

1. In the cases where the Tax Legislation prescribes the payment of taxes that became liable in a certain period of time, or the transfer of taxes withheld in a certain period of time on the basis of a tax return, the person who is liable to pay these taxes, or respectively the person who is liable to withhold taxes is obliged to pay the taxes to the Collector of Taxes within one month after that period in accordance with the tax return.
2. Regulations will be issued by ministerial decree:
 - a. with regard to the period of time for which the taxes should be paid, in which ministerial decree, at the same time, regulations can be issued according to which one or more advance payments must be made during the course of that period of time;
 - b. by virtue of which the Inspector is authorised to grant an extension to the person liable to pay tax, respectively liable to withhold tax for the payment of taxes that have become due in a period of time, or the transfer of withheld taxes in a period of time, if a request for a refund of taxes has been submitted concerning that period of time, or a period of time that has ended before, or at the same time, as that period of time.
3. In those cases not referred to in Paragraph 1 in which the Tax Legislation demands the payment or transfer of taxes upon the basis of a tax return, the person liable to pay tax, respectively the person liable to withhold tax is obliged to pay the taxes according to the tax return to the Collector of Taxes within one month from the date at which the tax liability came into being.
4. If an extension is granted for submitting a tax return, the periods of time of one month stated in Paragraph 1 and in Paragraph 3 shall be extended by the duration of the extension.
5. The General Terms Act shall not apply to the terms of one month stated in Paragraph 1 and in Paragraph 3 of this Section.

Section 20

1. If taxes that should be paid or transferred on the basis of a tax return have not been paid fully or in part, the Inspector is authorised to additionally assess the underlevied taxes. Equated with taxes not having been paid fully or in part shall be the case in which, upon a request submitted according to the Tax Legislation, an exemption or a reduction of taxes to be withheld, or a refund has been granted wrongly for too high an amount.
2. The additional assessing is made by means of a supplementary tax assessment imposed on the person who should have paid the taxes, or on the person to whom, wrongly or for too high an amount, an exemption, reduction of taxes to be withheld, or a refund has been granted. In those cases where, as a consequence of non-compliance with the provisions of the Tax Legislation by a person other than the person who is liable to pay taxes, respectively the person who is liable to withhold taxes, taxes were underlevied, the supplementary tax assessment shall be imposed on that other person.
3. The authority to impose additional assessments shall expire by the passage of five years from the end of the calendar year in which the tax liability came into being, or the refund was granted.
4. If the tax liability has come into existence through obtaining the economic ownership of property or of rights to which property is subject as referred to in Section 2, Paragraph 2 of the Judicial Taxes Act (*Wet op belastingen van het rechtsverkeer*), the authority of additional assessing, notwithstanding the provisions in Paragraph 3 of this Section, shall expire by the passage of twelve years from the end of the calendar year in which the tax liability came into being.

Section 21

[cancelled]

Section 22

[cancelled]

CHAPTER IVA. ON THE LEVYING OF TAXES BY MEANS OF AN INVITATION TO PAY

Section 22a

1. The notification referred to in Section 221, Paragraph 1 of the Community Customs Code of the amount of the duties on imports resulting from a customs liability shall be made by the Inspector through making an invitation to pay for each of the duties separately.
2. Notwithstanding the provision in Paragraph 1 of this Section the issue of the invitation to pay with regard to anti-dumping duties or compensatory levies shall be made by Our Minister of Economic Affairs or, to the extent these tariff and levies concern agricultural products, by Our Minister of Agriculture, Nature Conservation, and Fishery.
3. Notwithstanding the provision in Paragraph 1 the issue of the invitation to pay with regard to agricultural levies shall, in cases to be designated by ministerial decree of Our Minister of Agriculture, Nature Conservation, and Fishery, be made by bodies to be designated by such ministerial decree.

Section 22b

By decree of Our Minister, in concordance with Our Minister whom it also concerns, it shall be stipulated in which cases:

- a. a person shall take the place of the Inspector for applying Section 5 with regard to an invitation to pay;
- b. several invitations to pay can be joined or announced in one assessment notice.

Section 22c

1. The decision to grant a refund or to remit duties on imports as referred to in Section 886 of the implementation regulation of the Community Customs Code shall be taken by the Inspector for each of the duties separately.
2. Notwithstanding the provision in Paragraph 1 of this Section, the decision with regard to anti-dumping duties or compensatory levies shall be taken by Our Minister of Economic Affairs or, with regard to agricultural products, by Our Minister of Agriculture, Nature Conservation, and Fishery.
3. Notwithstanding the provision in Paragraph 1 of this Section, the decision with regard to agricultural levies shall, in cases to be designated by ministerial decree of Our Minister of Agriculture, Nature Conservation, and Fishery, be made by bodies to be designated by such ministerial decree.
4. By decree of Our Minister, in concordance with Our Minister whom it also concerns, it shall be stipulated in which cases various decisions can be joined or stated in one notification.

Section 22d

By implementing decree, rules shall be set for the implementation of Section 221, Paragraph 2 of the Community Customs Code.

Section 22e

1. If the correct amount of the statutory duties on imports could not be firmly established as a consequence of an act that is liable to criminal prosecution, the invitation to pay

can be made within five years to be counted from the date on which the customs liability came into being.

2. Paragraph 1 of this Section does not apply to persons whose acts or whose failure to act were not aimed at evading the duties on imports.

Section 22f

If a customs liability comes into being other than under Section 201 or Section 209 of the Community Customs Code, and one or more facts with regard to the goods necessary for the computation of the customs liability could not have been firmly established, these goods shall be assumed to have the quality following which the highest rate of the duties on imports, respectively the levies on exports apply, taking into consideration any data that could be firmly established.

Section 22g

By implementing decree rules shall be issued with regard to:

- a. rounding amounts and quantities that serve as the base for the computation of duties on imports;
- b. calculating the duties on imports if the quantity of the goods is smaller than the quantity in which the rate of duty is expressed;
- c. rounding the duties on imports, the compensatory interest, and the fees of administrative procedures due.

Section 22h

The calculation of the duties on imports are made in the currency of the Netherlands.

Section 22i

All that is stipulated in this Chapter and in the provisions which are based on it with regard to the duties on imports shall similarly be applicable to levies on exports, unless provided otherwise.

CHAPTER V. ON OBJECTION AND APPEAL

Part 1. On general provisions with regard to objection

Section 22j

Notwithstanding the provisions in Section 6:8 of the General Act on Administrative Procedure the term for lodging an objection starts:

- a. on the day from the day of the date of a tax return form, or of a copy of a decision open to objection, unless the day of the date is before the day of the announcement thereof, or
- b. on the day after the day of the date of the payment or withholding, respectively of the transfer.

Section 23

1. Any person who makes an objection against any tax assessment imposed on him, including an objection against the settlement prescribed in Section 15, or against any decision open to objection under any provision in the Tax Legislation, is entitled to lodging a notice of objection.
2. A notice of objection can also be lodged by the person parts of whose income or capital are included in the object of taxation which the tax assessment or the decision open to objection is in respect of.

3. Upon the request of the interested party referred to in Paragraph 2 of this Section, the Inspector shall inform him of the data with regard to the tax assessment or the decision, in so far as these data can reasonably be considered important to making an objection.

Section 24

Every person who objects to the amount that he has paid or transferred as tax on the basis of a tax return, or that a person liable to withhold tax has withheld from him as tax, is entitled to submit a notice of objection to the Inspector.

Section 24a

1. Every person who objects to more than one tax assessment, or decisions open to objection, is entitled to make his objections by means of one notice of objection.
2. If the amounts of the tax assessment and of a decision open to objection for which an administrative penalty is imposed, are stated in one tax assessment form, a notice of objection against the tax assessment is considered to be also directed against the penalty, unless the contrary is evident from the notice of objection.

Section 25

1. Notwithstanding the provision in Section 7:10, Paragraph 1 of the General Act on Administrative Procedure, the Inspector shall decide on an appeal against a tax assessment within one year following the receipt of the appeal.
2. Notwithstanding the provisions of Section 7:10, Paragraph 3, Sentence 1 of the General Act on Administrative Procedure, after having obtained written consent by Our Minister, the Inspector is authorised to defer the decision for a term of up to one year.
3. Expiry of the term stated in Paragraphs 1 and 2 of this Section does not discharge the Inspector from making a decision.
4. Notwithstanding the provisions of Section 7:2 of the General Act on Administrative Procedure, the taxpayer shall be heard should he so request.
5. If circumstances so compel, hearing the taxpayer can take place notwithstanding the provisions of Section 7:5 of the General Act on Administrative Procedure.
6. If the appeal is directed against an assessment, an invitation to pay, an additional tax assessment, or a supplementary assessment, or a decision on an appeal with regard to which
 - a. the required tax return has not been submitted; or
 - b. the obligations under Section 41, Paragraph 2; Sections 47, 47a, 49, 52, as well as the obligations under Sections 52a and Section 53, Paragraphs 1, 2, and 3, in so far as these provisions refer to the obligations of persons liable to keep books and records with regard to the levying of tax of which the withholding is incumbent upon him, have not been completely complied with; or
 - c. the obligation to provide information under Section 14 of the Community Customs Code has not been completely complied with; or
 - d. the obligations under Sections 8 and 9 of the Customs Act have not been completely complied with;the tax assessment or the decision shall be upheld through the decision on the appeal unless the assessment or the decision is shown to be incorrect, and it is shown to what extent it is incorrect.

The previous sentence shall not apply in so far as the appeal is against a fine for an offence.
7. In the cases in which an appeal is made against more than one tax assessment or decision open to appeal, the Inspector is authorised to pronounce his decisions in one document.

Section 25a

1. Any refund of taxes withheld, or of taxes paid on the basis of a tax return, which results from the decision by the Inspector, shall be made to the person who has submitted the notice of objection.
2. If both the person liable to withhold tax and the person from whom tax is withheld have submitted a notice of objection with regard to the same facts, and if a refund results from a decision on that objection, that refund shall be made exclusively to the person from whom tax was withheld.

Part 2. On general provisions with regard to appeal

Section 26

1. Against a decision by the Inspector an appeal can be lodged at the Court of Justice (*Gerechtshof*).
2. Notwithstanding the provisions of Section 8:7 of the General Act on Administrative Procedure an appeal can be made against a decision of the Inspector at the Court of Justice in Amsterdam if the appeal is in respect of:
 - a. an invitation to pay, or
 - b. a decision made on the basis of statutory provisions laid down in the Customs Act.
3. No appeal is allowed against the implementation of the statutory provisions on the issue with respect to which the Inspector is competent.

Section 26a

1. Every person who lodges an appeal against more than one decision is permitted to do so by means of one notice of appeal.
2. Section 24a, Paragraph 2 shall equally apply.

Section 26b

1. Without prejudice to Section 6:13 of the General Act on Administrative Procedure, the appeal can be lodged by the interested party who, under Section 23 or Section 24, was entitled to lodging a notice of objection.
2. The Inspector shall, if requested, inform the person, parts of whose income or capital are included in the object of the tax which the decision concerns, of the data with regard to the decision in as far as these data can reasonably be considered important to the lodging of an appeal.

Section 26c

Notwithstanding the provisions of Section 6:8 of the General Act on Administrative Procedure the term for lodging an appeal shall start at the day from the day of the date of the decision by the Inspector, unless the day of the date is before the day of the announcement.

Section 27

1. Chapter 8 of the General Act on Administrative Procedure, with the exception of Sections 8:1 up to and including 8:6 and Section 8:9 shall similarly apply to appeal, in so far as this Part does not provide differently.
2. Section 8:13 of the General Act on Administrative Procedure shall similarly not apply to a case that has been taken on by the Customs Chamber of the Court of Justice in Amsterdam

Section 27a

If the appeal is against the Inspector not making a decision in time:

- a. The Court of Justice is competent to decide that Chapter VIII, Part 2 shall remain applicable for a term to be set down in its decision;

- b. The Court of Justice in Amsterdam is competent to decide that Sections 13 and 14 of the Community Customs Code, as well as Chapter 2, Paragraphs 2 and 3 and Section 28 of the Customs Act shall be applicable for a term set down by its decision.

Section 27b

1. Notwithstanding Section 8:41, Paragraph 3 of the General Act on Administrative Procedure, the court duties shall amount to:
 - a. EUR 29 if a natural person has lodged an appeal against a decision other than a decision as referred to in Sentence b;
 - b. EUR 109 if a natural person has lodged an appeal against a decision with regard to the implementation of the Dividend Withholding Tax Act 1965, the Value Added Tax Act 1968, the Act on Passenger Car and Motorcycle Tax 1992, The Excise Duty Act, the Act on the Consumption Tax of Non-Alcoholic Beverages and Some Other Products, the Act on Taxes on the Basis of the Environment, or statutory provisions under the Customs Act.
 - c. EUR 218 if an appeal is lodged other than by a natural person.
2. The amounts stated in Paragraph 1 can be changed by an implementing order in so far as the consumer price index gives rise to such a change.

Section 27c

Section 8:62 of the General Act on Administrative Procedure shall apply similarly to an appeal lodged at the Court of Justice only to the extent that such an appeal is directed against a decision by which a penalty is upheld wholly or partially. In all other cases the investigation before the Court shall be in camera, but the Court of Justice is authorised to decide that the investigation shall be public in so far as the interests of any of the parties will not be damaged.

Section 27d

1. Notwithstanding Section 8:67, Paragraph 1 of the General Act on Administrative Procedure the term for postponement of the verbal decision shall be two weeks at most.
2. Any of the parties is entitled respectively is authorised, within a term of four weeks after the copy of the official report of the verbal decision is delivered to the mail, or as soon as reasonably can be demanded, to request the Court of Justice or the Judge for Provisions of the Court of Justice to replace the verbal decision by a written one.
3. In order to obtain a written decision, a court duty shall be due equal to half the court duty that would be due for an appeal for revision.
4. The Court of Justice shall comply with the request within six weeks after the court duty due has been paid to the Clerk of the Court of Justice. If the court duty has not been paid within four weeks from the day of sending a notification through which the Clerk of the Court of Justice has pointed out the liability for the court duty, the request shall be considered withdrawn. If the court duty due has been paid after the expiration of this term, the request shall nevertheless be complied with, if the person who made the request demonstrates that the court duty was paid as soon as it could reasonably be demanded.

Section 27e

If:

- a. the required tax return has not been submitted;
- b. the obligations under Section 41, Paragraph 2; Sections 47, 47a, 49, 52, as well as the obligations under Sections 52a and 53, Paragraphs 1, 2, and 3, in so far as these provisions refer to the obligations of persons liable to keep books and records with regard to the levying of tax of which the withholding is incumbent upon him, have not been completely complied with;

- c. the obligation to provide information under Section 14 of the Community Customs Code has not been completely complied with; or
- d. the obligations under Sections 8 and 9 of the Customs Act have not been completely complied with;

the Court of Justice shall declare the appeal to be disallowed, unless it is shown that the decision on the appeal is incorrect, and it is shown to what extent it is incorrect.

The previous sentence shall not apply in so far as the appeal is against a penalty for an offence.

Section 27f

1. A refund of taxes withheld or paid on the basis of a tax return resulting from a decision by the Court of Justice shall be made exclusively to the person who has lodged the appeal.
2. If both the person liable to withhold tax and the person from whom tax is withheld have lodged an appeal with regard to the same facts, and if a refund results from a decision on that appeal, that refund shall be made exclusively to the person from whom tax was withheld.

Section 27g

1. Notwithstanding the provision in Section 8:79, Paragraph 2 of the General Act on Administrative Procedure the issue of copies or excerpts to other persons than the parties shall be with the authorization of the Court in accordance with this provision.
2. With regard to written decisions the authorization referred to in Paragraph 1 of this Section shall not be forthcoming only if the Court of Justice judges on a request with regard to the decision made by one of the parties that even after having made data anonymous the confidentiality of private and financial data is insufficiently protected and, in addition the importance of the public nature of the administration of justice does not outweigh this interest.

Section 27h

Section 8:86, Paragraph 1 of the General Act on Administrative Procedure can be similarly applied only if parties have given their consent. Parties shall be referred to this in the invitation referred to in Section 8:83, Paragraph 1 of that Act.

Part 3. On appeal for revision to the Hoge Raad (*Supreme Court*)

Section 28

1. Against a written decision by the Court of Justice that was made in accordance with Part 8.2.6 of the General Act on Administrative Procedure, and against a written decision by the Judge for Provisions of the Court of Justice made in accordance with Section 8:86 of that Act, appeal for revision to the Hoge Raad (*Supreme Court*) is allowed.
2. No appeal for revision is allowed against:
 - a. a decision by the Court of Justice after similar application of Section 8:54, Paragraph 1 of the General Act on Administrative Procedure;
 - b. a decision by the Judge for Provisions of the Court of Justice in accordance with Section 8:84, Paragraph 2 of that Act; and
 - c. a decision by the Judge for Provisions of the Court of Justice in accordance with Section 8:75a, Paragraph 1 with respect to Section 8:84, Paragraph 4 of that Act.
3. Against other decisions by the Court of Justice and by the Judge for Provisions of the Court of Justice an appeal for revision is allowed only simultaneously with the appeal for revision against the decision referred to in Paragraph 1.

Section 28a

Without prejudice to Section 6:13 in conjunction with Section 6:24 of the General Act on Administrative Procedure appeal for revision is allowed by the interested person who, in accordance with Section 26b was authorised by the Court of Justice to lodging an appeal, and by Our Minister.

Section 28b

The Clerk of the Court of Justice shall forward, without delay, to the Clerk of the Hoge Raad, the notice of appeal received, a copy of the decision and the court records in his possession bearing on the decision.

Section 29

To the extent that this Part does not provide otherwise, Sections 8:14 up to and including 8:25, Sections 8:27 up to and including 8:29, Sections 8:31 up to and including 8:40, Sections 8:43, 8:52, 8:53, 8:60, 8:70, and 8:71, Sections 8:75 up to and including 8:79, and Title 8.4 of the General Act on Administrative Procedure shall similarly be applicable.

Section 29a

1. A court duty is levied by the Clerk of the Hoge Raad on the person who submits the notice of appeal. If it concerns a notice of appeal with regard to two or more related decisions the court duty is due once only. In these cases the court duty amounts to the highest amount due under Paragraph 2. If, for the purpose of obtaining a written decision by the Court of Justice or by the Judge for Provisions of the Court of Justice, the person who lodges an appeal for revision, or his predecessor in the case, has already paid court duties, these will be set off against the court duty due for the appeal for revision.
2. The court duties shall amount to:
 - a. EUR 82 if an appeal for revision against a decision other than a decision referred to in Sentence b is lodged by a natural person;
 - b. EUR 165 if an appeal for revision against a decision with regard to a decision referred to in Section 27b, Paragraph 1, Subsection *b* is lodged by a natural person;
 - c. EUR 327 if an appeal for revision is lodged by otherwise than by a natural person.
3. If the administrative body has lodged an appeal for revision and the decision by the Court of Justice is upheld, a court duty of EUR 327 is levied on the legal body concerned.
4. Section 8:41, Paragraphs 2 and 4 of the General Act on Administrative Procedure shall similarly be applicable.
5. The amounts stated in Paragraphs 2 and 3 can be changed by an implementing order in so far as the consumer price index gives rise to such a change.

Section 29b

1. The party other than the party who has lodged the appeal for revision is entitled to submit a pleading within eight weeks from the day the notice of appeal was sent.
2. In certain circumstances the party can lodge an appeal for revision through the pleading. In that case, the party who has lodged the appeal for revision shall be given the opportunity to reply to such an incidental appeal within four weeks after the pleading was sent.
3. The Hoge Raad is authorised to extend the terms stated in Paragraphs 1 and 2.

Section 29c

1. If either in the notice of appeal, or in the pleading, or within two weeks after the copy of the pleading was delivered to the mail a written request is made by the person who has lodged the appeal to be allowed to give a verbal explanation of the case, the Hoge Raad shall determine the hour at which the case can be pleaded by the solicitors. The

Clerk shall inform both parties, or the solicitors appointed by them, at least ten days in advance.

2. The solicitors are entitled to hand or send a written explanation in lieu of explaining the case verbally through a plea.
3. Section 8:62 of the General Act on Administrative Procedure shall similarly apply in so far as the appeal for revision is directed against a decision by which the full or partial upholding of a penalty is at stake.
4. In the cases other than referred to in Paragraph 3, the verbal proceedings take place in camera, but the Hoge Raad is authorised to decide that the proceedings shall be public in so far as the interests of any of the parties will not be damaged.

Section 29d

1. After the explanations have been made or received or, if these have not been requested, after the written statements have been submitted by parties, the Clerk shall hand all records to the Attorney General at the Hoge Raad if the Attorney General has made it known that he wants to be heard.
2. The Attorney General shall inform the Hoge Raad of his written opinion.
3. A copy of the opinion shall be sent to parties. Parties are entitled to have their written comments on the opinion sent to the Hoge Raad within two weeks after the copy of the opinion was sent.

Section 29e

1. The decision by the Hoge Raad shall be made in writing.
2. If the Hoge Raad quashes the decision of the Court of Justice or of the Judge for Provisions of the Court of Justice either on the grounds of what has been brought forward in the notice of appeal or on any other grounds, it shall, as part of the same decision, determine the case as the Court of Justice or the Judge for Provisions of the Court of Justice should have done. If the decision on the principal case depends upon facts that were not established in the earlier hearing, the Hoge Raad shall refer the case back to the Court of Justice concerned, or to another Court of Justice for further consideration and decision of the case, taking into consideration the decision of the Hoge Raad, unless the points are of a subordinate nature.

Section 29f

1. In a case where the appeal for revision is withdrawn by the administrative body, the administrative body, upon the request of the interested party, can be sentenced through a separate decision, in similar application of Section 8:75 of the General Act on Administrative Procedure, to pay the expenses.
2. The Clerk shall, without delay, send to this interested party a copy of the withdrawal, certified by him for truth.
3. Sections 6:5 up to and including 6:9, 6:11, 6:14, 6:15, 6:17, 6:21, and 8:73a, Paragraph 2, Sentences 1 and 2 of the General Act on Administrative Procedure shall similarly be applicable, as are Sections 29c and 29d.

Section 29g

1. If the Hoge Raad quashes the decision by the Court of Justice or by the Judge for Provisions of the Court of Judges, its decision entails that the person who has lodged the notice of appeal shall be reimbursed the court duty paid by him by the legal person to be designated by the Hoge Raad.
2. In any other case the decision may entail that the court duty paid shall fully or partly be reimbursed by the legal person to be designated by the Hoge Raad.

Section 29h

1. If a case is referred back, the Clerk of the Hoge Raad shall send the records and a copy of the decision to the Court of Justice to which the case is referred within a week.

2. If the decision does not entail referring the case back, the Clerk shall return, without delay, the documents submitted by the parties.

Section 29i

1. A refund of any tax withheld or any tax paid on the basis of a tax return resulting from a decision by the Hoge Raad shall be made to the person who has lodged the appeal for revision.
2. If the person liable to withhold tax and the person from whom tax was withheld have both lodged an appeal for revision with regard to the same circumstances, and if a refund results from a decision, the refund shall be exclusively made to the person from whom tax was withheld.

Section 30

1. Notwithstanding the provisions in Section 8:79, Paragraph 2 of the General Act on Administrative Procedure the issue of copies or excerpts to others than the parties shall be with the authorization of the Court in accordance with this provision.
2. Section 27g, Paragraph 2 shall similarly apply.

Part 4. On special provisions with regard to objection and appeal

Section 30a

1. A decision made by the Inspector on the grounds of any statutory provisions in the sense of the Customs Act shall be open to objection if this decision is to be considered a decision in the sense of Section 1:3, Paragraph 2 of the General Act on Administrative Procedure, applying Paragraph 2 of this Section, if the occasion arises.
2. Upon the request of the person with regard to whom on the grounds of any statutory provisions in the sense of the Customs Act the Inspector has taken a decision other than a decision in the sense of Section 1:3, Paragraph 2 of the General Act on Administrative Procedure, the Inspector shall confirm that decision by a separate decision. The request must be submitted within four weeks after the Inspector has disclosed the decision.

Section 30b

The person liable to keep books, records, and other documents as referred to in Section 9 of the Customs Act who does not comply, or does not comply fully with the demand to provide data carriers or the contents thereof for examination, shall be considered not to have fully complied with the obligation imposed by virtue of or under the provisions of Section 8 of the Customs Act with respect to the application of Section 25, and 27e, unless it is acceptable that the lack or the incompleteness of the data carriers or the contents thereof is due to force majeure.

Section 30c

[cancelled]

Section 30d

1. An invitation to pay with regard to anti-dumping duties, compensatory levies, or agricultural levies, respectively a decision referred to in Section 886, Paragraph 1 of the implementation regulation of the Community Customs Code to refund or to remit these duties, levies or rates is open to appeal to the Commissie van beroep voor het bedrijfsleven (*Commission of Appeal for Trade and Industry*), notwithstanding the provisions on objection and appeal in the other Sections of this Chapter.
2. Without prejudice to the provisions in Paragraph 1, every person who has submitted a customs return and, with regard to the application of the statutory provisions concerning anti-dumping duties, compensatory levies or agricultural levies objects to the rates of duty to which the Inspector has classified those goods, as referred to in

Section 20, Paragraph 3 of the Community Customs Code, is allowed to lodging a notice of objection under Section 23.

Section 30e

[cancelled]

CHAPTER VA. ON COLLECTION INTEREST AND REVISIONARY INTEREST

Section 30f

1. With regard to income tax and company income tax, interest – notably collection interest – shall be charged in the case a provisional tax assessment, a tax assessment, or an additional tax assessment is made.
2. With regard to wage tax, value added tax, conveyance tax, tax on passenger cars and motorcycles, excise duties, consumption tax on non-alcoholic beverages and on snuff and chewing tobacco, as well as the taxes referred to in Section 1 of the Act on Taxes on the Basis of the Environment collection interest shall be charged if:
 - a. a supplementary tax assessment is established because of the circumstance that the taxes due amount to more than the declared, unless the said supplementary tax assessment is the consequence of a voluntary rectification of the tax assessment which is made within three months from the end of the calendar year, or the financial year in respect of which the supplementary tax is levied;
 - b. a refund of taxes is made because of the circumstance that the taxes due amount to less than those which were declared.

Collection interest shall also be charged if, and to the extent that the taxes referred to in Subsection *a* are paid late, but before a supplementary tax assessment is established, with the exception of those cases where payment is made within three months from the end of the calendar year or financial year in respect of which the taxes paid are late.

3. The collection interest is calculated in the simple way:
 - a. with regard to income tax and company income tax: on the period of time that starts on the day from the end of the period of time on which the tax is levied and ends on the day of the date of the tax assessment form.
 - b. with regard to wage tax:
 - 1° if a supplementary tax assessment is imposed on the employee, the artist, the professional sportsman, or the foreign company, or if a refund to any of these is granted: on the period of time that starts on the day from the end of the calendar year which the supplementary levied tax is in respect of, and ends on the day of the date of the tax assessment form, or on the day of the date of the copy of the decision or notification stating the refund;
 - 2° in any other cases in which a supplementary tax assessment is imposed: on the period of time that starts on the day from the end of the calendar year which the supplementary levied taxes are in respect of, and that ends on the day of the date of the tax return form;
 - 3° in any other cases in which a refund is granted: on the period of time that starts three months from the end of the calendar year which the refund is in respect of, and ends on the day of the date of the copy of the order, the decision, or notification stating the refund.
 - c. with regard to value added tax, conveyance tax, tax on passenger cars and motorcycles, excise duties, consumption tax on non-alcoholic beverages and on snuff and chewing tobacco, as well as the taxes referred to in Section 1 of the Act on Taxes on the Basis of the Environment:

- 1° if a supplementary tax assessment is imposed: on the period of time that starts on the day from the end of the calendar year or the financial year which the supplementary levied tax is in respect of, and that ends on the day of the date of the tax assessment form;
 - 2° if a refund is granted: on the period of time that starts three months from the end of the calendar year or financial year which the refund is in respect of, and ends on the day of the date of the copy of the decision, or of the notification stating the refund;
 - d. in the case Paragraph 2, Sentence 2 applies: on the period of time that starts at the day from the end of the calendar year or the financial year which the taxes paid late are in respect of, and ends on the day of payment.
4. For the implementation of this Chapter the amount of the tax assessment shall be understood to be: the amount of the tax assessment after settling any amount following:
- a. Section 15;
 - b. Section 3.152, Paragraph 5 and Section 4.51, Paragraph 5 of the Income Tax Act 2001;
 - c. Section 21, Paragraph 3 of the Company Income Tax Act 1969.
5. The collection interest rate in a quarter of a calendar year shall be equal to the lower of the interest rate which would have been applied by the European Central Bank for basic financial transactions on the first working day of the second calendar month preceding that quarter of the year, or average rate for that day, calculated by Our Minister, of the unweighted average effective return on the last three government bonds issued, listed on the Euronext securities exchange in Amsterdam, whereby this effective rate of return is rounded downwards to one fifth of a hundred of a percentage point, and subsequently is decreased by 0.5 percentage point.

Section 30g

1. Collection interest shall be paid on the negative amount of the provisional tax assessment, on the negative amount of the tax assessment, as well as on the amount of the refund.
2. Collection interest shall also be paid for a reduction of:
 - a. the negative amount of the tax assessment: on the amount of the reduction;
 - b. the tax assessment not showing a negative amount to a tax assessment that does show a negative amount: on that negative amount.
3. Notwithstanding the provisions in Section 30f, Paragraph 3, in the case of a reduction of the tax assessment the period on which collection interest is charged shall end on the day of the date of the copy of the decision, or of the notification stating the reduction.
4. Paragraph 2 shall not be applied to a reduction of the tax assessment that results from compensating a loss in a subsequent year.

Section 30h

1. Collection interest shall be charged on the positive amount of the tax assessment, or on the amount of the taxes paid late if Section 30f, Paragraph 2, Sentence 2 applies.
2. The amount of collection interest charged shall be decreased by any reduction of the positive amount of the tax assessment, unless the reduction results from the settlement of a loss in a subsequent year.

Section 30i

1. With regard to income tax, interest, notably revisionary interest, shall be due if:
 - a. by the application of Section 19b, Paragraph 1, or Paragraph 2, Sentence 1 of the Wage Tax Act 1964 in conjunction with Section 3.81 of the Income Tax Act 2001, or of Section 3.83, Paragraph 1 or 2, or Section 7.2, Paragraph 8 of the Income

- Tax Act, the entitlement resulting from a pension scheme is considered part of the wages;
- b. under Section 3.133, or 3.136 of the Income Tax Act 2001 contributions with respect to an entitlement to periodical benefits are considered negative expenditures for provisions for income, except to the extent Section 3.69, Paragraph 1, Introduction and Subsection *b* of the said Act applies with regard to these negative expenditures for provisions for income.
 - c. under Section 3.135 of the Income Tax Act 2001 contributions to an entitlement from a pension scheme as referred to in Section 1.7, Paragraph 2, Subsection *b* of that Act is considered negative expenditure for provisions for income.
2. The revisionary interest rate amounts to 20 percent of the fair value of entitlements as referred to in Paragraph 1.
 3. In the cases in which the entitlement is obtained less than 10 years before the year in which the entitlement resulting from a pension scheme is considered wages, or the negative expenditure for provisions for income are enjoyed, upon the request of the taxpayer, the revisionary interest shall be fixed at the amount, to be made acceptable by the taxpayer, that under Sections 30f and 30h would have been charged if the possibility existed to cancel the deduction of the contributions to the entitlement through additional tax assessment on the years of that deduction. For this purpose the amounts of the additional tax assessment shall be set at 50 percent of the contributions, and the end of the period of time referred to in Section 30f, Paragraph 3, Subsection *a* shall be set down at December 31st of the year in which the entitlement resulting from a pension scheme is considered wages, or the negative expenditure for provisions for income are enjoyed.

Section 30j

1. The Inspector shall set the amount of the collection interest by means of a decision open to objection. With regard to this decision the provisions in the Tax Legislation that apply to the tax assessment on which collection interest is charged shall similarly apply.
2. The amount of the collection interest shall be stated separately on the tax assessment form, or on the copy of the decision, or through a notification. In the case where Sentence 1 does not apply, the amount of the collection interest shall be evident from the copy of the notification.
3. With regard to the revisionary interest as referred to in Section 30i Paragraphs 1 and 2 shall similarly apply.

Section 30k

Our Minister is authorised to allow deviations from Sections 30f, 30g, and 30h on certain cases or groups of cases within the context of an arrangement for mutual consultation under the Treaty to abolish double taxation in the case of correction to profits between associated companies (*Trb.* 1990, 173), the Tax Settlement for the Kingdom, or a treaty for the prevention of double taxation.

CHAPTER VI. ON THE ADVANCEMENT OF THE STATUTORILY CORRECT LEVY OF TAXES

Section 31

For the levy of direct taxes and income tax, no legal acts shall be taken into consideration which, for reason of the circumstance that they have not had as their objective any essentially change to factual relationships, or which for reason of any other defined facts and circumstances, must be assumed to not have been performed if, by these legal acts, the statutorily correct levy henceforth would be made fully or in part impossible.

Section 32

The decision of the Inspector to make a tax assessment while applying Section 31 shall be a decision open to objection and shall not be made until after Our Minister has given his consent.

Section 33

1. In the case of any doubt whether the intended legal act would come under Section 31, the interested party is entitled to submit this question to the judgement of the Inspector. The decision of the Inspector shall be a decision open to objection.
2. If the Inspector has answered the question in Paragraph 1 in the negative, Section 31 can not be applied to the legal act, if it was actually performed, unless it would appear that the facts do not correspond with the representation made in advance.

Section 34

In the case of an appeal against a decision on a notice of objection with regard to a decision as referred to in Section 32 or 33, the Court of Justice shall uphold the decision if it is demonstrated that the legal act described in the decision complies with the condition for applying Section 31, and shall revoke the decision if this is not the case.

Section 35

After the decision referred to in Section 32 has become final, it can be implemented. A tax assessment made after the decision referred to in Sections 32, or 33 has become final, can not be contested by the objection that Section 31 was not allowed to be applied.

Section 36

The terms set down in Section 11, Paragraph 3, Section 16, Paragraphs 3 and 4, and Section 20, Paragraph 3 shall be extended by the period of time that elapses between the date of the copy of the decision referred to in Section 32 and the day one year from the day on which that decision has become final, or has been revoked.

CHAPTER VII. ON PROVISIONS OF INTERREGIONAL AND OF INTERNATIONAL LAW

Section 37

Regulations can be set by implementing order, in compliance with the principles of reciprocity, by which, in conjunction with the provisions concerned included in the legislation of another part of the Kingdom, of another Power, or of an administrative entity, or in the decisions of an organisation under international law, double taxation is prevented wholly or in part.

Section 38

1. For the purpose of preventing double taxation in cases for which no other provisions has been promulgated, regulations can be set by implementing order in order to grant an exemption from or a reduction of taxes, if and to the extent that the object of the tax is subjected to a tax that is levied on the account of another country of the Kingdom, another Power, an administrative body, or an organisation under international law.
2. For the application of Paragraph 1, taxable wages from current labour shall be considered to be subjected to a tax that is levied on the account of another Power or an administrative body, if these taxable wages are enjoyed from an employment relationship under civil law with an employer established within the Country, to the extent that these wages are in respect of labour that, for a period of at least three consecutive years, has been performed within the territory of a Power with which the Netherlands has not concluded a treaty for the prevention of double taxation, and with

regard to which no regulations have been issued under Section 37 or with regard to which no regulations have been issued under Section 37 within the territory of an administrative body. For the application of the previous Sentence the territory of another Power shall be considered to include also the territory outside the territorial waters of the Power in which, in accordance with international law, it can exercise sovereign powers. Our Minister is authorised to determine that, in certain cases or groups of cases, wages are in respect of labour that was performed for a period of at least three consecutive years.

Section 39

In the cases in which international law or, in the judgement of Our Minister, international custom so impose, exemption from taxes shall be granted. Our Minister is authorised to issue additional regulations in this matter.

Section 40

[cancelled]

CHAPTER VIII. ON SPECIAL PROVISIONS

Part 1. On representation outside a court of law

Section 41

1. A person may be represented by other persons under power of attorney, or with the approval of the Inspector.
2. Every person who, under the provisions of the Tax Legislation is summoned to appear before the Inspector in order to provide verbally data and information, has himself represented for the interview, shall accompany his representative if requested to do so.

Section 42

The rights of a legal body may be exercised and its obligations may be fulfilled by any of its directors or governors.

Section 43

The rights and obligations of a minor, a person who is under legal restraint, a person who has been declared bankrupt, or a person whose capital is administered by a trustee, may be exercised and fulfilled by their legal representative, guardian, curator, trustee, or administrator. These last mentioned persons shall be bound to fulfil the obligations, if requested to do so.

Section 44

1. After a person's death all his universal heirs may be represented by one of them, by the executor of the last will and testament, or by the trustee or administrator of the estate in the exercise of rights and the fulfilment of obligations which would have been incumbent upon the deceased were he still alive. Any of the persons referred to in this Paragraph shall be bound to fulfil the obligations if he is requested to do so.
2. Any documents concerning tax matters of a deceased person shall be addressed to any of the persons mentioned in Paragraph 1.

Section 45

If there are valid reasons for so doing, the Inspector may deny a person to be represented in the fulfilling of an obligation if that person is himself capable of fulfilling that obligation.

Section 46

The provisions of this Part shall not apply to criminal proceedings.

Part 2. On obligations for the purpose of levying taxes

Section 47

1. If so requested every person shall:
 - a. provide the Inspector with any data and information which may be of importance to the levying of taxes on that person himself;
 - b. make available for that purpose the books, records and other data carriers, or the contents thereof – to the choice of the Inspector – the examination of which may be of importance to ascertaining such facts as may influence the levying of tax on that person himself;
2. In the cases in which the tax laws consider the affairs of a third party to be the affair of the person who will probably be liable to pay taxes, equal obligations shall apply to that third party to the extent of these affairs.

Section 47a

1. In respect of a company the capital of which is wholly or partly divided into shares, in which capital a body not established within the Kingdom, or a natural person not living within the Country, holds an interest of more than 50 percent, and in respect of any other type of body which is controlled by that body not established within the Country, or by that natural person not living within the Kingdom, Section 47, Paragraph 1 shall similarly apply with regard to data and information as well as data carriers which are in the possession of that body not established within the Country or that natural person. The previous sentence shall similarly apply to the cases in which two or more bodies or natural persons of whom at least one is not established or does not live within the Country hold, by joint arrangement, an interest of more than 50 percent in a company the capital of which is wholly or partly divided into shares, or are in control of another body. With regard to these data carriers, it shall suffice to make the contents thereof available for examination by means of copies, readable print-outs, or extracts.
2. In respect of the company and the other bodies referred to in Paragraph 1, Section 47, Paragraph 1 shall similarly apply with regard to data and information, as well as to data carriers which are in the possession of a company not established within the Country, the capital of which is wholly or partly divided into shares, in which capital a body not established within the Kingdom, or a natural person not living within the Country referred to in Paragraph 1, holds an interest in excess of 50 percent; or which are in the possession of another body not established within the Country of which that body not established within the Country, or that natural person are in control. With regard to these data carriers, it shall be sufficient to make the contents thereof available for examination by means of copies, readable print-outs or extracts.
3. Paragraphs 1 and 2 shall not apply, if the body not established within the Country or the natural person not living within the Country referred to in these Paragraphs is established, or lives in a State referred to in Section 2, Subsection *b* of the Act on International Assistance in the Levying of Taxes (*Staatsblad* 1986, 249), on the understanding that in the case that this is a Power with which The Netherlands has entered into a treaty for the prevention of double taxation, this treaty should contain provisions regarding the exchange of information as required to enforce the provisions of the said treaty, as well as of those of the national legislation of the States which have entered into the treaty, in respect of the levying of tax for which the Inspector

requires the data and information, as well as the data carriers. Our Minister shall indicate the States to which this Paragraph refers.

4. Notwithstanding Paragraph 3, Our Minister may authorize the Inspector to apply Paragraphs 1 and 2, if it has appeared that the required information can not be obtained by applying Paragraph 3.
5. In any refusal to comply with the obligations stipulated in this Section, the company and the other body can not successfully invoke any lack of co-operation by the body not established within the Country or the natural person not living within the Country.

Section 47b

1. Every person who requests the Inspector to be allocated to him a fiscal and social security number, or to inform him of a fiscal and social security number allocated to him, shall show to the Inspector for his examination a document stated in Section 1 of the Act on Identification in order that the Inspector shall establish his identity and shall enter the nature and number of that document in the records.
2. The person to whom the data and information stated in Section 53, Paragraphs 2 and 3 is in respect of, is according to regulations by or under the Tax Legislation obliged to inform the person or body, who is liable to keep books and records, of his fiscal and social security number, or to show for examination a document concerning him as a person as stated in Section 1 of the Act on Identification, or a current driving license issued under the Road Traffic Act, or a current driving license as referred to in Section 107 of the Road Traffic Act of 1994, as well as to provide a copy thereof to be included in the files of the person liable to keep books and records.

Section 48

1. The obligation referred to in Section 47, Paragraph 1, Subsection *b* shall apply without prejudice to any third party at whose premises are located data carriers of the person who is obliged to make these data carriers, or the contents thereof, available to the Inspector for his examination.
2. The Inspector shall simultaneously inform the person whose data carriers he requests for examination from a third party that he has made such request.

Section 49

1. The data and information shall be provided in a clear and positive fashion, and without any reservation, either in writing, verbally or in any other form – to the choice of the Inspector – within a certain time limit as set down by the Inspector.
2. Permission shall be given that copies, readable print-outs, or extracts are made of the data carriers, or the contents thereof, which have been made available for examination.

Section 49a

[cancelled]

Section 50

1. A person using a building or a parcel of land shall, at the Inspector's request, admit the Inspector and the experts appointed by him, to any part of the premises and all the land in as far as that is necessary for carrying out investigations under the Tax Legislation.
2. The admittance requested shall be provided on any day, between 8 a.m. and 6 p.m., except on Saturdays, Sundays and public holidays.
3. If the building or the parcel of land is in use for carrying on a business, or practice an independent profession, or occupation as referred to in Section 52, Paragraph 1 the admittance requested shall be provided during the hours in which that business, independent profession, or occupation is actually carried on, in as far as it is not

reasonably possible to carry out the investigation during the hours referred to in Paragraph 2.

4. The user of the building or the parcel of land shall, if so requested, provide indications and information necessary for carrying out the investigation.

Section 51

With regard to any refusal to comply with the obligations stipulated in Section 47, 47a, 47b, 48 and 49 no person can successfully appeal to the circumstance of being bound to secrecy on any account whatsoever, not even if he is bound by a pledge of secrecy under a statutory regulation.

Section 52

1. Persons who are liable to keep books and records shall be bound to keep such books and records of their financial position and of all facts pertaining to their business, independent profession, or occupation according to the requirements of that business, independent profession, or occupation in such a way, and shall retain these books, records and other data carriers in such a way, that they clearly show, at any moment in time, their rights and obligations, as well as any data which are otherwise of importance to the levying of taxes.
2. Persons who are liable to keep books and records are:
 - a. bodies;
 - b. natural persons who carry on a business or practise an independent profession, as well as persons who enjoy taxable profit from a business as referred to in Section 3.3 of the Income Tax Act 2001;
 - c. natural persons who are liable to withhold taxes and social security contributions;
 - d. natural persons who carry on activities as referred to in Sections 3.90, 3.91, or 3.92 of the Income Tax Act of 2001.
3. Anything that is recorded, registered or prepared under other tax acts shall be considered part of the books and records.
4. To the extent that by virtue of or under the provisions of the Tax Legislation it is not provided differently, persons who are liable to keep books and records shall retain the data carriers referred to in the previous Paragraphs for a period of seven years.
5. The data recorded on a data carrier, with the exception of balance sheets and statements of revenue and expenditure recorded on paper, may be transferred to and retained on another data carrier, provided that the transfer involves the correct and complete reproduction of the data, and that these data are available during the full retention period, and can be made readable within a reasonable period of time.
6. The books and records shall be organised and kept in such a way, and the data carriers shall be retained in such a way, that an audit by the Inspector can be instituted within a reasonable period of time. To this end, the person who is liable to keep books and records shall co-operate where required, which entails the provision of the necessary insight into the organisation and functioning of the books and records.

Section 52a

Persons liable to keep books and records to be designated by or under the Tax Legislation shall be bound, according to the provisions by or under the Tax Legislation:

- a. to demand the fiscal and social security number;
- b. to establish the identity on the basis of a document referred to in Section 47b, Paragraph 2; and
- c. to enter into his records this fiscal and social security number, as well as a copy of the document referred to in Section 47b, Paragraph 2, and to record the nature or the number of that document to the extent that the copy does not make clear the nature or the number of that document.

Section 53

1. To any person who is liable to keep books and records under the provisions of Section 52, the obligations regulated in Section 47 and in Sections 48 up to and including 50 shall similarly apply with regard to:
 - a. the levying of taxes on third parties;
 - b. the levying of taxes the withholding of which is incumbent upon them.
2. Without prejudice to the obligations referred to in Paragraph 1, every person liable to keep books and records who is so designated by or under the Tax Legislation shall provide to the Inspector, on his own initiative and in accordance with the regulations by or under the Tax Legislation, any data and information designated by or under the Tax Legislation that may be of importance to the levying of taxes.
3. The persons liable to keep books and records, referred to in Paragraph 2 shall record, next to the data and information referred to in Paragraph 2 the fiscal and social security number of the person to whom the data and information relate.
4. The provisions in the Introduction and Subsection a of Paragraph 1 shall not apply to the persons and bodies as referred to in Section 55, in as far as it concerns data and information referred to in that Section.

Section 53a

With regard to any refusal to comply with the obligations for the purpose of levying taxes of third parties only ministers of a faith, notaries public, solicitors, lawyers, attorneys, physicians, and chemists are entitled to appeal to the circumstances that they in the duty of their status, office, or profession are bound to secrecy.

With regard to the obligations for the purpose of levying taxes the withholding of which is incumbent upon persons liable to keep books and records, Section 51 shall similarly apply.

Section 54

Any person liable to keep books and records who does not comply with the request to provide data carriers, or the contents thereof, for examination shall be considered not to have completely complied with his obligation by or under Sections 52 and 52a with respect to the application of Sections 25 and 27e, unless it is acceptable that the absence or incompleteness of the data carriers, or of the contents thereof, is due to circumstances beyond his control.

Section 55

1. Our Ministers, public bodies and legal persons who, by or under a special law, have obtained legal personality, the institutions and departments they control, as well as bodies which mainly execute the policy of the Country, shall provide in writing, verbally or in any other form – such according to the decision of the Inspector – and free of charge, the data and information that the Inspector requests for the enforcement of the Tax Legislation.
2. If so requested, Our Minister is authorised to grant release from the obligation referred to in Paragraph 1.

Section 56

The obligations towards the Inspector under this Part shall equally apply towards every other official of the national Tax Administration designated by Our Minister.

Part 3. On the election of domicile and the issue of documents

Section 57

In notices of objection, request, appeal, pleading and opposition the person who has no permanent residence or place of establishment shall elect domicile within the Country.

Section 58

The invitation to submit tax returns to a person who does not have a permanent residence or place of establishment, as well as the issue of a document to that person according to the Tax Legislation can also be made to a permanent establishment situated within the Country for the carrying on of his business or profession, or to the residence or office of a representative living or established within the Country.

Part 4. On rectifying technicalities and exceeding terms

Section 59

1. If a request is in respect of more than one tax assessment or decision, the Inspector shall offer the petitioner an opportunity to substitute the request by as many requests as there are tax assessments or decisions. If the petitioner takes advantage of the opportunity offered, the new requests shall be considered to have been received by the Inspector on the same day as the original request.
2. A request submitted to an Inspector who is not competent shall be considered to have been submitted to a competent Inspector on the day it arrived at the first mentioned Inspector.

Section 60

With regard to a request received after the due date Section 6:11 of the General Act on Administrative Procedure shall similarly apply.

Part 5. On extending powers

Section 61

We reserve the right to decree by implementing order provisions for the purpose of securing the levying of taxes on and the collection of taxes from persons who do not have a permanent residence or place of establishment within the Country.

Section 62

Our Minister is authorised to issue regulations for the enforcement of the Tax Legislation.

Section 63

Our Minister is authorised to be lenient in certain situations or towards certain groups with respect to unfairness of a preponderant nature that may emerge in enforcing the Tax Legislation.

Section 64

[cancelled]

Section 65

1. An incorrect tax assessment or decision may be reduced by the Inspector ex officio. A reduction, exemption, or refund provided for in the Tax Legislation may be granted by him ex officio.
2. Paragraph 1 shall be similarly applicable with regard to the person who has paid or transferred an incorrect amount on a tax return, or from whom an incorrect amount was withheld.

Section 66

Our Minister may remit wholly or in part a penalty imposed by a decision.

Part 6. On secrecy

Section 67

1. It is forbidden for any person to disclose, to any further degree than is necessary for the enforcement of the Tax Legislation or for the levying or collection of any national tax, anything which, in the course of any activity for the enforcement of the Tax Legislation, or in connection therewith, comes to light or is divulged to him about the person or the business of another person.
2. Our Minister is authorised to grant release from the injunction defined in Paragraph 1.

CHAPTER VIIIA. ON ADMINISTRATIVE FINES

Part 1. On finable acts

Sub-part 1. On fines for omissions and neglect

Section 67a

1. If the taxpayer has failed to submit, or has failed to submit within the term stipulated in Section 9, Paragraph 3 the tax return for a tax that is levied on a tax assessment, this constitutes an omission for which the Inspector is authorised to impose a fine of up to EUR 1,134 at the same time as the tax assessment is made.
2. If on any year both a tax assessment and a distraining tax assessment is made, the fine referred to in Paragraph 1 shall exclusively be imposed at the making of the tax assessment. If on any year only a distraining tax assessment is established, the fine shall be imposed at the same time as the distraining tax assessment is made.

Section 67b

1. If the person liable to pay taxes or liable to withhold taxes has failed to submit the tax return for a tax that should be paid or transferred on the basis of a tax return, or has failed to do so within the term stipulated in Section 10, this constitutes an omission for which the Inspector is authorised to impose a fine on the said person of up to EUR 113.
2. The authority to impose the fine shall expire by the passage of one year from the end of the term within which the tax return should have been submitted.

Section 67c

1. If the person who is liable to pay taxes or liable to withhold taxes which should be paid or transferred on a tax return has failed to pay, has paid only in part, or has failed to pay within the term set down in the Tax Legislation, this constitutes an omission for which the Inspector is authorised to impose a fine of up to EUR 4,537.
2. For non-payment or for a partial non-payment the Inspector shall impose the fine at the same time as the supplementary tax assessment is made.
3. The authority to impose the fine for failing to pay on time shall expire by the passage of five years from the end of the calendar year in which the tax arrears came into being.

Sub-part 2. On fines for offences

Section 67d

1. If it is caused by the intent of the taxpayer that for a tax that is levied on a tax assessment the tax return has not been submitted, or has been submitted incorrectly or incompletely, this constitutes an offence for which the Inspector is authorised to impose a fine of up to 100 percent of the basis for the fine stipulated in Paragraph 2 at the same time as the tax assessment is made.

2. The basis for the fine shall be:
 - a. the amount of the tax assessment, or
 - b. if any losses have been or are taken into account, the amount at which the tax assessment would have been calculated without taking these losses into account; all this in so far as this amount would not have been levied as a consequence of the intent of the taxpayer.
3. If any losses have been or are taken into account, and as a result of this no tax assessment can be made, the Inspector is nevertheless authorised to impose the fine as referred to in Paragraph 1. The authority to impose the fine shall expire by the passage of the term that applies to making the tax assessment which could have been made if no losses were taken into account.
4. For the application of Paragraphs 2 and 3 personal deductions as referred to in Section 6.1, Paragraph 1, sub-paragraph b of the Income Tax Act 2001 shall be equated with losses.

Section 67e

1. If, with regard to a tax that is levied on a tax assessment, it is caused by the intent or gross guilt of the taxpayer that the tax assessment is determined at an amount that is too low, or that taxes are otherwise underlevied, this constitutes an offence for which the Inspector is authorised to impose on him a fine of up to 100 percent of the base stipulated in Paragraph 2 at the same time as the additional tax assessment is made.
2. The basis of the fine shall be:
 - a. the amount of the additional tax assessment, or
 - b. if any losses have been or are taken into account, the amount at which the additional tax assessment would have been calculated without taking these losses into account; all this in as far as this amount would not have been levied as a consequence of the intent or gross guilt of the taxpayer.
3. Notwithstanding the provisions of Paragraph 1, the Inspector is authorised to impose a fine within six months after the additional tax assessment is made, if the facts or circumstances of the grounds on which tax is additionally levied have become known only at or from the date six months before the expiration of the terms referred to in Section 16, and if there also exist indications that it is to be attributed to the intent or gross guilt of the taxpayer that the tax assessment is determined at an amount that is too low, or that taxes are otherwise underlevied. In such a case the Inspector notifies the taxpayer together with the issue of the additional tax assessment that it is being studied whether the imposition of a fine for an offence would be justified with regard to the additional levy.
4. If any losses have been or are taken into account, and as a result of this no additional tax assessment can be made, the Inspector is nevertheless authorised to impose the fine as referred to in Paragraph 1. The authority to impose the fine shall expire by the passage of the term that applies to making the additional tax assessment which could have been made if no losses were taken into account.
5. For the application of Paragraphs 2 and 4 personal deductions as referred to in Section 6.1, Paragraph 1, sub-paragraph b of the Income Tax Act 2001 shall be equated with losses.

Section 67f

1. If it is caused by the intent or gross guilt of the person liable to pay taxes, or liable to withhold taxes, that taxes which should be paid or transferred have not been paid, have not been paid in part, or have not been paid within the term stipulated by the Tax Legislation, this constitutes an offence for which the Inspector is authorised to impose a fine of up to 100 percent of the basis stipulated in Paragraph 2.
2. The basis for the fine shall be the amount of the taxes that have not been paid, or that have not been paid on time, to the extent that this amount has not been paid, or has

not been paid in time as a result of the intent or gross guilt of the person liable to pay taxes, or to withhold taxes.

3. For non-payment or for a partial non-payment the Inspector shall impose the fine at the same time as the supplementary tax assessment is made.
4. The authority to impose the fine for non-payment shall expire by the passage of five years from the end of the calendar year in which the tax arrears come into being.
5. Section 67e, Paragraph 3 shall similarly apply.
6. Section 20, Paragraph 1, Sentence 2, and Paragraph 2, Sentence 2 shall similarly apply.

Part 2. Provisions with regard to the imposition of administrative fines

Sub-part 1. General provisions

Section 67g

1. The Inspector shall impose the fine through a decision open to objection.
2. Without prejudice to the provisions in Section 67k, the Inspector shall notify the person liable to pay taxes, or the person liable to withhold taxes of the grounds on which the imposition of the fine rests not later than by the decision referred to in Paragraph 1.
3. At the request of any person liable to pay taxes or any person liable to withhold taxes who, because of his deficient knowledge of the Dutch language, insufficiently understands the notification, the Inspector shall see to it, as far as possible, that the grounds stated in the notification are communicated to the person liable to pay taxes or the person liable to withhold taxes in a language that he understands.
4. If a fine is imposed at the same time as the tax assessment is made, the amount of the fine shall be stated separately on the tax assessment form.

Section 67h

If the grounds for a fine relate to the amount of taxes, the fine imposed shall be reduced in proportion to any reduction, refund, restitution, or remission of taxes to the extent that this reduction, refund, restitution or remission concerns the amount on which the fine is determined.

Section 67i

1. No fine shall be imposed on any person liable to pay taxes or any person liable to withhold taxes who is deceased.
2. If a fine has not yet become irrevocable at the death of the person liable to pay taxes or the person liable to withhold taxes, the Inspector shall, at the request of an interested party, reverse the decision by which the fine was imposed through a decision open to objection.
3. If, at the moment of the decease of the person liable to pay taxes, or the person liable to withhold taxes, a fine has become irrevocable, but has not been paid or not been paid completely, the Inspector shall, at the request of an interested party, reduce the fine to the amount that has, by then, been paid through a decision open to objection.
4. The request referred to in Paragraph 2, distinctively Paragraph 3, should be submitted within five years after the person liable to pay taxes, or the person liable to withhold taxes deceased.

Section 67j

If the Inspector has performed an act against the person liable to pay taxes, or the person liable to withhold taxes from which this person could reasonably draw the conclusion that a fine will be imposed on him for a certain act, the person liable to pay taxes, respectively the person liable to withhold taxes, notwithstanding the provisions in Chapter VIII, Part 2

in as far as necessary, shall no longer be obliged to make any statement in as far as it concerns the imposition of the fine.

Section 67k

1. Before imposing a fine for an offence, the Inspector shall notify the person liable to pay taxes or the person liable to withhold taxes of his intention, stating the grounds on which this intention rests.
2. The Inspector shall provide an opportunity to the person liable to pay taxes, or the person liable to withhold taxes to contest with reasons the grounds in this notification within a period of time set by him.

Section 67l

1. The Inspector is authorised to summons for an interrogation any person liable to pay taxes, or person liable to withhold taxes of whom it can reasonably be expected that he can be imposed a fine. In this summons the Inspector shall notify him that he, should he so wish, can have himself assisted.
2. Before the interrogation starts the Inspector shall point out to the person liable to pay taxes, or the person liable to withhold taxes that he is not obliged to answer questions.
3. At the request of the person liable to pay taxes, or the person liable to withhold taxes who insufficiently understands the Dutch language, the Inspector shall see to it that an interpreter is appointed who can assist the person liable to pay taxes, or the person liable to withhold taxes during the interrogation, unless it can reasonably be assumed that there is no need for this; a fee shall be paid to the interpreter at the expense of the State under the Act of Tariffs in Criminal Cases.

Section 67m

The Inspector shall provide the opportunity to the person liable to pay taxes, or the person liable to withhold taxes to consult or to make copies, readable print-outs, or extracts of the data carriers on which the intention for imposing, or the imposition, of an administrative fine rests.

Section 67n

No fine for an offence shall be imposed on the person liable to pay taxes or the person liable to withhold taxes if he still submits a correct and complete tax return, or still provides correct and complete information, data, or indications before he came to know, or reasonably should assume that the Inspector is, or will be, cognisant of the incorrectness or incompleteness.

Section 67o

The authority to impose an administrative fine shall be cancelled if, for the fact for which the fine can be imposed, criminal proceedings have been started against the person liable to pay taxes or the person liable to withhold taxes, and the investigation by the court in session has started, or if the right for criminal prosecution has become defunct under Section 76 of the Act, or of Section 74 of the Criminal Code.

Section 67p

This Part shall similarly apply to other persons than the person liable to pay taxes, or the person liable to withhold tax on whom an administrative fine can be imposed under the Tax Legislation.

Sub-part 2. On special provisions (Customs)

Section 67q

In the imposition of the administrative fines referred to in Chapter 5 of Customs Act Section 67n shall not apply.

CHAPTER IX. PROVISIONS OF CRIMINAL LAW

Part 1. On punishable offences

Section 68

1. Any person who does not comply with the obligation imposed on him by virtue or under the provisions of:
 - a. Section 6, Paragraph 3; Sections 43 and 44; Section 47b, Paragraph 2; Section 49, Paragraph 2; Section 50, Paragraph 1; and Section 52a, Subsections *a* and *b*;
 - b. Section 7, Paragraph 2 of the Tax on Games of Chance Act;
 - c. Sections 28, Introduction and Paragraph 1, Subsections *a*, *b*, *d*, *e*, and *f*, Section 29; and Section 35b, Paragraph 5 of the Wage Tax Act 1964;
 - d. Section 9, Paragraph 1 of the Dividend Withholding Tax Act 1965;
 - e. Section 35, Paragraphs 1, 2, and 3 of the Value Added Tax Act 1968;shall be penalised by a fine of the third category.
2. Any person who under the Tax Legislation is obliged:
 - a. to provide information, data, or indications and fails to provide them, or provide them incompletely;
 - b. to make available for consultation books, records, other data carriers, or the contents thereof, and fails to do so;
 - c. to make available for consultation books, records, other data carriers, or the contents thereof, and provides these for that purpose in a false or falsified form;
 - d. to keep books and records in accordance with the requirements by virtue of or under the provisions of the Tax Legislation, and fails to keep such books and records;
 - e. to retain books, records, or other data carriers, and fails to do so;
 - f. to provide assistance as referred to in Section 52, Paragraph 6, and fails to do so;
 - g. to issue an invoice or bill, and issues an incorrect or incomplete invoice or bill;shall be penalised by a term of imprisonment of up to six months, or a fine of the third category.
3. Not liable for a penalty shall be any person who fails to comply with the obligation referred to in Section 47a as a consequence of a statutory or judicial prohibition, issued to a body not established within the Country, or a natural person not living within the Country to assist in providing the requested data or information, or to make available for consultation any books, records, other data carriers, or the contents thereof, or as a consequence of a refusal, for which he can not be held responsible, of a body not established within the Country or a natural person not living within the Country to provide the requested data or information, or to make available for consultation any books, records, other data carriers, or the contents thereof.

Section 69

1. Any person who intentionally fails to submit a tax return required by the Tax Legislation or fails to do so within the term set for such submission, or commits any of the acts defined in Section 68, Paragraph 2, Subsections *a*, *b*, *d*, *e*, *f*, or *g* resulting in any underpayment of taxes, shall be penalised by a term of imprisonment of up to four years or a fine of the fourth category, or by a fine of up to once the amount of the underpaid taxes if that amount is higher.
2. Any person who intentionally submits a tax return required by the Tax Legislation incompletely or incorrectly, or commits an act defined in Section 68, Paragraph 2, Subsection *c* resulting in any underpayment of taxes, shall be penalised by a term of imprisonment of up to six years or a fine of the fifth category, or by a fine of up to once the amount of the underpaid taxes if that amount is higher.

3. The right of criminal prosecution under this Section shall be cancelled if the person culpable of these acts still submits a correct and complete tax return, or still provides correct and complete information, data, or indications before he came to know, or reasonably should assume that the Inspector is or will be cognisant of the incorrectness or incompleteness.
4. If at the same time one of the provisions of Paragraph 1 or Paragraph 2 and those of Section 225, Paragraph 2 of the Criminal Code apply to the offence for which a suspect can be prosecuted, criminal prosecution under the said Section 225, Paragraph 2, shall be excluded.
5. Section 68, Paragraph 3 shall similarly apply.

Section 69a

The right of criminal prosecution under Section 69 concerning an offence as referred to in Sections 67d or 67e shall be cancelled if the Inspector has already imposed a fine for that offence on a person liable to pay taxes.

Part 1A. On criminal offences in general administrative orders and ministerial decrees

Section 70

Any offence against the provisions in a general administrative order issued by Us by virtue of the Tax Legislation shall be penalised by a fine of the third category, to the extent this offence is considered a punishable act.

Section 71

Any offence against the general regulations issued by Our Minister by virtue of the Tax Legislation shall be penalised by a fine of the second category, to the extent this offence is considered a punishable act.

Part 2. On general provisions of criminal law

Section 72

Acts punishable under the Tax Legislation, to which a term of imprisonment is attached, are major criminal offences. Any other acts punishable under the Tax Legislation are minor infringements.

Section 73

The criminal law of the Netherlands shall also apply to anyone who is guilty of committing any punishable offence laid down in the Tax Legislation which is committed outside the Country.

Section 74

Section 36e of the Criminal Code shall not apply to any acts made punishable under the Tax Legislation.

Section 75

[cancelled]

Section 76

1. In lieu of Sections 74 and 74a of the Criminal Code the following provisions shall apply to acts made punishable under the Tax Legislation.
2. With regard to any facts for which the official report under Section 80, Paragraph 2 has not been put before the Public Prosecutor, the right to criminal prosecution shall

be cancelled by the voluntary compliance with any conditions the Tax Administration may have determined in order to avoid criminal prosecution.

3. Such conditions may entail:
 - a. payment to the State of an amount of money to be determined at no less than EUR 2, and no more than the maximum fine which can be imposed for the act;
 - b. parting with the objects which have been seized, and which are permitted to be confiscated or to be withdrawn from circulation;
 - c. delivering objects to the State which are permitted to be confiscated, or the payment of the estimated value thereof;
 - d. payment to the State of an amount of money equal to, or lower than, the estimated advantage – including any expenditure saved – the suspect has obtained through or from the punishable offence;
 - e. compliance even now with the obligation imposed under the Tax Legislation.
4. In each case the Tax Administration shall determine the period of time within which the conditions it has imposed should be met and, if necessary, the place at which this should be done. The period of time set can be extended once before it expires.
5. Section 552ab of the Code of Criminal Procedure shall similarly apply.

Part 2A. Additional provisions of criminal law (Customs)

Section 76a

1. Complicity in the offences stated in Section 44, Paragraph 1; Section 45; Section 46, Paragraph 1; and Section 48, Paragraph 1, Subsection *a* of the Customs Act shall be punishable. In this respect Sections 48 and 49 of the Criminal Code shall similarly apply.
2. Any attempt to commit the offence stated in Section 46, Paragraph 1 of the Customs Act shall be punishable. In this respect Section 45 of the Criminal Code shall similarly apply.

Section 76b

The criminal laws of the Netherlands shall also apply to any person who is guilty of committing the offence stated in Section 48, Paragraph 1, Subsection *b* under 3° of the Customs Act outside the Netherlands.

Section 76c

If a person is convicted for the punishable offence laid down in Sections 44, 45, 46, 47, and Section 48, Paragraph 1, Subsection *a* of the Customs Act, the objects listed in Section 33a, Paragraph 1, Subsections *b* up to and including *e* of the Criminal Code can be confiscated if they do not belong to the person referred to in that Section.

Part 3. On general provisions of criminal procedure

Section 77

1. The district courts (*Arrondissementsrechtbanken*) shall pass sentence in the first instance on offences made punishable by the Tax Legislation.
2. An appeal against the sentences can be lodged to the extent that they are passed:
 - a. for major criminal offences;
 - b. for minor infringements committed by a person who, at the moment the criminal prosecution started, had not yet reached the age of eighteen years.
3. The suspects can lodge an appeal against any other sentences, if a term of imprisonment has been imposed as the principal penalty, if a fine has been imposed of EUR 113 or more, or if objects have been declared confiscated; the Public Prosecutor may appeal if he has demanded the same penalties.

Section 78

With regard to offences made punishable under the Tax Legislation, bodies shall be considered to reside at the place where they are established for the application of Section 2 of the Code of Criminal Procedure.

Section 79

[cancelled]

Section 80

1. The detection of offences made punishable under the Tax Legislation shall be incumbent upon officials of the national Tax Administration, in addition to those persons referred to in Section 141 of the Code of Criminal Procedure.
2. Notwithstanding to Sections 155, 156, and 157 of the Code of Criminal Procedure, all official records concerning offences made punishable under the Tax Legislation shall be sent to the Board of the national Tax Administration. The Board shall forward to the Public Prosecutor in charge, without delay, any official records concerning punishable offences as a result of which a person has been taken into custody or confinement, or for which a residence has been entered against the will of the occupant, together with any objects seized. The Board shall forward any other official records, together with any objects seized, to the Public Prosecutor in the case he deems a prosecution desirable.
3. The Public Prosecutor is authorised to return the case to the Board of the Tax Administration upon which it then may act according to Section 76.
4. The provisions in Section 148, Paragraph 2 of the Code of Criminal Procedure shall not apply in the cases in which the Board of the Tax Administration has not forwarded the official record to the Public Prosecutor.

Section 81

The officials charged with detecting offences made punishable under the Tax Legislation shall, at all times, be authorised to seize objects which are permitted to be seized under the Code of Criminal Procedure. They can requisition these objects to that end.

Section 82

1. In the cases in which under Section 80, Paragraph 2 the Board of the Tax Administration has not forwarded the official record to the Public Prosecutor, the provisions with regard to the Public Prosecutor that are stipulated in Section 116 of the Code of Criminal Procedure, shall apply to the Board of the Tax Administration.
2. In the cases referred to in the previous Paragraph the Board of the Tax Administration shall also be given the opportunity to be heard in the application of Section 552a and 552ab of the Code of Criminal Procedure, before the Court of Justice decides according to Section 552a, Paragraph 5, respectively Section 552ab, Paragraph 4, and notwithstanding the provisions of Section 552d of that Code, not the Public Prosecutor shall be authorised to appeal for a revision, but the Board of the Tax Administration shall. The Clerk of the Court of Justice which decides these cases under of Section 552a, Paragraph 5, or Section 552ab, Paragraph 4 of that Code, shall announce that decision to the Board of the national Tax Administration, without delay.

Section 83

In detecting an act made punishable under the Tax Legislation, the officials referred to in Section 80, Paragraph 1 shall have access to any place in as far as that is reasonably required to perform their duties. They are authorised to be accompanied by persons designated by them.

Section 84

For the purpose of the prosecution and the trial of acts made punishable under the Tax Legislation, Our Minister may, in concordance with Our Minister of Justice, appoint officials of the Tax Administration to maintain contact with the Public Prosecutor.

Section 85

The Clerks shall provide to the Board of the Tax Administration, at its request and free of charge, a copy or excerpt of judgements and sentences passed in criminal tax cases.

Section 86

With regard to announcements of the Courts of Justice concerning acts that have been made punishable under the Tax Legislation the officials of the national Tax Administration have delegated the powers under the Code of Criminal Procedure to officials appointed for the execution of the duties of the police.

Section 87

With regard to the enforcement of decisions of the Court of Justice concerning acts made punishable under the Tax Legislation the officials of the national Tax Administration shall have the powers of bailiffs.

Section 88

1. The officials of the national Tax Administration shall also be charged with the detection of:
 - a. the major criminal offences laid down in Sections 179 up to and including 182 of the Criminal Code that are committed against them;
 - b. the major criminal offence laid down in Section 184 of the Criminal Code, if the order or demand has been made by virtue of the Tax Legislation, or if the act has been performed in the enforcement of the Tax Legislation.
2. The Sections 152, 153, 157, and 159 of the Code of Criminal Procedure shall apply in this respect similarly to the officials.

Part 4. On additional provisions of criminal procedure (Customs)

Section 88a

1. With regard to the statutory provisions concerning the offences made punishable under the Customs Act and in extension of Section 53 of the Code of Criminal Procedure, the Inspector is authorised to conduct to a place for interrogation, or order the arrest or arraignment of, any person suspected of an offence who is arrested at or in a bonded warehouse, a space for temporary storage, a location, railway yard, port, airport, grounds, building, yard, or transport vehicle, such as referred to in Sections 12 and 14 of the Customs Act, or in just having left a location or transport vehicle.
2. A person referred to in Paragraph 1 can also be brought before the Inspector in whose territory of competence that person has been arrested.
3. If the Inspector who has arrested the suspect, or before whom the suspect is brought, deems custody or confinement necessary, he shall have the suspect arraigned before the Public Prosecutor or an Assistant Public Prosecutor.
4. If the suspect is not arraigned before the Public Prosecutor or an Assistant Public Prosecutor, the suspect shall be released immediately after having been interrogated.
5. The suspect shall not be kept for interrogation for a period longer than six hours with the understanding that the time between midnight and nine a.m. shall not be taken into account.

Section 88b

1. Goods that have been seized with respect to the commitment of punishable offences as referred to in the statutory provisions under the Customs Act can be released against surety, to the extent the requirements of the investigation, or the public interest

do not oppose their destruction or their being rendered unusable, if necessary after taking samples in accordance with regulations to be set by ministerial decree.

2. The provision in Paragraph 1 shall not be applied to goods seized in the cases in which the Board of the national Tax Administration has forwarded the official report to the Public Prosecutor under the provisions in Section 80, Paragraph 2.
3. The surety given under Paragraph 1 shall substitute the goods seized for the application of provisions with regard to confiscation and seizure, as well as for the execution of the right of recovery.

Section 88c

1. Public announcement in accordance with regulations by ministerial decree shall be made of any goods that, with respect to the commitment of punishable offences as referred to in the statutory provisions under the Customs Act, have been seized from unknown persons.
2. If, within a year from the date of the announcement referred to in Paragraph 1, it has not become evident to a sufficient degree who has committed the offences of the statutory provisions referred to in that Paragraph in respect of which the goods were seized, and equally if the party interested in the goods has failed to demonstrate that the goods were seized unlawfully, the goods shall accrue to the State.

CHAPTER X. ON TRANSITIONAL AND CONCLUDING PROVISIONS

Section 89

[Contains amendments to other regulations]

Section 90

The provisions issued by virtue of the Act of June 14th, 1930 (*Stb.* 244), laying down provisions for the prevention of double taxation, are considered to have been issued by virtue of Chapter VII.

Section 91

The Act of January 13th, 1922 (*Stb.* 9) concerning the imposition of provisional tax assessments in direct taxes, is repealed.

Section 92

The Act of April 29th, 1925 (*Stb.* 171) for the advancement of the statutorily correct levy of direct taxes is repealed.

Section 93

The Act of June 28th, 1926 (*Stb.* 227) laying down provisions with regard to exceeding terms stipulated in tax laws is repealed.

Section 94

The Act of April 23rd, 1952 (*Stb.* 191) laying down provision with regard to the substitution of the fiscal emergency legislation is repealed, with the exception with regard to punishable offences having been committed.

Section 95

1. The provisions of the Act shall come into effect at a date to be designated by Us which can be different for both the various provisions of the Act and for the various taxes and periods of time in which, or on which, they can be levied.
2. To the extent the provisions of this Act with regard to any tax have come into effect, the provisions in other tax laws concerning the subjects regulated in the first

mentioned provisions shall remain not applicable with respect to that tax, with the exception of punishable offences that have been committed.

Section 96

The Act can be quoted as “Algemene wet inzake rijksbelasting” (*General Tax Act*)

Order and Command that these shall be included in the *Staatsblad*, and that all Ministerial Departments, Authorities, Colleges and Officials, to whom this concerns, shall maintain the accurate implementation.

Issued at the Palace of Soestdijk on the Second Day of the Month of July in the Year of Our Lord 1959.

JULIANA

The State Secretary of Finance
VAN DEN BERGE

The Minister of Justice
A.C.W. BEERMAN

Promulgated on the twenty and eighth day of August 1959.
The Minister of Justice
A.C.W. BEERMAN