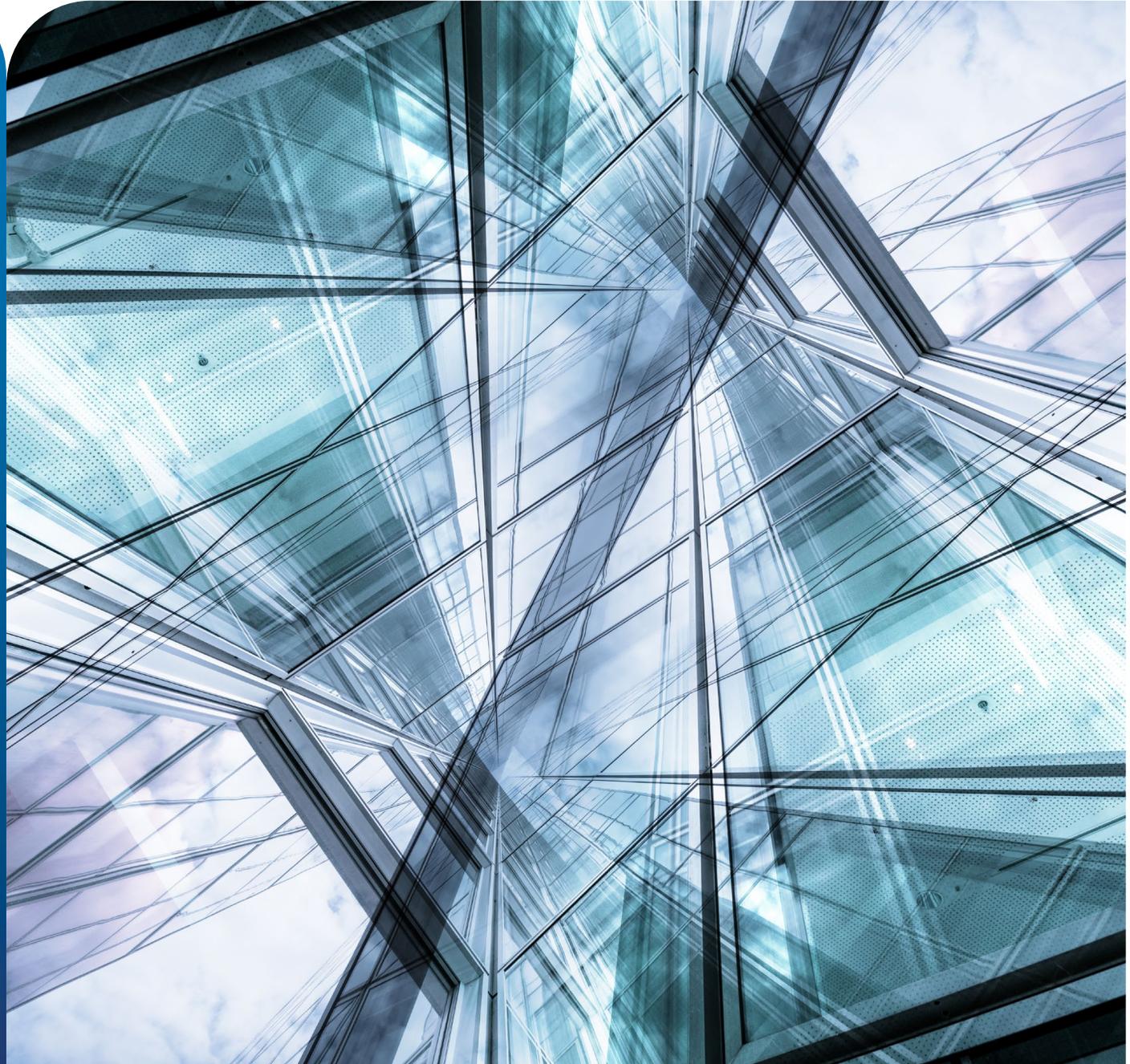


2026

Investing in real estate

in the Netherlands



Preface

Real estate is an investment category in which all three disciplines of Loyens & Loeff play a dominant role in the preparation, structuring and execution of a transaction. A broad scope of laws governs aspects that co-determine the value of real estate, such as landlord-tenant laws, zoning laws, environmental laws and corporate law. This, together with the complicated tax aspects and sometimes even privacy aspects of a real estate transaction, makes the request for the advice of attorneys and tax lawyers virtually routine practice in the preparation of such a transaction. The mandatory role for the civil law notary, in connection with the establishment or transfer of real estate rights, places real estate civil law notaries in the centre of any real estate transaction. Loyens & Loeff is the first firm where attorneys, tax lawyers and civil law notaries work together on a large scale in offering integrated professional legal services in the Benelux countries and Switzerland. Real estate, in view of the aforementioned features, is one of the many areas where Loyens & Loeff's integrated formula has proved to be successful.

Since 2004, Loyens & Loeff has published new editions of the publication *Investing in real estate in the Netherlands* on a regular basis. The aim of this publication is to inform foreign companies who invest in Dutch real estate about the main legal and tax issues that may arise during such an investment. This is the eighth edition of the publication. Its contents are entirely geared towards investments in Dutch real estate in 2026.

Since the publication of the seventh edition of this publication in 2024, there have been several developments that have affected real estate investments. For example, the Affordable Rent Act entered into force, providing rent protection to a larger group of tenants of residential real estate. Another development worth mentioning is the increase of Environmental, Social & Governance (ESG) factors influencing the actions of real estate investors. Our ESG-team, which specializes in all legal aspects of ESG, has therefore provided a comprehensive update of chapter 7.

There have also been developments in the fiscal area, which have been incorporated in this eighth edition. Partnerships that invest in real estate are classified as 'non-transparent' more quickly for example, which means that the partnership itself is subject to corporate income tax instead of the participants. Furthermore, the decrease in transfer tax for investments in residential real estate from 10.4% to 8% as per 1 January 2026 is worth mentioning.

It should be noted that many of the complex issues that can arise in the context of an investment in Dutch real estate cannot be dealt with in a publication this size. However, we trust that the content will serve foreign investors with quick orientation in the major legal and tax aspects of investing in real estate in the Netherlands. If, in addition to investments in Dutch real estate, you are also interested in project development in the Netherlands, do not hesitate to ask your contact at Loyens & Loeff for a copy of our 2025 publication *Project development & construction in the Netherlands*.

We would like to thank all who have contributed to this eighth edition (for a complete list of all contributors, please see [page 135](#)). Their knowledge and experience is reflected in many sections.

Lonne Rooseboom, Head of Real Estate Practice

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Introduction

Introduction

Investing in real estate in the Netherlands serves to look at certain civil law, public law and tax aspects that may be involved when investing in real estate in the Netherlands. Its content is intended for those considering investing in real estate subject to Dutch law. It is addressed not only to foreign professional investors but also to financiers, advisors and high net worth individuals.

Chapter 1 describes real estate as an investment category. Chapter 2 deals with certain aspects of civil law pertaining to entitlements to real estate and the lease thereof. Chapter 3, focussing on the financing of real estate, is an entirely new chapter. Chapter 4 covers some of the public law aspects that relate to real estate. Chapter 5 discusses the various features of corporations and partnerships used as investment vehicles. Chapter 6 considers the supervision of investment institutions and chapter 7 focusses specifically on ESG. The privacy aspects that need to be considered when investing in Dutch real estate are discussed in chapter 8. Finally, chapter 9 addresses the tax aspects of real estate investments.

This publication does of course not provide an exhaustive account of all the aspects relevant to investment in Dutch real estate. It is only intended to give a general impression of the various issues one can be confronted with when making such investment, up to date until January 2026. In view of possible changes in the laws regarding investments in Dutch real estate, we would recommend regularly ensuring you have up-to-date information about the latest developments and the implications thereof.

Although the text has been compiled with the utmost care, Loyens & Loeff NV and the contributors to this publication accept no liability for the consequences of using this publication or its contents without its collaboration.

The editor

Fokke Jan Vonck

February 2026

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