

Strengthening taxpayer rights: How the Netherlands is streamlining fiscal transparency

The relationship between citizens and tax authorities relies fundamentally on trust and transparency. Following high-profile issues that damaged public confidence, the Dutch government has published the legislative proposal **Act on Streamlining Fiscal Inspection Rights** (*Wet stroomlijning fiscaal inzagerecht*) to fundamentally improve how taxpayers access their information. The legislative proposal was submitted on September 16, 2025 and aims to strengthen the legal protection of individuals and businesses by ensuring they are not disadvantaged compared to the tax inspector when it comes to information.

This legislative proposal became necessary because an earlier, widely accepted parliamentary amendment proposing a similar right was deemed “unworkable” by the Dutch Tax Administration due to massive implementation challenges, particularly regarding the undefined scope and the provision for immediate legal recourse against refusals. This legislative proposal introduces changes to create an accessible and executable system.

1. Introducing the ‘active right to inspection’

The most significant shift is moving from a passive, request-based system to an ‘active right to inspection’. Under the proposed rules, taxpayers will no longer need to submit a formal application to view their file, significantly reducing the administrative burden on taxpayers. Instead, the idea is that access to case files will be granted proactively through existing digital portals. Support, including the option to receive a printed copy, will be made available for those who are less digitally skilled.

2. Scope and timing

The right to inspection is limited to documents relating to a tax assessment or an appealable decision. Access to relevant documents must be provided no later than the date of notification of a tax assessment or an appealable decision.

The scope covers all documents related to the case in line with established administrative case law. This includes documents provided by the taxpayer (e.g., the tax return), internal documents that were available to the inspector or created during the case handling - even if they were not used to support the final decision - and electronically recorded data (such as printouts from databases).

3. Withholding of information

The principle is maximum disclosure, but the tax authorities can withhold documents if required by ‘compelling reasons’, mirroring the standard used in formal objection and appeal procedures in the Netherlands. Examples of acceptable grounds for withholding information include the privacy of third parties, protecting the Dutch Tax Administration’s control strategy or effective control, or hindering the unobstructed investigation of criminal offenses.

Given that the legislative proposal aims to provide citizens with tools to verify potential fundamental rights violations (like discrimination), the legislator stresses that confidentiality based on effective control/control strategy must be invoked with restraint. If a document is withheld, the portal must indicate that documents have been kept confidential and state the reason.

4. Long Road to 2032: A Growth Model

Full realization of the active right to inspection is planned for January 1, 2032. According to the proposal, this extended timeline is necessary due to the massive operational consequences and the (multi-year) transformation required to organize and unlock information across dozens of systems used by the Dutch Tax Administration. The implementation follows a ‘growth model’, where the right is phased in per national tax type, starting with income tax for non-business owners.

To bridge the gap until 2032, a temporary, discretionary measure allows the inspector to proactively share documents already available, even if the system is not yet fully prepared to disclose all documents related to a specific tax.

5. Debate on Legal Protection and Scope

The legislative proposal faces criticism, notably concerning the scope of its application and the legal avenues for recourse. The most contentious element is the removal of the specific right to object and appeal against the refusal or incompleteness of file disclosure. The legislator argues this serves ‘procedural economy’, preventing complex and lengthy separate legal battles over document disclosure while the main tax assessment remains undecided. Instead, taxpayers must challenge the completeness of the file within the objection and appeal procedure against the tax assessment itself.

6. To sum it up

The proposed legislation can be viewed as a positive (and necessary) step towards increasing transparency and enhancing the legal protection and information position of taxpayers. Nevertheless, the plan is far from perfect. The main imperfections include the extremely long implementation timeline, weakened legal recourse (no separate right to object and appeal regarding the refusal or omission of documents) and the limited scope (limited to documents pertaining to matters that lead to a tax assessment or an appealable decision).

For more information:

Paul Halprin

Advocaat | Attorney at Law

M +31646296787

E paul.halprin@halprin.law

I halprin.law

