

JFCBS' Guide on Status, Privileges, and Exemptions

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1. Introduction

This guide is issued by JFCBS to provide practical information on the status, privileges, and exemptions of staff members employed by or attached to HQ Joint Force Command Brunssum in The Netherlands or to one of its administratively supported entities. These rights derive from the 1951 Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA), the 1952 Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty (Paris Protocol) and several other international agreements. The agreements are implemented by the host nation in various Dutch laws, decisions and regulations, including the *“Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen 1994”*, *“Algemene Douane regeling”*, *“Wet Basis Registratie Personen”*, *“Vreemdelingenwet”*, *“Wet Arbeid Vreemdelingen”*, *“Wegenverkeerswet”* and *“Regeling Rijbewijzen”*. This Guide is based on applicable international agreements, domestic legislation and HQ JFCBS Directives.¹

This guide is not a statutory document and no rights may be derived from it. Non-compliance with this directive may – however – constitute a violation of the above-mentioned NLD legislation and could have serious consequences. A violation of Dutch laws may result in administrative measures (e.g. confiscation of a vehicle, suspension of driver license, etc.) or criminal sanctions (fines, incarceration). Additionally, the violation of JFCBS Directives could result in the suspension of privileges (pending investigation) or other administrative measures (temporary parking ban) taken by COM JFCBS. This guide is available on the NATO UNCLAS portal on the website of the JFCBS and is updated regularly to reflect the latest developments.

For questions relating to privileges and immunities, staff members and dependents can refer to Dutch Customs office, Vehicle Registration Office, Pass & Privileges office, the NLD Royal Marechaussee, J1 (for NATO International Civilians), National Support Elements or the legal office at JFCBS.

2. Definition of status of staff members and their dependents

2.1 Categories

Staff members employed or attached to JFCBS or other NATO entities in the Netherlands fall in various categories.² These categories are defined by the NATO SOFA and Paris Protocol and consist of – in simplified terms:

¹ International agreements, such as the Ottawa Agreement (Agreement on the Status of the North Atlantic Treaty Organization, National representatives and International Staff signed in Ottawa, 20 September 1951) and other bilateral agreements applicable to e.g. NAPMA, NCIA or bilateral agreements between the host nation and sending nation (e.g. the US-NLD agreement) are not described here.

² Personnel employed at other entities (NCIA, NAPMA) may have different privileges than personnel employed at JFCBS and other International Military Headquarters. Equally, forces stationed at NATO SOFA units (EATC, MRTT etc.) may also have different privileges. The guide is intended to give a generic overview and will have footnotes in case of specific situations.

a. Members of the force

i.e. military personnel.

b. Civilian Component

The Civilian Component consists of civilian personnel either in the employment of the sending Ministry of Defence or in the employ of NATO in an A, B, C or L Grade. Excluded from this category are Dutch nationals.

c. Dependents

- Spouse and equivalent relationships:
 - i. Spouse by marriage: i.e. the customary husband/wife relationship sanctioned by marriage. A married partner is considered a spouse if the relationship is considered a valid marriage in the sending state. This is also true in case of those relationships referred to as common law marriages;
 - ii. Registered partners. In this case, proof of a registered partnership is required.
 - iii. Relationship based on factual co-habitation – Evidence of factual cohabitation of minimum 6 months. Proof of cohabitation includes a cohabitation agreement, rental contract or other documents.
- Children: Children are those children of the staff member who are dependent upon the staff member's financial support.

2.2 Confirmation of status in the ACO/ACT Missions Identification System (AMIS)

JFCBS will confirm the status under the NATO SOFA and Paris Protocol and issue a so-called "AMIS" card on which the status and privileges of staff members and dependents are registered. The procedure to obtain an AMIS card is as follows: upon arrival in the Netherlands, military personnel and their dependents proceed to their National Support Element (NSE) to which determines their status. NATO International Civilians and their dependents will contact the JFCBS J1 office. For JFCBS supported elements, the respective HR department or National Support Element will confirm status.

After J1, HR Department or the NSE has confirmed the status, the staff member and dependents will visit the "Pass and Privileges" office of the JFCBS to request the issuance of an AMIS card. The AMIS card is a blue NATO ID card which can be used to access the HQ but may also serve as a digital ration card for purchases at the shops on base. A card will not be issued to dependents of ages under 12 years old. Dependents who are of an

age between 12 and 18 years may be issued an AMIS card if requested by their sponsor, but will not be allocated rationed items.

3. Visa and residency permit

3.1 Visa and residence permit

In general, Dutch immigration rules apply to everyone who wishes to enter the Netherlands. In many cases a visa is required to cross the outer European Union's borders in order to ultimately enter The Netherlands. The NATO SOFA and Paris Protocol or EU Regulations, however, exempt certain staff members and dependents from this requirement.

a. Members of the force (military personnel)

Members of the force are exempt from immigration rules of the host State under the NATO SOFA and Paris Protocol. Therefore, military personnel will not be issued a visa to enter The Netherlands. Instead, upon arrival at the border control they will present their passport / national military ID and travel order.³ Members of the force also do not require a residence permit.⁴

b. EU passport-holder - Civilian component and dependents

EU passport holders do not require a visa to enter The Netherlands. Upon arrival, they present solely their passport. EU passport-holders do not require a residence permit.

c. Non-EU passport-holder – Civilian component and dependents

Non-EU passport-holders may require a visa to enter The Netherlands. A list of nationalities that require a visa to enter The Netherlands is available at www.mfaservices.nl/schengen-visa/schengen. Non-EU passport-holders will require a residence permit, which will be issued by the Netherlands' Royal Marechaussee on base. The process for obtaining a residence permit is explained below.⁵

3.2 Process to obtain a residence permit

Newly arriving non-EU civilian staff members and non-EU dependents of both military and civilian personnel need to visit the Dutch Royal Marechaussee office on JFCBS base to obtain the necessary documents of lawful residence after arrival in the Netherlands.

The Royal Marechaussee will issue – on behalf of the Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*, IND) of The Netherlands – a residence permit in the size of a plastic credit card. JFCBS advises staff and dependents to always carry their residence card and to present it upon request to the Dutch

³ Article III NATO SOFA

⁴ Vreemdelingencirculaire 1994, 2.2.1.2

⁵ Vreemdelingencirculaire 1994, 2.2.2

authorities.

Staff members and dependents may stay in The Netherlands for the duration of their assignment. Certain exceptions are allowed, for instance in case a family member wishes to finish his or her scholastic year in The Netherlands. Also, an extension of certain privileges and residency may be granted.⁶ For those situations, refer to the Legal Office of JFCBS, the Dutch Customs Office and the NLD Royal Marechaussee on base for further assistance.

3.3 Issuance of official declarations by the Royal Marechaussee or JFCBS

If for any reason a staff member requires an official declaration regarding his or her status in the Netherlands, he or she can apply for one through J1 or the NLD Royal Marechaussee. These will declare in writing that the person concerned is registered as a NATO staff member at the NATO entity in the Netherlands.

Official declarations are only issued if they are needed for contact with the official Dutch authorities. It should be noted that public service providers such as electricity and gas suppliers are not government authorities.

All other declarations, such as proof of residential address, can be obtained from the municipality. At any time a request can be made for an extract of the registration in the Municipal Personal Records Database from the municipality.

4. Registration with the Municipality

4.1 The Municipal Personal Records Database (BRP)

The Municipal Personal Records Database (*Basisregistratie Personen*, BRP) is a database which the Municipality maintains. This database contains information on the number, names and addresses of the residents and is needed by the municipality for the implementation of specific laws and local regulations as well as for the administration of the municipality.

The BRP contains information on residents, but also on people who once lived in The Netherlands but moved abroad, persons that are here temporarily (e.g. students or cross-border employees), diplomats and other persons with special status. Staff members and their dependents are requested to register at the town hall in Heerlen in the RNI register, or at one of the other 19 locations (www.rijksoverheid.nl/onderwerpen/privacy-en-persoonsgegevens/vraag-en-antwoord/waar-registratie-niet-ingezetenen-rni). This registration is necessary to be able to obtain government services in the Netherlands. It is important to register oneself in the correct

⁶ In principle, only the privilege to continue to drive a tax-exempt vehicle in The Netherlands can be extended. Other privileges are ordinarily not extended, such as on-base tax free shopping.

category. The following paragraphs will explain the registration process at the Municipal database.

4.2 RNI – Registration as a non-resident

Registration of non-NLD staff members and their family members is only possible at certain municipalities⁷, due to the specific conditions under which the registration occurs, i.e. the registration at the BRP will be in the Registry of non-Residents (Registratie Niet-Ingezetenen, RNI). It is important that the Municipality is informed of the NATO status of the staff members, so that registration is carried out in accordance with the status under NATO international agreements.⁸ The registration is not mandatory, but is often essential in dealings with the NLD government.

After collection of the AMIS card at the JFCBS Pass & Privileges office and – where applicable – a resident permit at the NLD Royal Marechaussee, it is advisable to visit one of the 16 City Halls that process RNI registration. There is one in Heerlen, close to JFCBS (Geleenstraat 27, 6411 HP Heerlen). The City Hall in Heerlen is one of the municipalities that can register NATO staff members in the RNI. It is necessary to book in advance an appointment and to bring passport, the NATO AMIS card, a rental contract or other document of residence and where applicable the residence permit.

Staff members are advised to inform the municipality of any changes that may occur, such as changes in civil status, birth of a child⁹, death of a registered member of the family or changes of address of staff members. Be mindful that in many cases, the staff member is initially accommodated in a temporary accommodation such as a hotel or AirBnB and that in case of relocation to a more permanent accommodation the city hall needs to be informed of the new address.

4.3 BSN – Citizen Service Number

When registering in the RNI, the municipality will issue a “Citizen Service Number” (*Burgerservicenummer*, BSN), which is required to get access to various services in the Netherlands. A number of Dutch agencies and national organizations use the BSN for their specific tasks when registering the personal data of privileged persons, for instance:

- Healthcare: BSN is used by hospitals, dentists, medical doctors, medical insurance companies etc. in their administration. Also the BSN is the single point of reference in the communication in the health care sector.

⁷ Heerlen, Groningen, Leeuwarden, Zwolle, Almelo, Alkmaar, Amsterdam, Utrecht, Leiden, Den Haag, Westland, Rotterdam, Nijmegen, Doetinchem, Breda, Eindhoven, Venlo, Goes and Terneuzen.

⁸ Article 2.6 Wet BRP (MvT) jo. Article 21 Besluit BRP.

⁹ The birth must be registered within three working days with the Registrar of Births, Deaths, Marriages and Registered Partnerships (*ambtenaar van de burgerlijke stand*) at the town hall (*gemeentehuis*) of the municipality in which the child was born.

- Education: It is mandatory for Dutch schools, after school daycare and daycare facilities to use the BSN in their administration.

Staff members and family members obtain a BSN by registration in the RNI municipality database. The BSN will be sent by letter to the address of the staff member registered in the RNI. It is important to note that this letter is issued only once by the Dutch authorities. Therefore, the letter containing the BSN should be kept with care.

For staff members already having registered in the Netherlands prior to 10 December 2013, the Social Fiscal number (SoFi number) issued by the Tax and Customs Administration has been replaced by a BSN.

4.4 DigiD

Residents can “electronically” identify themselves when requesting services from Dutch authorities. The service is called DIGID (DIGital ID), which is a digital personal identity code, consisting of a secure digital key which allows individuals to get secure online access to various government websites. Unfortunately, at the moment, NATO Staff members cannot obtain a DigiD as it is technically not possible to obtain a DigiD with just a RNI-registration. This means that in many cases staff members and their dependents will need to present themselves in person to the government office, for various municipality services and services from national organizations.

5. Permission for dependents to work in The Netherlands

5.4.1 Work permit

A work permit is a permit for foreigners to be able to work in The Netherlands. The Netherlands’ immigration regulations determine the conditions by which a work permit will be granted. Often, the residence permit already contains information whether a work permit is required. This is normally mentioned on back-side of the residence permit (TWV or tewerkstellingsvergunning vereist, TWV niet vereist)

Dependents may require a work permit to work in The Netherlands. Generally speaking, EU nationals with an EU passport are permitted to engage in gainful employment in the Netherlands. Non-EU passport holders may be required to obtain a work permit.¹⁰ The responsibility to obtain a work permit rests with the future employer.¹¹

¹⁰ Regeling Uitvoering Wet Arbeid Vreemdelingen 2014. Herziening Wet Arbeid Vreemdelingen 2009

¹¹ Certain nationalities are exempted from obtaining a work permit. This includes EU/EEX citizens, but also e.g. American citizens on the basis of a bilateral agreement between The Netherlands and the USA “*Notawisseling houdende een verdrag tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Verenigde*

For tax and social security purposes, working in the Netherlands always requires possessing a BSN number, which is obtained automatically as a result of registering in the RNI.

5.4.2 Working in The Netherlands, fiscal consequences and participation in the Dutch social security system

Staff members employed or attached to a NATO headquarters are exempt from income tax and social insurance contributions as mentioned in the next chapter. This exemption relates only to their status as a NATO employee or dependent.

The exemption does not apply in relation to gainful employment other than with NATO. It is important to note that in case of engaging in employment in The Netherlands, dependents are responsible for paying the income tax and the employee part of the social insurance contributions.¹²

Employment other than with NATO does not have consequences with regard to the registration in the BRP. Even when a dependent or Staff member takes up duties other than for NATO, he or she remains as a “non-resident” in the municipal database.¹³ This could cause some administrative complications, e.g. relating to tax declarations and other governmental services. For questions on this particular topic, please refer to the JFCBS legal office.

6. Social security in The Netherlands

6.1 General information

The Netherlands has a compulsory social security system. The system assists people who receive insufficient income (permanently and temporarily) due to unemployment, a disability, disease or pension.

Residents in The Netherlands or those that generate income in The Netherlands will contribute to the national social security system. National insurances and services consist of:

- a. the basic State’s pension (*Algemene Ouderdomswet, AOW*)
- b. National surviving relative benefits (*Algemene Nabestaandenwet, ANW*)
- c. Long-term care (*Wet langdurige zorg, Wlz*)

Staten van Amerika tot wijziging van de overeenkomst inzake de tewerkstelling van gezinsleden van diplomaten”; Washington, 11 juli 2013.

¹² E.g. Article 16 (1)(a) Besluit Uitbreiding en Beperking Kring Verzekerden

¹³ Article 21 Besluit Basisregistratie Personen.

d. childcare benefits (*Algemene Kinderbijslagwet, AKW*)¹⁴

6.2 Exemption to the obligatory participation in NLD social security

Military personnel¹⁵ and NATO International Civilians of NCIA and NAPMA¹⁶ and their dependents¹⁷ are automatically exempted from the obligatory participation in NLD social security. Military personnel¹⁸ and NATO International Civilians¹⁹ at JFCBS are also automatically exempted. Dependents of NATO International Civilians working at JFCBS can request exemption from the social security provisions in the Netherlands.²⁰ If an exemption exists there is neither a right to receive social benefits. The exemption can be requested at SVB online at www.svb.nl. A declaration of J1 on the status of the staff member needs to be attached to the request.

However, if dependents or staff members perform activities (work or volunteer activities) in the Netherlands other than for NATO, they are subject to the Dutch social security system with respect to those activities. In those cases, the individual is an obligatory participant in the social security system of The Netherlands and would e.g. be required to take out obligatory health care insurance.

6.3 Health care

Under the Healthcare Insurance Act, Dutch citizens are required to take out healthcare insurance, with an insurer of choice.

Most staff members will be exempt from this obligation on the basis mentioned in the previous paragraph. Therefore, there is no obligation to take out a Dutch health care insurance. Military staff members ordinarily are insured through their national service, while NATO International Civilians will have a compulsory health care insurance with Allianz.

For convenience, EU military staff members, spouses and dependents (until 18 years old) could request register their national (sending state) health care insurance with CZ. CZ is a national institution that administers foreign health care insurers. By registering, the staff member and dependents will not receive a bill for health care. Instead, the medical bill will be sent to the health care insurer through CZ. This service is initiated by filling out EU form 109 or S1 and submitting this through the NSE to CZ. This system is not available

¹⁴ Articles 2(1) Wet Langdurige Zorg, 14(1), 14(3), 16(1), 16(2), 21(b) Besluit Uitbreiding en Beperking Kring Volksverzekerden.

¹⁵ Article 16(1) Besluit Uitbreiding en Beperking Kring Verzekerden Volksverzekeringen.

¹⁶ Article 14(1) Besluit Uitbreiding en Beperking Kring Verzekerden Volksverzekeringen.

¹⁷ Article 14(3) Besluit Uitbreiding en Beperking Kring Verzekerden Volksverzekeringen.

¹⁸ Article 16(1) Besluit Uitbreiding en Beperking Kring Verzekerden Volksverzekeringen.

¹⁹ Article 14(1) Besluit Uitbreiding en Beperking Kring Verzekerden Volksverzekeringen.

²⁰ Article 21(b) Besluit Uitbreiding en Beperking Kring Verzekerden Volksverzekeringen.

if the spouse or dependent is gainfully employed in The Netherlands.

If a staff member or dependent has gainful employment in The Netherlands, other than for NATO, they will become a participant to the Dutch social security system. This means that an appropriate Dutch health care insurance needs to be taken out, even if the military spouse has a health care insurance from their sending State.

7. Fiscal privileges

7.1 General information

Staff members may enjoy certain fiscal privileges. The fiscal privileges are regulated in the NATO SOFA and Paris Protocol as well as through bilateral agreements between The Netherlands and Supreme Headquarters Allied Powers Europe (SHAPE). Moreover, these agreements are implemented into Dutch law in a variety of regulations.²¹ This chapter deals with the various exemptions and privileges that staff members and their dependents may enjoy.

7.2 Income tax

Staff members are exempt from Dutch income tax in relation to earnings from their sending State's employment²² or – in case of NATO International Civilians – NATO.²³ The exemption from taxation on income in The Netherlands does not mean that income from sending State earnings may not be taxed by the sending nation of the staff member.

The exemption from income tax excludes taxes on income not related to their official activities in the Netherlands, e.g. on immovable property located in the Netherlands (such as second homes) and other taxable income.

7.3 Customs duties

Customs duties are levied on goods that originate from outside the European Union and are imported into the Netherlands. Staff members are exempted from customs duties on tangible movable goods and under the conditions set out below.²⁴

²¹ Chapter 7 Algemene Douaneregeling and the Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen.

²² Article X NATO SOFA, Article VII(1) Paris Protocol

²³ Article VII(1) Paris Protocol

²⁴ Article X NATO SOFA

7.3.1 Gifts, personal items or replacement goods

a. ordered by mail

Certain goods ordered by normal mail are exempted from import duties. These goods fall in two categories. The first category is 'gifts'. The second category is 'replacement items'. The interpretation of these categories resides with Customs. This means that if a certain item is not considered a gift or replacement item, NLD Customs may impose import duties.²⁵ Certain mail handling offices (DHL, UPS etc.) may charge a service fee and import duties as part of their mandate by the Customs. The customs duties can be reimbursed, but the service fee imposed by the handler cannot. To request tax exemption, the individual needs to obtain a declaration from the NSE or J1 that the ordered items are gifts or a replacement item and destined for personal use of the staff member or dependent.

b. brought personally into the Netherlands

Gifts and replacement goods that are not ordered by mail, but brought by the individual personally are exempted from import duties.²⁶ The individual needs to declare in writing that the ordered items are gifts or a replacement item and destined for personal use. The declaration needs to be verified by the NSE or J1 and a copy needs to be provided to the NLD Customs office.

7.3.2 Goods ordered through military mail (e.g. BFPS, APO)

NSEs are entitled to order goods for their forces, staff members and dependents.²⁷ In practice, the staff member can order items through the NSE by using the military mail system. The items will arrive at the NSE and will be stamped by the Commander of the NSE. NLD Customs may conduct inspections at the military mail office.

7.3.3 Importation of goods through the on-base shop

No customs duties are levied if goods are ordered through and imported by the concessionaire shop on base.²⁸ The price of the imported goods is exclusive of duties, a request for reimbursement is therefore not required.

7.3.4 Importation of goods through online shops or ordering from shops outside the Netherlands.

If goods are ordered from a shop, which is registered outside the EU, custom duties are usually levied. For instance, if a product is bought on Aliexpress.com (a China based shop), customs are ordinarily levied. It is possible to receive reimbursement of the custom duties by filling out a form which is available at NLD Customs and on the intranet website of JFCBS.

²⁵ Article 7.16ga(1,2) Algemene Douaneregeling

²⁶ Article 7.16ga(3) Algemene Douaneregeling

²⁷ Article 7.16k Algemene Douaneregeling

²⁸ Article 7:16d(b) Algemene Douaneregeling

7.4 BTW – Value Added Tax

7.4.1 Introduction

Non-Dutch Staff members and their dependents are entitled to purchase goods VAT-free within The Netherlands as well as in other EU member States. VAT is an abbreviation of “Value Added Tax”. This tax is added to the value of goods. A limited entitlement for Dutch military members exists to purchase VAT-free goods at the on-base shop (B&S).

7.4.2 Purchases of goods at the on-base shop

A VAT exemption exists on goods purchased at the on-base shop.²⁹ The shop itself has an inventory of various goods, but other goods in the assortment of the shop may be sold upon order. Information is available at the shop itself. The price of the goods sold on the on-base shop are exclusive of VAT. No reimbursement is therefore required.

7.4.3 Purchases of goods in The Netherlands

Non-Dutch Staff members may purchase goods on the local market. The VAT on these goods can be reimbursed, if the shop is registered and authorised by the Dutch government to provide tax-reimbursable goods to staff members.³⁰ There is a limit for the VAT-reimbursable goods:

- Only goods of a value of more than 46 euro shall be considered for VAT reimbursement. Any goods below this threshold will not be reimbursed for the VAT portion.
- Alcoholic beverages, tobacco products and food are excluded
- Real estate and permanent fixtures are excluded
- Vehicles, boats and aircraft are also excluded

7.4.4 VAT exemption on purchases of goods within the EU, but outside The Netherlands

Non-Dutch Staff members may purchase goods exempt from VAT outside of The Netherlands, but within the EU territory. A special certificate for each transaction in the other EU member state is needed in order to prove to the supplier and to the tax authorities of the state in question that the person is entitled to tax exemption. The tax authorities of the EU member state in which the supplier is located decide whether there is eligibility for a tax exemption or a tax refund in that member state. The VAT on these goods can be reimbursed through a form EU151, available online: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2011.077.01.0001.01.ENG

7.4.5 Rationed items: tobacco and alcoholic beverages

The Netherlands’ government has exempted staff members from taxation on rationed items (alcoholic beverages over 22% and tobacco).³¹ The exact amounts of rationed items will be made available when

²⁹ Article 42(1) Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen

³⁰ Article 42(a) Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen

³¹ Article 42(2) Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen

obtaining the AMIS card, which serves as the digital ration card. Rationed items can only be purchased in the on-base shop and only by those over 18 years of age. Dutch military personnel are allowed to purchase rationed items.

Ration scales. The rations scale per week:

1. Tobacco scales

- a. For entitled personnel:
300 cigarettes, or
60 cigars, or
100 cigarillos, or
250 grams of tobacco.

- b. For dependants aged 18 and above:
80 cigarettes, or
20 cigars, or
30 cigarillos, or
100 grams of tobacco.

2. Alcohol Scales.

For eligible individuals, 2 litres of alcohol with an alcohol content of over 22%.
Other alcohols, wines and beers in reasonable quantities

7.5 Municipality taxes

7.5.1 Introduction

Municipal taxes are taxes levied by municipalities. They differ from governmental taxes, which are levied by the central government. They also differ from municipal service fees. The latter are not taxes, but reimbursement for specific services that the municipality provides. Staff members are entitled to exemption from certain municipal taxes under conditions set out in the paragraphs below.

7.5.2 Types of municipal taxes

a. Dog tax

Staff members are exempted from paying dog-tax in their municipality (*hondenbelasting*). Dog tax is a tax levied on owners of dogs.

b. Water authority charges

Water authority tax is a tax used to maintain dykes and waterways, as well as for water management and water purification. The taxes are collected in the Limburg area by the governmental institute called *Belstingsamenwerking Gemeenten en Waterschappen* (BSGW).

These charges are specified into: 1. a water system levy for owners (*watersysteemheffing eigenaren*) paid by the owner and user of the premises; 2. a water system levy for residents paid by the occupier (*watersysteemheffing ingezetenen*); 3. a water treatment levy (*zuiveringsheffing*). Exemption is granted to non-Dutch staff members and Dutch military staff members.

Staff members are eligible for exemption from VAT on these charges.³² A request can be submitted together with the request for the VAT refund using the form available at the NSE or J1 (NIC). An application for a refund of tax paid on tap water must be submitted with the tax authorities within 13 weeks of dispatch of the final invoice by the water company.

c. Energy tax

Staff members (including NLD military staff members in the employ of an international military headquarters (JFCBS, CCOE)) are exempted from energy tax. The exemption is granted through a refund on the basis of the energy company's final invoice. These invoices must be submitted to the JFCBS Housing Office within 13 weeks of dispatch of the final invoice by the energy company. The refund application should be combined with that for a VAT refund in respect of the energy company's final invoice.³³

7.5.3 Charges for services rendered

It should be noted that no exemptions are granted in respect of charges levied for specific services rendered. No exemption is therefore granted in respect of administrative charges (*leges*), betterment levy (*baatbelasting*), sewage charges (*rioolrechten*), waste disposal charges (*afvalstoffenheffing*), waste collection charges (*reinigingsrechten*) and toll charges. An example of a betterment levy is a charge for the construction of a new sewerage system to which the property in question is connected.

8. Privately Owned Motor Vehicles

8.1 Introduction

The importation, purchase and use of motor vehicles in The Netherlands is subject to a variety of taxes and duties. Non-Dutch Staff members, however, enjoy certain exemptions to these levies. This chapter will explain the types of taxes and duties and the privileges that the staff member enjoys to that respect.

³² Regeling Vrijstelling Diplomatieke en Internationale Vrijstelling Waterschapsbelasting

³³ Article 42(c) Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen

8.2 Importation of tax-paid vehicles

Upon taking up duties, staff members are requested to register their personal motor vehicles with the Vehicle Registration Office (VRO) at JFCBS within 14 days from the date of entry of the vehicle into The Netherlands. Motor vehicles for which taxes were paid in the country of origin and brought into The Netherlands are exempt from NLD taxes and duties. To be able to drive in The Netherlands, these vehicles need to change their foreign license plates to Dutch (yellow-black) license plates. To obtain Dutch license plates, the vehicle must be registered at VRO. After registration, the NLD Customs will confirm the tax-exempted status.³⁴ NLD Customs requires the vehicles to be presented to them. There are no limits on the amount of tax-paid vehicles brought into the Netherlands as long as they are for personal use.

At the VRO, several documents have to be delivered in order to register the vehicle. These include:

a. Technical inspection record

The Netherlands' legislation requires that all vehicles in The Netherlands are technically in sufficient good shape to drive on the public roads.³⁵ The technical inspection record is also called "APK" in The Netherlands. Staff members are exempt from obtaining an APK. Nevertheless, The Headquarters and NATO member States will respect national laws and therefore require individuals to drive with their vehicle in a safe way. Therefore, staff members are required to obtain a 'limited' APK for their vehicle, which consists of a minimal check on the suitability of the vehicle to use public roads. An APK can be obtained from any licensed APK provider or on base.

The timing of the periodic technical inspection (APK) requirement is based on vehicle's built date including month and year:

1. Petrol: First inspection due in 4 years, then 2 years again and another 2 years after that and then every year thereafter.
2. Diesel: First inspection due in 3 years, then every year thereafter.
3. Vehicles with an unknown month will be assessed as due in June per previous agreement with RDW.

b. Certificate of Title

In order to establish ownership of the vehicle a certificate of title of the sending state is required.

c. AMIS card

In order to identify the staff member, it is necessary to show the AMIS card.

³⁴ Article 7:16(f) Algemene Douaneregeling

³⁵ Article 26 Wegenverkeerswet

8.3 Purchase and /or importation of a tax exempt vehicle

Prior to purchasing a tax-exempt vehicle (i.e. a vehicle on which never taxes have been paid) it is paramount that the staff member will avail himself of his eligibility for tax privileges by visiting the Customs office on base. The Customs office will inform the staff member on eligibility. NLD Customs requires the vehicles to be presented to them for registration.

8.3.1 General conditions

Staff members are entitled to purchase and/or import one tax-exempt vehicle every 12 months. Registration of additional tax-exempt purchases and/or importation of vehicles is only possible after 365 days calculated from the date for the registration by VRO of the last tax-exempt vehicle registered. The categories of vehicles which are subject to this restriction are:

- a. Automobiles
- b. Motorcycles
- c. Campers, and
- d. Quads.

Caravans, trailers and mopeds (less than 50cc) do not fall within this restriction. However, these vehicles must also be registered to obtain correspondent registration plates.

The tax exemption is granted on the condition that the vehicle is for the personal use of the staff member and is only valid during the stay of the staff member in The Netherlands.

The vehicle must therefore not be given away, rented out or in any other way put at the disposal of third parties.

8.3.2 Purchase of a tax-exempt vehicle within The Netherlands

Tax-exempt vehicles need to be registered at the VRO in order to enjoy the tax and duty privileges in The Netherlands and to obtain Dutch license plates. New vehicles include a VAT and BPM tax. Like on any other goods which are purchased, VAT is levied on motor vehicles as well. Staff members are exempt from VAT on motor vehicles under the constraints outlined above. BPM is an additional tax on vehicles. Similar to the VAT exemption, staff members are exempted from BPM as well, in accordance with the limitations set out above.

The process of registration is almost the same as the process of bringing a vehicle into The Netherlands upon arrival. The following documents will be requested:

- a. AMIS card;
- b. Certificate of Conformity;
- c. Invoice on the name of the eligible individual

The vehicle is purchased normally at the distributor or dealer. This company will issue an invoice after the vehicle is purchased. This invoice needs to be handed over to NLD Customs in order to process the VAT and BPM exemption.

8.3.3 Purchase of a tax-exempt vehicle from another EU member State

Vehicle purchased from another EU member State can be imported exempt of VAT and BPM. As the purchase is from within the EU, no custom duties are levied.

Similar to the purchase of a vehicle in The Netherlands, the following documents are requested:

- a. AMIS card;
- b. Certificate of Conformity;
- d. Invoice.

For this process, EU form 151 is used, which is available pre-filled at the NLD Customs Office.

8.3.4 Purchase of a vehicle from a non-EU member State

Vehicles bought and imported from outside of the EU will be levied with not only VAT and BPM on arrival, but also with custom duties. Also in this case, the staff member is exempt from VAT, BPM as well as custom duties.

Registration of the vehicle follows the same procedure: the following documents are needed:

- a. AMIS card;
- b. Certificate of Conformity;
- d. Invoice.

With respect to the processing and exemption of VAT, BPM and custom duties, no specific form is used.

8.4 Purchase of a taxes-paid vehicle from a non-privileged individual in the Netherlands

Since taxes and duties have already been paid in case of a purchase of second-hand vehicle, registration of the vehicle is not obligatory with VRO. It is however advisable to register with respect to MRB (Road Tax).

8.5. Insurance

Every vehicle in The Netherlands needs to be insured.³⁶ The minimum level of insurance is a 3rd party liability insurance. Any Dutch-registered authorised insurance company can insure vehicles.³⁷ In some cases, foreign insurance companies also operate in The Netherlands (such as triple A). There are also insurance companies present on-base. Be aware that the insurance can expire or become invalid if there is a failure in payment of the (monthly) fee. In essence this constitutes a crime as the car is then un-insured. It is therefore paramount to have a valid insurance at all times.

It is advisable to insure a vehicle for the value inclusive of VAT and custom duties. If the vehicle is stolen, NLD customs may request the payment of VAT and other levies.

8.6 Selling (including gifting), scrapping or exporting a tax-exempt vehicle or when the vehicle is stolen or is considered total loss

If the staff member does not require the vehicle at a certain point, he or she may choose to sell, export or scrap the vehicle.

If a vehicle is no longer used in the Netherlands for the purpose for which the exemption was granted, the taxes for which the exemption was granted must, as a rule, be paid. It is advisable to ask Customs at JFCBS to calculate the amount of tax due.

Under certain conditions, NLD Customs will not request VAT, BPM or custom duties if the car is sold, scrapped or exported. The conditions under which this occurs and the process is described below.

³⁶ Wet Aansprakelijkheid Motorvoertuigen

³⁷ The insurance company has to be registered at the The Netherlands' database for vehicle insurers (WAM)

a. Sale of a tax-exempt vehicle

In case of a sale of a tax-exempt vehicle to a non-privileged person during the tour in the Netherlands, the staff member should request VRO to obtain proof ownership and de-register the vehicle as well as inform Customs at JFCBS. Customs will calculate the tax on the day-value and request the person concerned to pay for the taxes due at the NLD Customs office. The vehicle can then be registered at the RDW.

If the tax-free vehicle is sold to another privileged individual, no taxes or customs duties need to be paid. Please refer to the procedure set above regarding the purchase of a vehicle from another privileged person.

b. Scrapping a vehicle

If a vehicle has to be scrapped, it is first necessary to obtain written permission from customs by submitting a request to that effect. Customs will then send a written notice stating whether it will grant permission and under what conditions.

c. Exporting a vehicle

If the vehicle is exported, the vehicle should be deregistered at VRO. At Customs, the staff member needs to obtain the “verklaring” or declaration, acknowledging the intent to export the vehicle.

When the vehicle has arrived at its export destination, it shall be registered at national vehicle registration authorities. A copy of this registration and the photos of the destroyed NLD license plates need to be returned to VRO and NLD Customs.

Failure to return the registration certificate and other documents means that customs, VAT and BPM may still be levied by NLD Customs.

This process does not prejudice any possible tax and customs liabilities that may occur in the country of export. The tax-free vehicle is sold to another privileged individual, no taxes or customs duties need to be paid. Please refer to the procedure set above regarding the purchase of a vehicle from another privileged person.

d. Stolen vehicle

If your tax-free vehicle has been stolen, you need to file a stolen vehicle report at the local police office. Two situations may occur when tax liability arise:

- *The stolen vehicle will not be found within one month and is considered lost*
The NLD customs assumes that the vehicle is still within the EU or The Netherlands and the owner will therefore incur VAT and customs liabilities
- *The stolen vehicle is found within one month but is considered total-loss*
The procedure mentioned in the paragraph below relating to total-loss vehicles will be followed.

Eligible individuals are entitled to replace a stolen vehicle with another tax-free vehicle, irrespective of the 12-month period.

e. Total loss declared vehicle

If the vehicle has damages to such a degree that it is considered total loss, you will be held liable for the taxes and custom fees resting on the vehicle. It is therefore recommended that every vehicle should have an insurance covering the complete market value of the vehicle, inclusive of taxes.

Eligible individuals are entitled to replace a total-loss declared tax free vehicle with another tax-free vehicle, irrespective of the 12-month period.

8.7 Annual Motor Vehicle Tax (*motorrijtuigen-/wegenbelasting*)

Owners of vehicles pay an annual motor vehicle tax. This tax is used to maintain the roads within the Netherlands. The amount of tax depends on a variety of factors, including the weight of the vehicle and the CO2 emission.

Staff members are exempted from the motor vehicle tax on vehicles (*motorrijtuigen-/wegenbelasting*) intended for personal use (including use by their dependants) on the first 2 registered vehicles. Exemption from motor vehicle tax is granted on condition that the vehicles concerned have been registered through JFCBS.³⁸

³⁸ Article 42(f) Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen

8.8 Tax and excises exemption on fuel

Staff members, including NLD staff members, who own a vehicle, have an exemption on taxes and excises on fuel for a maximum of 150 litres.³⁹ The reimbursement for taxes and fuel is administratively handled by the service office “FORAX”.

8.9 Driving licences

Driving in the Netherlands is only permitted with a valid driving licence. Driving without a driving licence is a criminal offence. Privileged staff members and their dependents are entitled to continue to use their foreign driving license in The Netherlands as long as the foreign driving licence is valid. If the foreign driving license has expired, the license should be renewed or exchanged for a Dutch license. Staff members and their dependents should be mindful of potential restrictions of using their national driving licences in other EU countries, depending on the applicable laws of those countries (e.g., the potential need for an international driving permit).

9. Immunity

The NATO SOFA and Paris Protocol do not accord diplomatic immunity from civil or criminal jurisdiction to staff members and their dependents, with the exception of the Commander JFCBS and Deputy Commander JFCBS, which is further regulated through a bilateral agreement between The Netherlands and SHAPE. The NATO SOFA and Paris Protocol do, however, confer in certain cases primary jurisdiction to the Sending State. Staff members who are stopped or otherwise come into contact with the police in connection with a suspected offence should identify themselves with the identity card issued to them by JFCBS (AMIS). It is advisable to contact the Royal Marechaussee in case the offence is of a more serious nature.

³⁹ Article 42d Uitvoeringsregeling Algemene Wet inzake Rijksbelastingen. Staff members at other NATO entities, such as NAPMA and NCIA may have other allowances. Bilateral agreements between certain nations with the host nation equally may result in different allowances.