

WLP-Law is a boutique law firm, operating out of Amsterdam, the Netherlands, specializing in business and tax law. Our aim is to provide legal and tax advice at the highest level with a hands-on personal approach.

De Boelelaan 32  
1083 HJ Amsterdam  
The Netherlands

Quarterly Alert

April 2016



## Doing Business in the Netherlands 2016

Based on the global business environment rankings published by the Economist Intelligence Unit (EIU), the Netherlands is one of the best places in the world to do business in. One of the most important reasons to do business in or through the Netherlands is the highly educated, flexible and motivated workforce in the Netherlands. Dutch professionals are among the most multilingual in the world, enabling them to successfully operate in companies in any industry, serving customers across the globe.

The central geographical position of the Netherlands combined with accessibility and excellent infrastructures are other reasons why many European, American and Asian companies have established offices in the Netherlands. In addition, the Port of Rotterdam is the world's largest seaport, and Schiphol Airport is one of the major business hubs in Europe. As the gateway to Western and Eastern Europe, the Netherlands enables companies to serve markets in the Member States of the European Union, in the Middle East, and in Africa. Although it is a small and densely populated country with over 17 million citizens, the United Nations Human Development Report ranked the Netherlands in the top five of the best countries in the world to live in. The costs of living, housing, education and cultural activities are lower than in most Western European countries.

Please find below the legal and fiscal environment that companies need to consider when doing business in the Netherlands.

[Read more](#)

# LEGAL ALERTS

## **Following the EU Anti-money laundering directive adopted on May 20, 2015 the Dutch government has now publicly stated its outline for implementation thereof in the Netherlands, resulting in a publicly available ultimate beneficial owner (UBO) register for companies incorporated in the Netherlands**

---

On 20 May, 2015 the European Parliament adopted the so-called Anti-money laundering directive (AMLD). The Directive seeks to prevent money laundering and terrorism. Further to the same, the Dutch Minister of Finance informed the Dutch Parliament on the outlines of the implementation of the directive in the Netherlands. Set forth below is a summary of the informational letter to Parliament by the Minister.

[Read more](#)

## **The implementation of European Directive 2013/34/EU concerning the introduction of the so-called 'micro-company'**

---

As of 1 November, 2015 the 'Implementation Act Directive Annual Accounts' (*Uitvoeringswet Richtlijn Jaarrekening*) came into force, implementing Directive 2013/34/EU concerning the annual accounts, consolidated financial accounts and related reports of certain forms of legal entities.

The most important amendment is the introduction of a new legal entity, the so-called 'micro-company'. This micro-company entails a completely new article, namely article 2:395a of the Dutch Civil Code (DCC), which introduces a simplification of the set of rules concerning the annual accounts. The new rules shall apply mandatorily to the annual accounts drawn up over the financial year of 2016, and can be voluntarily applied to annual accounts regarding the financial year 2015.

This legal update sheds a light on the most significant changes implemented by the Implementation Act.

[Read more](#)

## **The Assessment of Employment Relationships Act (DBA) was adopted by the Senate on 2 February, 2016. A brief overview of the consequences for members of the supervisory board**

---

On Tuesday 2 February, 2016 the Senate adopted a bill called the Assessment of Employment Relationships Act. This Act will replace the Declaration of Independent Contractor Status (*Verklaring Arbeidsrelatie, VAR*). For members of the supervisory board it will mean an end to the exemption of the withholding of income tax under the VAR.

---

However, a few days before the vote, the Dutch State Secretary of Finance made a remarkable statement on the changes in the tax position of the members of the supervisory board. At 26 January, 2016 the Dutch State Secretary of Finance promised the Senate that he would abolish the implied contract of labour through a policy decision and a modification in the Wages and Salaries Tax Act. Following is a brief overview of the consequences caused by the DBA.

[Read more](#)

## TAX ALERTS

### **Dutch holding companies regime back on Brazilian grey list of privileged tax regimes**

---

On 25 January 2016, the Dutch State Secretary of Finance informed the Dutch Parliament on certain current events concerning Brazil. The Brazilian tax administration recently issued a policy decision which puts Dutch holding companies without substantial economic activities (back) on the privileged tax regime grey list. Holding companies located in countries on this list are subject to stricter Brazilian tax legislation. Obviously, Dutch holding companies engaged in an active trade or business should not be affected and therefore not be included in the Brazilian grey-list.

[Read more](#)

### **2016: new Dutch legislation implements Action Point 13 of the BEPS project (Country-by-Country reporting)**

---

Not long after the OECD introduced a final set of measures (Action Points) to end the exploitation of international tax loopholes and provide transparency concerning the international tax position of multinationals, Action Point thirteen of the Base Erosion & Profit Shifting (BEPS) project (concerning Country-by-Country reporting) has been implemented in Dutch tax law as of January 1, 2016. This Action Point concerns the standardized documentation requirements for multinationals. The documentation requirements include:

- a Country-by-Country report (CbC-report);
- a master file;
- a local file.

This Alert highlights the consequences of this new legislation for multinational enterprises (MNE's).

[Read more](#)



Copyright © 2016, WLP-Law All rights reserved.

*This alert is intended to highlight issues for general reference only. It is not comprehensive nor does it constitute legal, tax or financial advice. Any information contained herein is subject to change at our discretion. This information should not be relied upon in any specific factual or legal situation and does not cover all laws or regulations that may be applicable. You should seek professional advice before making use of any of the information. WLP-Law gives no warranty as to the accuracy or completeness of this information. No liability whatsoever is accepted by WLP-Law in this respect. This alert relates to Netherlands law only.*

**Contact us:**

De Boelelaan 32  
1083 HJ Amsterdam  
The Netherlands

Tel: +31 (0)88-2001300

Tel: +31 (0)20-4040044

E-mail: [reception@wlp-law.com](mailto:reception@wlp-law.com)

Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#)

MailChimp