

欧荷税务简报

2016年1月11日

荷兰财政部就中国社会保障的权利主张和供款作出的税务待遇规定遗憾的是到目前为止，中国和荷兰之间还没有缔结社会保障条约。这意味着，中国的外派人员被借调到荷兰，将投保在荷兰社会保障系统里，同时也将受到中国的社会保障法规的制约管理。此外，他们将继续积累住房公积金。

中国的外派人员继续在中国社会保障系统里投保这一事实，引发了在确定中国驻荷外派人员的应税工资所得时，应如何处理其主张中国社会保障福利的问题。以及他/她的个人供款是否可以扣除。

荷兰税务总局颁布的法令中，对许多国外的社会保障计划和他们的荷兰税务后果进行了总结。在此之前，中国的社会保障法规并未包括在内，显然是因为中国这些社会保障法规在中国各地各有不同。在最新版本的2016年1月5日法令中，有关中国社会保障福利的权利主张和扣除问题被包括并得到了解决：

- 医疗救助保险：员工的供款不能抵扣，雇主的供款 70% 是免税的（另外 30% 是无条件添加到员工的个人账户）
- 生育保险：雇主供款免税
- 基本养老保险（BPI）：员工的供款可以抵扣，雇主供款免税
- 强制性个人账户（MIA）关于养老金：员工的供款可以抵扣，雇主供款免税
- 失业福利：员工的供款可以移抵扣，雇主供款免税
- 工伤福利：雇主供款免税

Dutch Ministry of Finance takes position on tax treatment of Chinese social security claims and contributions

Unfortunately, so far no social security treaty has been concluded between China and the Netherlands. This means that Chinese expatriates, who are seconded to the Netherlands, will be insured under the Dutch social security regulations, but will also be subject to the Chinese social security regulations. In addition they will continue to build up Housing Fund claims.

The fact that Chinese expatriates continue to be insured under the Chinese social security regulations triggers the question how claims to Chinese social security benefits must be treated when determining the taxable employment income of the expatriate in the Netherlands. And whether her/his own contributions can be deducted.

The Dutch Tax Administration has issued Decrees in which many foreign social security schemes and their Dutch tax consequences are summarized. So far, the Chinese social security regulations were not included, apparently because these regulation can vary locally

in China. In the most recent version of the Decree of 5 January 2016, however, also Chinese social security claims and deductions are addressed:

- Medical Aid Insurance: employee's contributions are not deductible, 70% of the employer's contributions are tax exempt (the other 30% are unconditional additions to the employee's individual account)
- Maternity Insurance: employer's contributions are tax exempt
- Basic Pension Insurance (BPI): employee's contribution are tax deductible, employer's contributions are tax exempt
- Mandatory Individual Account (MIA) regarding old age pension: employee's contributions are tax deductible, employer's contributions are tax exempt
- Unemployment benefits: employee's contributions are deductible, employer's contributions are tax exempt
- Work injury benefits: employer's contributions are tax exempt