Recent developments:
For the latest tax developments relating to Curaçao, see Deloitte tax@hand.

Investment basics:
Currency – Netherlands Antilles Guilder (ANG)

Foreign exchange control – A 1% license fee will be calculated as a percentage of the gross outflow of money on transfers from residents to nonresidents, and on foreign currency cash transactions. Holding companies may obtain an exemption from the fee.

Accounting principles/financial statements – IAS/IFRS applies. Financial statements must be prepared annually.

Principal business entities – These are the public and private company (NV and BV), general partnership, (private) foundation, Curaçao trust, limited partnership, and branch of a foreign corporation.

Corporate taxation:

<table>
<thead>
<tr>
<th>Rates</th>
<th>22%/3%/0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate income tax rate</td>
<td>22%/3%/0%</td>
</tr>
<tr>
<td>Branch tax rate</td>
<td>22%/3%/0%</td>
</tr>
<tr>
<td>Capital gains tax rate</td>
<td>22%/3%/0%</td>
</tr>
</tbody>
</table>

Residence – A corporation is resident if it is incorporated under the laws of Curaçao or managed and controlled in Curaçao.

Basis – In principle, residents are taxed on worldwide income. Exemptions may apply for profits derived by permanent establishments located abroad. In addition, as from 1 July 2018, foreign-source income is excluded from the profit tax base (although there is an exception for certain services, including insurance and reinsurance activities; trust activities; the services of notaries, lawyers, public accountants and tax consultants; related services; income derived from the exploitation of intellectual property (IP); and shipping activities).
Nonresidents are taxed only on Curaçao-source income. Foreign-source income derived by residents that is not excluded from the profit tax base is subject to corporation tax in the same way as Curaçao-source income. Qualifying income of a Curaçao investment institution is not subject to tax. Income from certain qualifying domestic activities is subject to a reduced profit tax rate of 3%. Branches are taxed in the same way as subsidiaries.

**Taxable income**  – Corporation tax is imposed on a company’s profits, which consist of business/trading income, passive income, and capital gains. Normal business expenses may be deducted in computing taxable income. An exemption applies for income from permanent establishments abroad.

**Rate**  – The standard profit tax rate is 22%. The following domestic activities are taxed at a reduced rate of 3%:

- The building and improvement of aircraft and vessels of at least 10 meters in length, as well the maintenance and repair of aircraft and vessels and the machinery, installations, and other on-board materials for their use;
- Call, service, or data centers that provide support to enterprises with an annual turnover of at least ANG 50 million (approximately USD 28 million);
- Warehousing; and
- Services provided in Curaçao to unrelated investment funds and their managers.

Curaçao investment institutions are subject to a 0% rate (see “Incentives,” below).

**Surtax**  – Curaçao does not impose a surtax.

**Alternative minimum tax**  – Curaçao does not impose an alternative minimum tax.

**Taxation of dividends**  – Dividends are not taxed for profit tax purposes if received from affiliated companies that qualify for the participation exemption. There is no dividend withholding tax in Curaçao.

**Capital gains**  – Capital gains are included in profits and taxed at the normal rates. Under the participation exemption, gains derived from the disposal of a qualifying participation are fully exempt.

**Losses**  – Losses, in principle, may be carried forward for 10 years. The carryback of losses is not permitted.

**Foreign tax relief**  – Foreign tax paid may be credited against Curaçao tax on the same profits, but the credit is limited to the amount of Curaçao tax payable on the foreign income.

**Participation exemption**  – A 100% participation exemption may apply to dividends and to capital gains derived by a Curaçao holding company on the disposition of a substantial shareholding. To qualify for the exemption, the Curaçao company must hold a participation of at least 5% (or 5% of the voting shares) or must have paid at least USD 500,000 for the shareholding. In addition, for the 100% participation exemption to apply to dividend income, the subsidiary must either (1) be subject to a tax of at least 10%, or (2) be an active business company. For subsidiaries that do not meet one of the two latter conditions, an effective tax rate of 10% applies on dividend income. Dividends from so-called real estate companies are always tax exempt.

**Holding company regime**  – See “Participation exemption,” above, and “Consolidated returns,” below.

**Incentives**  – Investments in tangible fixed assets may be eligible for an investment deduction of 10% in the first year of acquisition. Tax holidays are available for investment in most business sectors if the investment amount is at least ANG 5 million (approximately USD 2.8 million). A tax holiday may be obtained upon request and will be granted if certain requirements are met.
Curaçao Highlights 2020

Other preferential tax regimes may apply to companies (provided the substance requirements are met, see "Other" under "Anti-avoidance rules"), such as the Curaçao investment institution, the transparent company, and the fiscal unity regime.

Certain domestic activities are taxed at a reduced 3% rate (see "Rate," above).

Curaçao investment institutions are subject to a 0% profit tax rate. The Curaçao investment institution may receive income from IP that fails to meet the requirements of the “nexus approach;” however, this income will be taxed at the regular profit tax rate of 22%.

Conversions, legal mergers, and demergers are facilitated in such a way that potential tax claims may be deferred.

Special tax incentives apply for the preservation and restoration of real estate in the historic city center and registered monuments.

Compliance for corporations:

**Tax year** – The calendar year applies, although a taxpayer may request a different tax year.

**Consolidated returns** – A parent company may request to form a fiscal unity with affiliated companies so that a consolidated tax return can be filed. To qualify, the companies must be established in Curaçao and the parent company must hold 99% or more of the shares in each of the affiliated companies.

**Filing and payment** – A self-assessment regime applies. The provisional profit tax return must be filed and paid within three months of the company’s year-end. No extension is granted to file the provisional profit tax return. The final tax return must be filed and paid within six months of the company’s year-end, or 12 months if an extension to file the final profit tax return was granted.

**Penalties** – Penalties apply for late filing of a return and/or late payment of the taxes due.

**Rulings** – Holding companies may request a cost-plus or license ruling.

Individual taxation:

| Rates |
|---|---|---|
| **Individual income tax rate** | **Taxable income** | **Rate** |
| **More than** | **But not more than** | |
| - | ANG 31,504 | 9.75% |
| ANG 31,504 | ANG 42,006 | 15% |
| ANG 42,006 | ANG 63,009 | 23% |
| ANG 63,009 | ANG 89,262 | 30% |
| ANG 89,262 | ANG 131,268 | 37.5% |
| ANG 131,268 | - | 46.5% |

**Capital gains tax rate** – Same as individual income tax rates

**Residence** – Individual are considered to be residents if, based on the actual facts and circumstances, their center of existence is deemed to be in Curaçao.
**Basis** – Curaçao residents are taxed on their worldwide income. Nonresidents are taxed only on Curaçao-source income.

**Taxable income** – Income is taxed under a schedular system. Employment income, including most employment benefits, profits derived from the carrying on of a business by an individual, income from immovable property and the rights they are subject to, income from movable assets, and periodic allowances are taxable.

**Rates** – Rates are progressive up to 46.5%. However, under the “pensioner’s regulations” (designed to attract wealthy foreigners), an eligible taxpayer may opt for taxation on foreign income at a 10% flat rate, or taxation on foreign income at the applicable progressive income tax rate on deemed income of ANG 500,000. A special rate of 19.5% is applicable for income received from a qualified pension savings account, private foundation (SPF), a trust, or a substantial share interest.

**Capital gains** – Capital gains are included in the profits of the entrepreneur (natural person) and taxed at normal rates.

**Deductions and allowances** – Subject to certain restrictions, deductions are granted for medical expenses and insurance, retirement annuities, mortgage interest, etc. Personal allowances are available to taxpayers and their spouses, children, and other dependents. Costs related to education loans (interest and repayment) may be deducted up to ANG 10,000 a year for 10 years. The employer also may reimburse these costs tax-free.

A special expatriate tax regime may apply to employees assigned to Curaçao, which permits certain tax-exempt payments. To qualify, an employee: (1) must be hired from abroad or seconded to a domestic employer in Curaçao; (2) must not have lived in Curaçao during a continuous period of at least five years before the secondment to Curaçao; and (3) must have specific expertise that either is not available or is only scarcely available on the Curaçao labor market. Only employees with a bachelor’s or university-level education, at least five years’ work experience, and an annual gross salary of at least ANG 150,000 will qualify.

**Foreign tax relief** – In general, the Curaçao personal income tax law does not provide relief for foreign taxes paid. However, the tax authorities may allow a deduction of foreign taxes paid. The foreign taxes paid may be credited against Curaçao tax on the same profits, but the credit is limited to the amount of Curaçao tax payable on the foreign income.

**Compliance for individuals:**

**Tax year** – Calendar year

**Filing status** – Joint filing is permitted.

**Filing and payment** – If tax is due, the taxpayer must file a tax return within six months after the end of the tax year. In cases where a notification is received from the tax authorities, a tax return must be filed within the period mentioned in the notification. The tax authorities will issue tax assessments in which the amount payable or to be refunded is indicated.

**Penalties** – The tax authorities will levy a fine if the tax return is filed late and/or the amount of taxes/premiums due is paid late.

**Rulings** – Where there is uncertainty as to the application of tax legislation or policy with regard to a certain issue, a ruling may be obtained which will bind both the tax inspector and the taxpayer.
### Withholding tax:

<table>
<thead>
<tr>
<th>Type of payment</th>
<th>Residents</th>
<th>Nonresidents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Company</td>
<td>Individual</td>
</tr>
<tr>
<td>Dividends</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Interest</td>
<td>0%</td>
<td>8.5%</td>
</tr>
<tr>
<td>Royalties</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Fees for technical services</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Dividends** – There is no withholding tax on dividends.

**Interest** – Interest received by resident individuals from domestic banks is subject to an 8.5% withholding tax.

**Royalties** – There is no withholding tax on royalties.

**Fees for technical services** – There is no withholding tax on fees for technical services.

**Branch remittance tax** – There is no branch remittance tax.

### Anti-avoidance rules:

**Transfer pricing** – Intercompany transactions must be carried out at arm’s length and supported by sufficient documentation in the relevant administrative records.

Country-by-country reporting has been introduced and applies starting with reporting year 2018. The documentation obligation includes requirements based on international reporting standards for multinational enterprise groups regarding transfer prices within the group.

**Interest deduction limitations** – Thin capitalization rules apply to loans from a Curaçao investment institution within the group, and to loans from foreign group entities that are not subject to a tax levied on their profits in any form.

**Controlled foreign companies** – There are no controlled foreign company rules.

**Hybrids** – There are no anti-hybrid rules.

**Economic substance requirements** – Substance requirements apply. Companies that fail to meet these requirements may not apply for a preferential tax regime. The tax authorities will determine whether an entity meets the “appropriate” standards for substance (with respect to the amount of employees and recurring operational costs). It is possible to request a statement from the authorities confirming that an entity meets the substance requirements.

**Disclosure requirements** – Disclosure requirements apply only if a company is regarded as a large company. The annual accounts must be provided to the chamber of commerce.

**Exit tax** – There is no specific exit tax. However, if an entity no longer earns taxable income in Curaçao, e.g., because of the transfer of effective management abroad, or the closing of a permanent establishment and the transfer of its activities abroad, the entity must revalue its assets to fair market value and pay profit tax on the amount that exceeds the tax book value.
General anti-avoidance rule – Thin capitalization rules and other anti-avoidance rules may apply. With respect to intercompany loans received from an entity that is subject to low or no tax, interest may be deducted only on a loan amount up to three times the equity of the borrowing entity.

Sales tax:

<table>
<thead>
<tr>
<th>Rates</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard rate</td>
<td>6%</td>
</tr>
<tr>
<td>Reduced rate</td>
<td>0%</td>
</tr>
<tr>
<td>Increased rate</td>
<td>7%/9%</td>
</tr>
</tbody>
</table>

Taxable transactions – Sales tax is levied on the sale of goods and the provision of services. The price of goods or services is presented including the sales tax. Additional requirements are applicable to certain companies.

Rates – Tariffs vary, based on the type of goods and services. The standard rate is 6%, with 0%, 7%, and 9% rates applicable in certain cases. Several exemptions may apply.

Registration – Residents and nonresidents that carry out taxable supplies of goods or services in Curaçao must register, in principle. In cases where there are no local taxable activities, an annual nil declaration should be filed for the sales tax.

Filing and payment – A self-assessment regime applies, and payment must be made on a monthly basis.

Other taxes on corporations and individuals:

Unless otherwise stated, the taxes in this section apply both to companies and individuals and are imposed at the federal level.

Social security – The employer is required to make pay-related social insurance payments on behalf of its employees. Both employed and self-employed individuals are required to make social insurance payments, with the amount based on the individual’s salary/income.

Payroll tax – Employers are required to withhold individual income tax from their employees’ salaries, at progressive rates ranging from 9.75% to 46.5%, and remit the tax to the tax authorities.

Capital duty – Curaçao does not impose a capital duty.

Real property tax – For corporations, real estate tax is levied annually on the value of the property at the following rates: 0.4% up to a value of ANG 350,000, 0.5% on a value exceeding ANG 350,000 and up to ANG 750,000, and 0.6% on a value exceeding ANG 750,000.

Transfer tax – A 4% transfer tax is levied on the purchase or other transfer of real estate by individuals, with the buyer responsible for the tax.

Stamp duty – Curaçao does not levy stamp duty.

Net wealth/worth tax – Curaçao does not impose a net wealth or net worth tax.

Inheritance/estate tax – Both inheritance tax and gift tax apply (at a maximum rate of 24%, or 25% for a private foundation (Stichting Particulier Fonds or SPF) or trust). Exemptions may apply.
Other – Shipping companies may opt to pay profit tax on a deemed profit based on tonnage rather than actual profits.

Tax treaties: Curaçao has four tax treaties, 21 tax information exchange agreements, and four agreements to promote economic relations with other countries. The OECD multilateral instrument (MLI) entered into force for Curaçao on 1 July 2019.

Tax authorities: Inspectorate of Taxes, Sector Directorate of Fiscal Affairs

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