



Belastingdienst/Central Administration
Apeldoorn
The Netherlands

European Commission
To mrs. Michèle Perolat
DG Taxud, D/2 (J-79 6/72)
Wetstraat 200
1049- B – BRUSSELS
BELGIË

Date
24 March 2011

Your reference
Savings directive 2003/48 EC AN-2011

Our reference
SavDir_NL_AN_2011

Subject: New situation of the Caribbean part of the Netherlands
concerning the Savings Directive 2003/48 EC

Dear Mrs Perolat,

With effect from 10 October 2010, the Netherlands Antilles, which consisted of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba, have ceased to exist as a part of the Kingdom of the Netherlands.

Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, with the same status as Aruba ("status aparte").

The islands of Bonaire, Sint Eustatius and Saba have become part of the Netherlands, thus constituting "the Caribbean part of the Netherlands".

As a result, as of October 10th, 2010 the Kingdom of the Netherlands consists of four parts:

- The Netherlands (the European part and the Caribbean part);
- Aruba (in the Caribbean);
- Curaçao (in the Caribbean);
- Sint Maarten (in the Caribbean).

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.



Moreover, these agreements will also continue to apply to the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).

However, the Government of the Netherlands will now be responsible for implementing these agreements in the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).

This means the following for the savings agreements that were concluded by the Kingdom of the Netherlands, in respect of the Netherlands Antilles, prior to 10 October 2010:

- If the agreements have been ratified, they will remain valid for Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba);
- If the agreements have not yet been ratified, they will be ratified for Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).

Aruba, Curaçao, Sint Maarten nor the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) are a party to the European Union treaties and remain Overseas Countries or Territories (OCT) under article 355, paragraph 2, of the Treaty of the functioning of the European Union (TFEU).

The technical details of the new situation:

For the coming exchange in 2011 (fiscal year 2010) no changes have to be made.

For the exchange in 2012 (fiscal year 2011) the following changes will take effect:

The country code AN (Netherlands Antilles) is expired. This country code is only to be used for the correction mechanism within a range of the past five years.

New country codes:

- CW: Curaçao
- SX: Sint Maarten
- BQ: The islands of Bonaire, Sint Eustatius and Saba are now municipalities of the Kingdom of the Netherlands and will exchange information.

For Aruba (country code AW) there are no changes.

The competent authority of the Netherlands, with approval of the countries CW, SX and the Caribbean part of the Netherlands, will process the FISC153 information intended for these countries. Also the information, if available, from CW, SX and the Caribbean part of the Netherlands for EU Member States will be processed by the competent authority of the Netherlands.

We advise you to use the CCN mailbox of the Savings Directive of the Netherlands to exchange information concerning the Savings Directive 2003/48 EC.



There will be an update of the contact points and XSD schema on CIRCA including the OPR document. The country code AN (Netherlands Antilles) will not be removed from the XSD schema for the next five years because of the correction mechanism.

For technical questions please contact the Competent Authority of the Netherlands by using the CCN mail channel.

Yours sincerely,

Head of the Competent Authority
Belastingdienst/Centrale Administratie
The Netherlands

Mr. Hans Bosman