

## Upper House adopts 2023 Tax Plan package and other tax bills

On December 20, 2022 the Upper House of Parliament adopted the 2023 Tax Plan package and various other tax bills. It also adopted seven tax motions.

### *2023 Tax Plan package*

The bills that are part of the 2023 Tax Plan package and that have now been adopted by the Upper House are:

- 2023 Tax Plan;
- Box 3 Restoration of Rights Act;
- Box 3 Bridging Act;
- Minimum CO<sub>2</sub> Price for Industrial Emissions Act;
- Delegation Provision (no late payment interest in specific cases) Act;
- Increasing the child-related budget as a means of improving consumer purchasing power, cancellation of income support for retirees receiving the state pension and adjusting the low income benefit.

The bill on the Amendment of the Environmental Management Act in connection with the transitional period for introducing a carbon border adjustment mechanism was not voted on because the debate on this bill in the Lower House was deferred at the request of the Deputy Minister of Finance.

For a more detailed explanation of the *original* bills that were presented to Parliament, we refer to [our Budget Day memorandum](#). After the original bills had been presented to Parliament, the following changes/additions were introduced via various Memoranda of Amendment:

- Deduction limitation of a maximum of EUR 250,000 per annum for periodic gifts (for tax partners jointly), cancellation of efficiency margin for the normative salary scheme, increase of fixed exemption in the work-related costs rules and temporary increase in the duty rate in the Mining Act (First Memorandum of Amendment 2023 Tax Plan; see also [our memorandum of October 5, 2022](#));
- Introduction of several technical changes and increase in normative salary in the Netherlands Caribbean (Second Memorandum of Amendment 2023 Tax Plan);
- Changes to various energy tax rates in connection with the introduction of a price cap (Third Memorandum of Amendment 2023 Tax Plan);
- Further increase of fixed exemption in the work-related costs rules to 3% on the first EUR 400,000 of the payroll for tax purposes (only for 2023), mitigation of the consequences of the (pending) expansion of the relationship by marriage for the purposes of the business use, lucrative interest and substantial interest regimes, and introduction of a sunset provision for the measure to exempt mineral water from the consumption tax on non-alcoholic drinks (Fourth Memorandum of Amendment 2023 Tax Plan);
- Penalties excluded as negative salary, adjustment of the cover for exemption from motor vehicle tax on delivery vans and increases to tax on games of chance and excise duty on tobacco (Fifth Memorandum of Amendment 2023 Tax Plan);
- Regulating that the amount to be taken into account for the purposes of several specific schemes in connection with Box 3 cannot be negative and introduction

of 'class-action-plus' proceedings for non-litigants in Box 3 (First and Second Memorandum of Amendment Box 3 Bridging Act; (see also [our memorandum of November 4, 2022](#)).

#### *Adopted motions*

On December 20, 2022, the Upper House also adopted seven motions. The motions ask the government to:

- consider for the 2024 Tax Plan how to significantly reduce the marginal rate for a modal income compared to the marginal rate for top income earners (motion 36 202, I);
- to present the promised letter to Parliament with solutions for the chronically ill for whom their illness means they have to use a lot of gas and electricity and to indicate whether and how the chronically ill can claim support from the emergency energy fund and to do so before January 15, 2023 (motion 36 202, K)
- investigate the possibilities for implementing (some of) the recommendations from the Ex'tax project, and to inform the Lower House about this within six months of the completion of the investigation (motion 36 202, N);
- to reverse the cancellation of the income support for retirees receiving the state pension and to draft a new bill to re-introduce the Older and Partially Disabled Unemployed Workers Income Scheme Act (in Dutch: IOAOW) no later than January 1, 2025 (motion 36 202, Q);
- to indeed implement the request by a majority of the Upper House (by motion 36 200, AL) to introduce reasonable transitional rules when phasing out the income-related combination tax credit (in Dutch: IACK), for example, in the form of a step-by-step reduction of the credit, by presenting a proposal for transitional rules in the 2023 Spring Memorandum (motion 36 202, S);
- to identify as quickly as possible which public welfare institutions (in Dutch: ANBIs) are affected by capping the deduction for periodic gifts at EUR 250,000 and to ask the Deputy Minister not to implement this measure until this has been done and the Upper House has been informed of the outcome (motion 36 202, T);
- to look into how the tax obstacles to making corporate gifts to ANBIs can be removed and to inform the Upper House about this in 2023 (motion 36 202, U).

#### *Other tax bills*

The other tax bills that were adopted by the Upper House are:

- 2023 Tax Miscellaneous Provisions Act;
- EU Directive on Information Exchange in the Digital Platform Economy (Implementation) Act (see [our memorandum of April 6, 2022](#));
- Temporary Solidarity Contribution Act (see [our memorandum of November 3, 2022](#));
- Share Option Rights Tax Scheme (Amendment) Act (see [our memorandum of April 5, 2022](#));
- Excessive Borrowing from Own Companies Act (see [our memorandum of September 14, 2022](#));

- Abolition of Landlord Levy Act.

If you have any questions about the above, your Meijburg advisor would be pleased to answer them for you.

KPMG Meijburg & Co  
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