



EXPLANATORY NOTES TO THE OPBRENGSTBELASTING RETURN FORM

These explanatory notes to the opbrengstbelasting return are issued once. This information is also available from the Belastingdienst www.belastingdienst-cn.nl website.

Should any amendments be made to these explanatory notes then you will receive a new version and the website will be updated.

The opbrengstbelasting is a periodic self-assessment tax, i.e. the withholding agent withholds the tax due and pays the tax to the Belastingdienst at the end of each period.

Opbrengstbelasting returns are submitted for a calendar quarter.

You submit opbrengstbelasting returns solely when revenue is paid to the entitled party in the relevant quarter. Consequently, a return does not need to be submitted when no revenue has been paid out.

When you submit your return you must also pay the tax due.

You can pay in cash at the tax office, or transfer the amount to the Belastingdienst's account number. The bank account numbers you may use are stated on the return form.

Make sure that your bank transfer states the same payment reference as the reference on the return form. The method you use to determine the payment reference is explained under 'Kwartaal/jaar ('Quarter/Tax year').

Enter only whole dollars in the boxes you use to enter the amounts. You may always round down the amount to the nearest dollar.

Notes to each section

N.a.w. gegevens/ adresgegevens ('name and address')

Your name and address as known to the Belastingdienst are stated on the return. If this information is incorrect or you wish post to be addressed to your tax consultant then you can state this on the rear of the form.

CRIB-nummer ('CRIB number')

The CRIB number is the unique number the Belastingdienst uses to identify you.

Kwartaal/Belastingjaar ('Quarter/Tax year')

This is the quarter and the year for which this form is applicable. You submit opbrengstbelasting returns for specific calendar quarters.

Betalingskenmerk ('Payment reference')

Since you do not necessarily submit a return every quarter you will need to specify the payment reference. One part is fixed, namely the CRIB number and '103'. You supplement these with the following 8 digits that identify **the last day of the period for which the return is submitted: ddmmyyyy**. When, for example, you submit a return for March 2011, then the payment reference is (CRIB number).103.31032011 (the CRIB number and '103' are already printed on the form). You must tick the box for the relevant tax return quarter.

Opbrengst ('Revenue')

You enter the value of the revenue you have paid to the recipient in this section.

Soort Opbrengst ('Type of revenue')

You can pay revenue in cash or in kind. One form of revenue in kind is the issue of shares. Tick the box for the relevant type of revenue.

Vrijgestelde opbrengst ('Exempted revenue')

It is possible that the revenue you pay out is exempted from opbrengstbelasting. This is the case when:

- the revenue is paid to a body established on the BES islands that has a participating interest in the body that pays out the revenue.
- the revenue originates from a foundation or a special purpose fund and is paid to a religious, ideological, charitable, cultural or scientific institution or charitable cause established or organised within the State which is focused on the general good or a social interest.
- the revenue originates from a foundation or special purpose fund formed for a pension scheme pursuant to Article 6A of the *Wet loonbelasting BES* ('Wages and Salaries Tax Act, BES')

Totaal aan te geven bedrag ('Total sum to be declared')

You must state whether the revenue is paid gross or net in the 'Totaal aan te geven bedrag' section. The revenue is usually paid out net. You then pay the revenue to the entitled party after withholding opbrengstbelasting. For example, the gross revenue to be paid out is \$ 1,000. You withhold the 5% opbrengstbelasting, \$ 50, and transfer the tax to the Belastingdienst. You pay the remaining \$ 950 to the shareholder.

However, it is also possible that you pay the gross revenue to the entitled party. You then bear the cost of the opbrengstbelasting. The payment of the tax that would normally be borne by the taxpayer (the recipient of the revenue) is then also revenue for the recipient. For this reason tax must also be paid on this additional revenue. This is referred to as 'grossing up', whereby the tax due is 5% of 100/95 of the revenue.

For example, 5% of 100/95 of \$ 1,000 = \$ 52.

Ondertekening ('Signature')

You state your name in this section and sign the return. The return is, in principle, signed by the director of the body.

You do not make any entries in the Belastingdienst section. If you wish to receive a confirmation of receipt for the return then make sure that you have a copy of the return with you. You can then have this stamped and dated with the date the return was submitted.

Other obligations

In addition to submitting opbrengstbelasting returns, you also have two further obligations.

Issue of revenue notes

At the time you pay revenue to persons entitled thereto, for example the shareholders of a company, you are obliged to issue a revenue note.

These explanatory notes are accompanied by a number of return forms and some revenue notes you can use when you pay revenue.

When you need more revenue notes then you can download copies from the aforementioned website.

Submission of annual accounts

You are obliged to submit annual accounts to the inspector within 9 months after the end of the financial year. The annual accounts are comprised of a balance sheet, profit and loss account, and explanatory notes. The annual accounts must comply with the provisions as referred to in Article 15, Book 2 of the *Burgerlijk Wetboek BES* ('Civil Code, BES') or in equivalent foreign regulations. Consequently, when the financial year runs parallel with the calendar year you are obliged to submit the financial accounts before 1 September of each year. You can request a deferral of the submission of the annual accounts. The method you use to request deferral is explained in the invitation to submit the annual accounts that you receive well in advance.