



Caribisch Nederland
Belastingdienst



Opbrengstbelasting

This folder offers you information on Opbrengstbelasting

What is meant by Opbrengstbelasting?

Revenues are payments made by so-called legal entities. The most common example of revenues is the distribution of profits. Other examples are what is paid by a Foundation or Special-Purpose Assets ('Doelvermogen'). The different possibilities of revenues are listed on our website.

What are legal entities?

NV's and BV's are the most common entities for Opbrengstbelasting, but this terminology refers also to other forms such as foundations, cooperatives or mutual associations.

There is a total overview on our website.

It is a prerequisite of the Opbrengstbelasting for the entity to be established on the BES-islands.

For whom is the Opbrengstbelasting applicable?

The persons who receive revenue are taxable. However, they do not have to file a tax return for Opbrengstbelasting. The withholding agents/

entities are in fact the entities that provide the revenues (similar to the 'Loonbelasting'). However, the one who receives the revenue must report this on the Inkomstenbelasting tax return.

Why is an establishment decree ('vestigingsplaatsbeschikking') important?

Foundations and special-purpose assets which are established on the BES-islands, automatically fall under the Opbrengstbelasting, as do the entities which were admitted into the so-called 'Handels- en dienstentrepot'. This does not apply for other entities: these entities are even considered as being established in the European part of the Netherlands and therefore falls under the Dutch 'vennootschapsbelasting'. Nevertheless, it is not the intention for all entities, which are actually established on the BES-islands, to be taxed in the Netherlands.

Entities can request the inspector for a 'vestigingsplaatsbeschikking' in which he declares that the entity is established on the BES-islands.

Entities that possess such a 'vestigingsplaatsbeschikking' will be taxed with Opbrengstbelasting. The conditions are listed on the website.



Opbrengstbelasting

Attention!

If no request for a disposition is made, the Belastingdienst assumes that the entity falls under the Dutch 'Vennootschapsbelasting' (taxable at a rate of 20 – 25,5% on the profit) and possibly under the 'dividendbelasting'. Therefore it is of great importance – if applicable – to request a 'vestigingsplaatsbeschikking'.

What is the rate of the Opbrengrstbelasting?

The rate of the Opbrengrstbelasting is 5%. The withholding entity deducts the amount payable. The amount received is a net payment, namely a payment reduced by the payable tax.

It is possible that the withholding entity takes the amount payable for its own account. The revenue, for instance the dividend, will be paid in gross. In that case the withholding entity has to pay more tax because the payment of the 5% tax is also considered as a profit for the tax payer. The revenue must then be 'grossed'.

In that case the withholding entity must multiply the revenue with 100/95.

Two calculation examples:

An NV puts a dividend of USD 50.000 at the disposal of the shareholder.

1. Net

The tax is 5% of USD 50.000 which is USD 2.500
The shareholder receives USD 47.500

2. Gross

The tax is 5% of $100/95 \times \text{USD } 50.000$ which is 2.631
The shareholder receives USD 50.000

The withholding entity must pay the Opbrengrstbelasting which has been withheld on declaration, within 15 days after the end of the quarter. You will find the tax return form Opbrengrstbelasting with explanatory notes on our website.

Are there special provisions?

There are at least two special provisions for the Opbrengrstbelasting. These have to do with the issuance of a note and the submission of the annual documents.

Issuance of notes

The entity that pays the revenue has to issue a note hereof to the recipient containing the name and address information of both the entity that grants the revenues as well as the recipient hereof. More information on what exactly should be stated on the note and how to go about this can be found on our website.

Submission of annual documents

The entity is obligated to submit annual documents annually to the Belastingdienst, within 9 months after the expiration of the financial year. If the entity possesses a 'vestigingsplaatsbeschikking' as described before, the entity will receive an invitation, before the expiration of the 9-month term, to submit the annual documents.

