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July 2026

Energy, sustainability and climate

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Introduction

Dear reader,

The Netherlands has a wide range of tax schemes and taxes related to energy, the environment, and climate. In addition to their budgetary significance, they play a central role in encouraging sustainable choices and imposing costs on environmentally harmful behavior.

Energy and environmental policy in the Netherlands and Europe are constantly evolving. This document provides a general overview of recent and expected developments and case law regarding tax regulations in the areas of energy, the environment, and climate. In Section A, we discuss developments in the Netherlands; in Section B, we discuss developments in Europe.

This brochure is not intended to be exhaustive but merely aims to provide a handy overview of the most important developments. The content has been updated as of **June 1, 2026**. Developments after that date have not been included.

If you have any questions, please feel free to contact your regular contact person at Loyens & Loeff or one of the authors of this brochure. Their contact information is included at the end.

Sincerely,

Bart Heijnen
Partner

Mick Knops
Senior Associate

Key updates

This page lists the most important updates compared to the previous version of this brochure. In addition, all updates are also indicated throughout the brochure by topic with an update icon.

A. Developments in the Netherlands

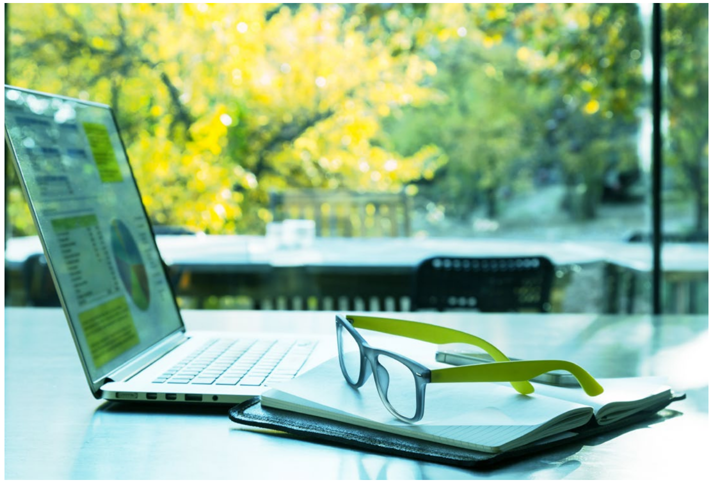
1. **EIA/MIA/VaMil**: Increase in the EIA deduction rate and consolidation of EIA/MIA/VaMil
2. - **Energy Tax**: Commitment to a roadmap for bidirectional charging
   - **Inframarginal Electricity Levy**: Court of Justice ruling on the European price cap IME
4. - **EU ETS**: Revised participation criteria for installations in the EU ETS
   - **Industrial CO_2-levy**: Future of the CO_2-levy
5. **Air Passenger Tax**: Harmonized European Air Passenger Tax
7. - **State's profit share, excise tax, and surface charge**: Sectoral agreement on gas extraction in the energy transition
   - **Temporary Solidarity Contribution**: Handling of Cases Involving the Temporary Solidarity Contribution

B. European developments

1. **Net Zero Industry Act**: Pending cases against the NZIA regulation
3. **Regulation (EU) 2022/1854 - Emergency Intervention on Energy Prices**: Update on pending cases regarding emergency intervention on energy prices

A. Developments in the Netherlands





1. Investment Schemes under the Income Tax Act and Corporate Income Tax Act

EIA/MIA/VAMil

Recent changes or developments

Publication of the 2026 Energy List and Environmental List
On December 30, 2025, the 2026 Energy List and Environmental List were published.

Government Response to Research on the Energy Investment Allowance (EIA) and the Environmental Investment Allowance
A study was recently completed on the desirability of structuring the EIA as a tax incentive versus a direct subsidy, and on what improvements or simplifications are possible for the EIA and the MIA. The study concluded that if the current EIA tax scheme were converted one-to-one into a subsidy, this would have negative short-term effects. The conversion would primarily introduce new uncertainties regarding state aid frameworks. The researchers also make a number of suggestions to improve the functioning of the EIA and the MIA. The most important suggestions include increasing raising awareness of both programs, expanding preliminary consultations with the Netherlands Enterprise Agency (RVO) for generic applications, and introducing horizontal oversight of applications submitted by intermediaries.

Tax Plan 2026
The maximum eligible investment amount under the EIA will be limited to 151 million euros, with a distinction made between taxpayers who (a) operate an independent business and (b) operate a business that is part of a partnership. To prevent taxpayers from exceeding this cap by claiming EIA for energy investments made both individually and through joint ventures, a new consolidation provision has been adopted. Under the new measure, the total amount of investments eligible for the EIA may not exceed 151 million euros per taxpayer per year.

2026 Budget
Based on the 2026 Budget Memorandum, the annual budgets have been set at EUR 460 million for the EIA, EUR 135 million for the MIA, and EUR 20 million for the VAMil.

Expected changes or developments

UPDATE

Increase in the EIA Deduction Rate

According to the 2026–2030 Strategic Agenda and the preliminary content of the 2027 Tax Plan, the deduction rate will be increased from 40% to 45.5% effective January 1, 2027.

UPDATE

Merging the EIA, MIA, and VAMil into a single investment scheme

The Coalition Agreement indicates an intention to merge the EIA, MIA, and VAMil into a single investment scheme.
In addition, State Secretary Eerenberg announced in the Strategic Agenda 2026–2030 that the EIA, MIA, and VAMil will be merged into a single robust investment scheme wherever possible. The government is investigating this matter and will report on it in the first half of 2027.

Sunset Provision

Pursuant to Article 10b.1 of the Income Tax Act 2001, the EIA, MIA, and VAMil will, in principle, expire as of **January 1, 2029**. This sunset provision has been extended several times in the past (most recently in the 2024 Tax Plan).

Recent case law

- Expert Group Opinion of December 17, 2025
  Timing of the investment in the case of obligations subject to a resolutive or suspensive condition.
- Gelderland District Court, August 29, 2025, V-N 2025/50.6
  Impact of retroactive amendments to the Environmental List.
- Opinion of Advocate General Koopman, June 20, 2025, V-N 2025/1371
  Opinion rendered in the appeal against the decision of the CBb dated October 1, 2024, V-N 2025/3.1.1. (see point above). The Advocate General agrees with the CBb and recommends that the Supreme Court declare the appeal unfounded. According to the Advocate General, these are acquisition costs rather than production costs; therefore, they were reported too late.
- CBb 1 October 2024, V-N 2025/3.1.1
  These are acquisition costs rather than production costs; therefore, the claim was filed too late. No entitlement to EIA.

EIA/MIA

An additional deduction for income tax (IB) or corporate income tax (Vpb) for qualifying investments included on the Energy List (EIA) or Environmental List (MIA). These lists are published annually.

VAMil

For investments in qualifying assets included on the Environmental List, up to 75% may be depreciated on a straight-line basis.

Taxpayer

The EIA, MIA, and VAMil may be claimed by the taxpayer who invests in the business asset.

Rate

2026: 40% for the EIA and 27%, 36%, or 45% for the MIA.

Details

- The EIA has a maximum investment amount of EUR 151 million.
- The investment must be reported to the Netherlands Enterprise Agency within 3 months.

2. Electricity and Gas

Energy Tax

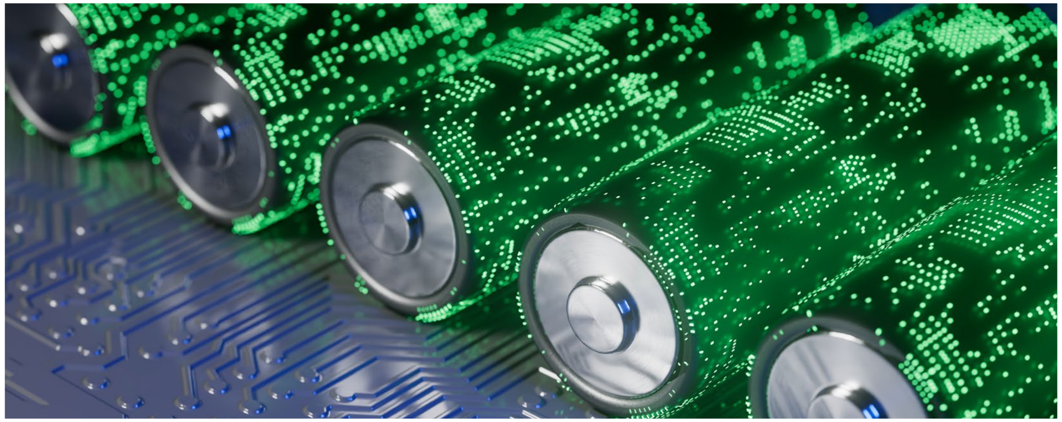
Recent changes or developments

UPDATE **Motion passed on further increase in energy tax on gas**
On April 7, 2026, the House of Representatives passed a motion urging the government to refrain from further increases in the energy tax on natural gas.

UPDATE **Commitment to a roadmap for bidirectional charging**
In a letter to Parliament dated April 2, 2026, the government committed to publishing a roadmap for bidirectional charging in the summer of 2026, which will also address the issue of double energy taxation.

2026 Tax Plan
The 2026 Tax Plan includes a number of changes to the Energy Tax:

- A general energy tax deduction currently applies to the supply of electricity to grid connections used for residential purposes. Effective January 1, 2026, this deduction will be reduced to EUR 519.80. As a result of a motion that was passed, the government intends to limit the deduction to households.
- The energy tax includes various exemptions, including electricity and/or gas used for metallurgical or mineralogical processes. To determine whether a company is eligible, the Standard Industrial Classification (SBI) is used. This classification will be updated to ensure that it remains aligned with current economic realities and is comparable across the EU. The existing SBI 2008 codes (SBI2008) will be replaced by the new SBI 2025 codes (SBI2025).



Expected changes or developments

UPDATE

Addressing double energy taxation for home batteries and bidirectional charging

In the Strategic Agenda 2026-2030, the government announces its intention to resolve bottlenecks where the tax system creates practical obstacles to the energy transition. Specifically, the double energy tax on home batteries is mentioned. In addition, the government is exploring whether a solution can be found for the double energy tax associated with bidirectional charging of electric vehicles.

Expiry of the Net Metering Scheme

Based on the Act Terminating the Net Metering Scheme, adopted in 2024, the net metering scheme will be phased out as of January 1, 2027.

Approach to Tax Regulations for a Simpler and Better Tax System

- The official report "Opportunities for Lower Rates and Better Policy" presents a policy option aimed at making the energy tax reduction more effective and ensuring that its benefits accrue to households. Consideration is being given to either targeting the energy tax reduction specifically at households or reducing the amount of the reduction.
- In addition, a policy option is presented within the energy tax framework that would abolish the exemptions for the metallurgical and mineralogical industries, except for the exemption of the use of electricity in electrolytic processes for the production of hydrogen. It is proposed to replace the exemption with a refund application to make the scheme more effective.
- Finally, a policy option is presented within the energy tax framework that would abolish the refund scheme for religious and nonprofit organizations. The current scheme is difficult to administrate because the Tax and Customs Administration must process the applications manually.

UPDATE

Recent case law

- Court of Appeal Den Bosch, January 28, 2026, 24/315
  No aggregation of horticultural sites; however, the appeal based on the principle of legitimate expectations regarding the WOZ assessment was well-founded.
- Court of Appeal The Hague, January 22, 2026, BK-24/1071
  No aggregation of horticultural sites, but justified reliance on the principle of legitimate expectations regarding the WOZ decision.
- Court of Appeal Arnhem-Leeuwarden, December 9, 2025, 23/2211
  No clustering of charging stations by municipality.
- Supreme Court, September 12, 2025, V-N 2025/41.14
  Consolidation of plots owned by horticultural growers and interpretation of the Schiphol ruling.
- Court of Appeal Den Bosch, August 28, 2025, V-N 2025/51.17
  No tax liability for a homeowners' association operating an experimental network.
- Court of appeal Amsterdam, May 13, 2025, 24/3438
  Tax liability for a homeowners' association operating an experimental network. No supply of heat despite a claim of ownership of the heat pumps.
- Supreme Court, November 22, 2024, BNB 2025/56
  Exemption for mineralogical processes used in the production of ceramic tiles.
- Supreme Court, October 25, 2024, BNB 2025/55
  Exemption for mineralogical processes used in the production of gypsum fiber boards.
- Zeeland-West Brabant District Court, October 9, 2025, BRE 23/10961
  Drinking water utility pipeline systems may be clustered.
- Opinion of Advocate General Pauwels, March 1, 2024, V-N 2024/20.22
  Grouping of plots owned by horticultural growers and interpretation of the Schiphol ruling.

Energy Tax
A tax on the supply or consumption of electricity and natural gas.

Taxpayer
The supplier; however, in practice, the tax is always passed on to the customer.
If there is no supply, the consumer is liable for the tax.

Rate
A degressive rate system per kWh of electricity or m³ of gas. The rates for 2026:

Electricity		Gas	
kWh	**Rate in EUR/kWh**	**m³**	**Rate in EUR/m³**
0 - 10,000	0.09161	0 - 170,000	0.60066
10,000 - 50,000	0.03735	170,000 - 1m	0.33085
50,0000 - 10m	0.03735	1m - 10m	0.21396
> 10m (business)	0.00310	>10m	0.05313

Details
- Many types of exemptions (including sustainably self-generated electricity, battery storage, metallurgical and electrolytic processes) and various special rates.
- The WOZ assessment generally determines the scope of the tax liability (see also section 8.a).

Inframarginal Electricity Levy (IME)

Recent changes or developments

UPDATE **Assessment of excess profits in the energy sector**

April 2026: Letter from the Minister of Finance dated April 20, 2026, regarding Measures to Build Resilience to Energy Shocks:

- An additional tax on excess profits may be undesirable and complex from legal, administrative, and economic perspectives. The inframarginal electricity levy has led to numerous legal proceedings; of the total revenue from the IME of approximately EUR 245 million, 80% is being contested through legal proceedings (Appendix 4).

UPDATE **Court of Justice ruling on the European Price Cap**

January 2026: Judgment of the Court of Justice of the European Union in the *Secab* case (C-423/23):

- Member States are not required to allow electricity producers to retain 10% of their revenue above the cap. If a Member State sets the cap below EUR 180 per MWh, it must comply with the conditions of Article 8(2) of Regulation 2022/1854. It is up to the national court to assess this, considering, among other things, market conditions, the temporary and exceptional nature of the levy, the cost structure of the electricity producers concerned, and the balancing of individual and collective interests.

UPDATE **Court of Justice Ruling on the European Price Cap**

December 2025: Judgment of the Court of Justice of the European Union in the Electrabel et al. case (C-633/23):

- Although the cap on market revenues as set forth in Regulation 2022/1854 is, in principle, based on actual revenues realized, the use of estimates in determining the surplus revenue for the purposes of applying the cap is permitted provided that such estimates are representative of reality and do not result in a significant over- or underestimation.

Expected case law

UPDATE **Court of Justice of the European Union**

Complete overview

From December 2022 to present: Pending proceedings before the Court of Justice of the EU:

- Application for annulment of Regulation (EU) 2022/1854, on which the IME is based. The chosen legal basis (Article 122 TFEU) may be incorrect, as the regulation contains a tax measure (*Electrawinds Shabla South*, Case T-759/22).
- Questions referred for a preliminary ruling by the Constitutional Court (Belgium) regarding the admissibility of retroactive legal provisions and the right to property (*2Valorise Ham e.a*, Case C-467/24).

June 2026: Hearing scheduled regarding the legal validity of the Regulation:

- The judicial calendar of the Court of Justice of the European Union lists a (joint) oral hearing in Cases C-153/25 (Acea Produzione et al.), C-358/24 (Varo Energy Belgium), and C-533/24 (Vermilion Energy Ireland), in all three of which the validity of the Regulation is at the heart of the proceedings. The oral argument will take place on June 9, 2026, before the Grand Chamber of the Court of Justice.

Inframarginal Electricity Levy
Temporary cap on revenue from electricity generated from low-marginal-cost sources (such as solar, wind, and nuclear energy), biomass, and coal.

Taxpayer
A natural person or legal entity that generates electricity using a production facility.

Rate
90% of the market revenue exceeding the cap of EUR 130 per MWh.

Details
- Temporary law with a tax period running from December 2022 through June 2023.
- Exemption for production facilities with an installed capacity of less than 1 MW.
- Producers may choose between the "day-ahead" method and the accounting method for calculating the taxable amount.
- The inframarginal electricity levy is based on EU Regulation 2022/1854 on emergency measures in response to high energy prices.

3. Water

Tax on Tap Water (BOL)

Recent changes or developments

Tax Plan 2026

As a result of the 2026 Tax Plan, the following changes have been made regarding the BOL:

- The tax cap of 300 m³ of water has been raised to 50,000 m³ of water effective January 1, 2026. The tax cap will be abolished effective 2027.
- The BOL is currently levied on all water supplied through a water distribution network, including water that is not of drinking quality (such as river water or recycled water). As of January 1, 2027, the BOL will only be levied on the supply of drinking-quality water.
- The “<1,000 connections rule” will be amended as of January 1, 2027, and replaced with an exemption for “small or very small collective water supply systems” as defined in the Drinking Water Act.

Tax on tap water

Tax on the supply of water by a drinking water utility or an independent water supplier.

Taxpayer

The supplier, but in principle is always passed on to the end user.

Rate

2024: EUR 0,420/m³
2025: EUR 0,425/m³
2026: EUR 0,437/m³

Details

- Only the first 50,000 m³ is subject to the tax.
- Exemption for small suppliers with fewer than 1,000 connections.

Sewerage, purification and water system levies

Recent changes or developments

UPDATE **Atlas of Local Charges and Taxes**
2026: Annual (interactive) overview of local taxes published by COELO, including the levies in question.

UPDATE **Act on Strengthening the Application of the Beneficiary-Pays Principle to the Water System Levy**
January 2026: Entry into force of Act of February 10, 2025, which includes, among other things, a different method for calculating purification levy for businesses with a large number of pollution units.

Recent case law

- Supreme Court, March 21, 2025, V-N 2025/14.25
  A flat-rate system based on 1 or 3 pollution units is not discriminatory.
- Supreme Court, June 28, 2024, V-N 2024/33.24.48
  Imposition of sewerage charges on property owners does not conflict with the Water Framework.

Sewerage charges
A municipal fee for the maintenance and replacement of the sewer system. Sometimes this is included in the property tax (OZB).

Rate
The rates are set by each municipality in (very) different ways. Sometimes the rate is a percentage of the WOZ value, sometimes it is a fixed amount per cubic meter (m^3) ofwastewater discharged, and sometimes it is a sliding scale.

Purification levy
A fee collected on behalf of the water authority for water treatment.

Rate
A fixed amount per pollution unit. This is set for each business.

Water System Fee
A fee collected on behalf of the water authority for the management of water systems.

Rate
A percentage of the WOZ value (for buildings) or an amount per hectare (for land).

4. CO_2

EU ETS

Recent changes or developments

UPDATE

Revised participation criteria for installations in the EU ETS

January 2026: The European Union has finalized several regulatory processes that will take effect in 2026. The most important developments are:

- Combustion units that use only biomass will be included in the calculation of total installed nominal thermal input capacity starting January 1, 2026. Combustion units with a capacity of less than 3 MW will be excluded.
- Installations are exempt if at least 95% of their emissions come from the combustion of sustainable biomass. Previously, this applied only to installations that ran entirely on biomass.

TNO Report: Deindustrialization and a Stalled Innovation Chain Threaten Prosperity

April 2025: TNO Report on deindustrialization and a stalled innovation chain.

- The report explicitly cites the EU ETS as a factor that puts pressure on the competitiveness of Dutch industry. Combined with national CO_2-levies this results in a double burden on companies.
- TNO advocates for a more consistent and long-term industrial policy, including support for sustainability efforts, to prevent companies from leaving.

UPDATE

Verified Emissions Report for 2026 EU ETS-2

As of 2025: Reporting requirement begins (historical emissions report for 2024).

- ETS-2 is an expansion of the existing EU ETS and focuses on emissions resulting from the consumption of fossil fuels in, among other things, buildings and vehicles.
- Since April 2025, the first reporting requirement has been in effect for companies covered by the new ETS-2. Companies were required to report their CO_2-emissions for 2024 in a so-called historical emissions report (HEV). The verified emissions report for 2025 had to be submitted no later than April 2026; for the 2026 emissions year, the submission deadline is April 30, 2027.
- The actual obligation to surrender emission allowances (compliance phase) is expected to begin in 2028.

Expected changes or developments

EU ETS-2

- EU ETS-2 will cover and address CO_2-emissions from the combustion of fuels in buildings, road transport, and additional sectors (primarily small industries not covered by the existing EU ETS.
- **As of 2027**: EU ETS-2 formally enters into force.
- **Effective 2028**: The first year in which companies must surrender emission allowances based on their emissions.
  Fuel suppliers covered by this regulation will surrender emission allowances annually, starting in the **2028** reporting year, based on the amount of fuel supplied and the corresponding CO_2 emissions.

Greenhouse horticulture to be subject to an opt-in scheme starting in 2027

- On April 25, 2025, the Council of Ministers decided that greenhouse horticulture will be subject to EU ETS-2 starting in the emissions year **2027** through the so-called opt-in scheme.
- This means that, starting at that time, fuel suppliers must also surrender emission allowances for deliveries to this sector. The first surrender of emission allowances must take place no later than **May 31, 2028**.

European Emissions Trading System

The system is designed to reduce greenhouse gas emissions in a cost-effective manner through emissions trading.

What is it?

- A market instrument under which companies must purchase allowances to be permitted to emit CO_2 (and other greenhouse gases).
- Each emission allowance represents the right to emit 1 metric ton of CO_2.
- Companies can buy, sell, or trade emission allowances.

Which facilities are covered by the EU ETS?

- The general rule is that the size of a facility determines whether a company is covered by the EU ETS. In the Netherlands, approximately 350 facilities are covered by the EU ETS. These include, for example, large facilities that generate electricity, produce metals, or manufacture chemical products.
- See EU ETS Participation Criteria | Dutch Emissions Authority for a comprehensive list of the (industrial) activities that fall within the scope of the EU ETS.

Objectives

- The number of available emission allowances decreases each year.
- A 62% reduction in emissions by 2030 compared to 2005.

CBAM (Dutch implementation)

UPDATE

Recent changes or developments

Entry into force of the final phase in 2026

As of January 1, 2026, importers of CBAM goods (or their indirect representatives) will be subject to additional obligations under CBAM.

In principle, only authorized CBAM declarants may import CBAM goods as of January 1, 2026. However, importers and indirect customs representatives who have submitted an application for authorization by March 31, 2026, may continue to import CBAM goods on a provisional basis until a decision is made on their application.

Changes to the Dutch Implementation of CBAM

On December 23, 2025, the legislative amendment was published to implement the national obligations arising from Regulation 2023/856 (CBAM Regulation).
The amendment addresses two points:

- The Ministry of Finance is tasked with the purchase and sale of CBAM certificates;
- The prohibition on acting in violation of the CBAM rules and the link to national sanctions.

Expected changes or developments

UPDATE

Further regulation of CBAM at the legislative level via the 2027 Miscellaneous Tax Measures Act

Both the Advisory Division of the Council of State and the House of Representatives have raised critical comments regarding the delegation provisions in the Dutch CBAM implementation legislation. In response, a commitment has been made to enshrine the provisions included in the ministerial regulation into law as soon as possible.
This commitment will be fulfilled through the “Other Tax Measures 2027” bill.

European Commission Legislative Proposals

In December 2025, the European Commission published various legislative acts that implement the legal, technical, and procedural framework of CBAM effective January 1, 2026.

The European Commission has also submitted a proposal to establish a temporary fund to support EU producers whose goods may be displaced by higher-emission alternatives from third countries. The aim is to reduce the residual risk of carbon leakage, whereby a decrease in emissions within the EU results in an increase in emissions outside the EU.

Purpose of CBAM

- CBAM goods are certain products in the categories of cement, steel and iron, aluminum, fertilizer, electricity, and hydrogen.
- To create a level playing field between European and non-European producers.

UPDATE

CBAM goods

Certain products in the categories of cement, steel and iron, aluminum, fertilizer, electricity, and hydrogen. Applies only when the CBAM goods originate from non-EU or non-EFTA countries.
The European Commission has submitted a proposal to expand the scope of CBAM to include a number of downstream products in the aluminum and steel categories.

Obligations

- Importers of CBAM goods (or their indirect customs representatives) may register with the national authorities as authorized CBAM declarants. They may also purchase CBAM certificates there. The price of CBAM certificates is linked to the auction price of EU ETS emission allowances.
- Authorized CBAM declarants must declare the embedded emissions of the imported goods. They must then surrender the corresponding number of certificates annually.
- Importers (or their representatives) are not required to submit a report if the annual threshold for imports of CBAM goods is not exceeded (in 2026: 50 metric tons net weight).

CO_2-levy on Industry

Recent changes or developments

UPDATE **NEa expects first significant revenue from the CO_2-levy on industry in 2025**

May 13, 2026: News release from the NEa.
For the first time since the introduction of the CO_2-levy for industry, a positive revenue is expected in 2025. The latest figures from the NEa show that companies collectively owe a tax on their CO_2-emissions ranging from EUR 37 million to EUR 97 million.

UPDATE **Future of the Tax**

April 10, 2026: The government intends to abolish the CO_2-levy, thereby responding to criticism that the tax would jeopardize a level playing field in Europe to the detriment of Dutch industry. It is not yet clear exactly when and how the abolition will take place. However, measures have been taken to provide relief to the industry. These measures include a lower tax rate and an increase in the number of exemption allowances. As a result, companies participating in the EU ETS will not pay the tax for the year 2026, since the tax rate is lower than the ETS price.

UPDATE **House of Representatives Written Consultation on the Evaluation of the CO_2-levy on Industry**

March 3, 2026: There is currently a broad political debate regarding the review of the CO2-levy on industry. In particular, there are concerns about the proposed elimination of the tax, as this could lead to lower emission reductions, a weakened position for sustainability leaders, and reduced investment certainty.
At the same time, it is emphasized that effective sustainability efforts primarily require a consistent European approach, sufficient subsidies (such as through the SDE++), and the resolution of structural bottlenecks, including grid congestion and nitrogen-related issues.

UPDATE

Tax Plan 2026

January 1, 2026: The minimum price for the industrial CO_2 levy has been set at EUR 78.67 per metric ton of CO_2. In addition, the number of exemption allowances will be increased to 1,023 and will remain at this level starting in 2026, rather than being phased out gradually.

Report from the CO_2 levy Roundtable: "Tipping Point for Climate and Industry"

December 3, 2025: The report presents a base package and three enhanced packages as alternatives to the CO_2 levy. No alternative policy instrument has been identified that brings climate goals within reach, protects the competitive position of Dutch industry, and does not require additional subsidies.

Green Growth Package: Toward a Resilient Energy System and a Future-Proof Industry

April 25, 2025: Letter to Parliament on the Green Growth Package for a Resilient Energy System and a Future-Proof Industry:

- The government will give companies additional time in the coming years to become more sustainable by adjusting the related tax. The government also considers it important that the necessary CO_2 reduction is ensured. In the 2026 Tax Plan, the government is including a technical option for the CO_2 levy after 2030 and its extension beyond 2032.
- In this regard, the government is open to alternatives that, in addition to the available subsidies, ensure the necessary reductions (equivalent to the CO_2 levy target) and take climate neutrality by 2050 into account.
- These could also include safeguards in addition to the CO_2 levy.

Industrial CO_2 levy

The CO_2 levy on industry is a tax introduced in the Netherlands in 2021.
This tax is a fee that industrial facilities with high CO_2 emissions must pay to the government per metric ton of CO_2 emissions.

Taxpayer

The CO_2 levy for industry is levied on the entity that operates an industrial facility.

UPDATE

Rate

The industrial CO_2 levy is calculated based on the annual industrial emissions: the total annual CO_2 emissions from a facility.
Rate per metric ton of carbon dioxide equivalent

2024: EUR 74.17	ETS price: EUR 86.32	Tax: 0
2025: EUR 87.90	EU ETS price: EUR 66.76	Tax: EUR 21.14
2026: EUR 78.67	EU ETS price: EUR 79.42	Tax: 0

UPDATE

Details

- Companies can recover CO_2 levies paid in previous years if they have a surplus of exemption allowances in subsequent years (the carry-back provision). This allows past deficits to be offset by future surpluses.
- Companies participating in the EU ETS already pay for their CO_2 emissions through emission allowances. These companies may deduct the value of an emission allowance from the industrial CO_2 levy rate.
- The Dutch Emissions Authority (NEa) is responsible for administering the tax.

CO_2 levy on greenhouse horticulture

Recent changes or developments

UPDATE

Letter from RVO: No CO_2 sector-based tax system in 2024
April 14, 2026: The RVO has published the 2024 CO_2 levy report. In 2024, total CO_2 emissions from the greenhouse horticulture sector remained below the CO_2 emissions cap.
CO_2 emissions amounted to 5,173,111 metric tons. This is 226,889 metric tons below the CO_2 emission cap. This means that the greenhouse horticulture sector does not have to pay a levy to the government for 2024.

Public Report on the Recalculation of the CO_2 levy for Greenhouse Horticulture
September 8, 2025: Publication of the Public Report on the Recalibration of the CO2 Tax for Greenhouse Horticulture.
Study on options for adjusting the CO_2 levy for greenhouse horticulture.

Response to Questions on Climate Measures for Greenhouse Horticulture
June 26, 2025: Responses to questions from Representatives Flach (SGP) and Grinwis (ChristenUnie) regarding the implementation of climate measures for greenhouse horticulture.

Collection of the CO_2 levy on greenhouse horticulture postponed until 2027

- Due to capacity issues at the Tax and Customs Administration, the actual collection of the CO_2 levy has been postponed until 2027.
- Starting at that time, greenhouse horticulture companies must account for an interest-free provision on their balance sheets for the expected tax. In 2027, companies must file their first tax return reporting their 2025 emissions.

Individual CO_2 levy for Greenhouse Horticulture

- Effective **January 1, 2025**, the existing CO_2 sector-based system will be replaced by an individual CO_2 levy for the greenhouse horticulture sector.
- This measure is part of the Greenhouse Horticulture Energy Transition Agreement 2022–2030, in which it was agreed that the sector may emit a maximum of 4.3 megatons of greenhouse gases by 2030.

Expected changes or developments

UPDATE

Clarification of Taxpayer Status via Other Tax Measures 2027
The 2027 Miscellaneous Tax Measures Bill will clarify that, regarding the CO_2 levy on greenhouse horticulture, the tax liability rests with the partnership that operates the greenhouse horticulture business, and not with the individual partners. The current wording of the law gives the impression that, in the case of partnerships, the underlying participants are liable for tax. The proposed amendment makes it explicit that the participants are not individually liable for tax, nor is any allocation to them required.

EU ETS-2 Opt-in

- The Green Growth Package considers including the greenhouse horticulture sector on a voluntary basis (opt-in) in the European Emissions Trading System, which will take effect in 2027 (EU ETS-2). This decision may affect the level of the CO_2 levy and the accumulation of various pricing instruments. The EU has formally postponed the start of the compliance phase by one year to January 1, 2028.
- June 26, 2025: Letter to Parliament on the pros and cons of the EU ETS-2 opt-in for greenhouse horticulture.

CO_2 levy on greenhouse horticulture

Under the name "*CO_2 levy on Greenhouse Horticulture*", a tax is levied on carbon dioxide emissions.

Taxpayer

The CO_2 levy on greenhouse horticulture is levied on the operator of the greenhouse horticulture business or the operator of the energy company serving the greenhouse horticulture business.

Rate

The tax is calculated based on the number of metric tons of carbon dioxide emitted, determined by the number of standard cubic meters of natural gas consumed by the greenhouse horticulture operation.

Per metric ton of carbon dioxide:
2025: EUR 9.61
2026: EUR 11.27
2027: EUR 12.93

Details

- Only the first 300m^3 is taxed.
- Exemption for small suppliers with fewer than 1,000 connections.

CO_2 minimum price for electricity generation

Recent changes or developments

UPDATE **Publication of the evaluation of the CO_2 minimum price for electricity generation**
February 5, 2026: The evaluation shows that the CO_2 levy for industry is, in principle, a logical instrument for achieving additional emission reductions beyond the EU ETS, but that its current design is insufficient to ensure the achievement of the national climate targets for 2030, partly because the actual costs were low during the 2021-2024 period and the main incentive lies primarily in future price trends leading up to 2030.

Act on the Minimum CO_2 Price for electricity generation

- On **March 15, 2022**, the Senate passed the Minimum CO_2 Price for Electricity Generation Act.
- The rate path for the minimum CO_2 price has been established and provides for an annual increase, with the goal of reducing CO_2 emissions.
- For 2025, the statutory minimum CO_2 price for electricity generation has been set at EUR 19.80 per metric ton. At EUR 66.76 per metric ton, the EU ETS forward price is above this minimum price, meaning no additional tax is levied.

Expected developments

Rise in EU ETS Price

- The expected rise in the EU ETS price means that the national CO_2 levy on electricity generation will likely be needed less frequently.
- At the same time, the minimum price remains a safety net in case ETS prices were to temporarily decline. In the long term, the incentive to become more sustainable is shifting increasingly to the European level, keeping the Netherlands in line with broader EU goals.

CO_2 levy on electricity generation

Since January 1, 2021, a tax has been levied under the name "*CO_2 minimum price for electricity generation*" on greenhouse gas emissions resulting from electricity generation. This levy is in addition to the EU ETS and is intended to encourage companies to reduce their emissions.

Taxpayer

The CO_2 price on electricity generation is levied on the operator of a greenhouse gas installation.

Rate

The rate is adjusted annually. The calculation is based on the amount set for the relevant calendar year. This amount is reduced by the forward price of the greenhouse gas emission allowance (ETS price). The amounts per metric ton for the coming years are as follows:

- 2024: EUR 18.00
- 2025: EUR 19.80
- 2026: EUR 21.80

Details

- A minimum CO_2 price for electricity generation means that producers must pay the difference through a national levy if the EU ETS price is lower than the Dutch minimum price.
- If the EU ETS price is higher, this levy is waived.

5. Transport and Logistics

Excise Taxes

Recent changes or developments

Changes effective January 1, 2026

Effective January 1, 2026, the following revised excise tax rates will apply:

- Unleaded light oil: € 844.69 (per 1,000 liters, at 15°C)
- Leaded light oil: € 1,115.94 (per 1,000 liters, at 15°C)
- Medium-grade oil: € 654.33 (per 1,000 liters, at 15°C)
- Diesel: € 552.29 (per 1,000 liters, at 15°C)
- Heavy fuel oil: € 681.59 (per 1,000 kg)
- Liquefied petroleum gas: € 369.02 (per 1,000 kg)

Expected developments

UPDATE **Extension of the excise tax reduction on gasoline**

Through December 31, 2026, the excise tax on gasoline, diesel, and LPG has been reduced to mitigate the impact of high fuel costs. The 2026 Spring Memorandum announced that the reduction in fuel excise taxes on gasoline will be extended through 2027, keeping gasoline excise tax rates at 2026 levels until January 1, 2028.

UPDATE **Abolition of the Excise Tax Refund Scheme for Biofuels and Renewable Energy**

Currently, a specific excise tax refund scheme applies to fuels that consist (in part) of biofuels or renewable energy. Such fuels have a lower energy content than fossil fuels but are subject to the same excise tax rates. The preliminary draft of the 2027 Tax Plan announces that the refund scheme will be terminated effective January 1, 2027.

Tax

In the Netherlands, a tax known as excise tax is levied on the following products (excise goods):

- beer;
- wine;
- intermediate products;
- other alcoholic products;
- mineral oils; and
- tobacco products.

Taxable event

Excise tax is due upon the release for consumption of excise goods, including in the following cases:

- Withdrawal from an excise tax suspension arrangement;
- Possession;
- Production; and
- Importation, including irregular imports.

Taxpayer

Excise tax may be levied on, among others:

- The licensee of an excise warehouse;
- The person in possession of the excise goods;
- The producer of the excise goods; and
- The importer in the case of imports.

Time

Excise tax is generally due at the time of release for consumption.

Renewable Energy Units (HBE's)

Recent changes or developments

UPDATE

Introduction of the Fuel Transition Obligation and transition to the ERE system

January/March 2026:
As of January 1, 2026, the Fuel Transition Obligation (FTO) came into effect as the successor to the Annual Energy for Transportation Obligation. This regulation, which implements RED III in the Netherlands, introduces a new trading system based on Emission Reduction Units (ERUs). The transition from HBEs to EREs was finalized in March 2026 and applies retroactively to January 1, 2026. Under the new system:

- The focus is no longer on the amount of renewable energy supplied, but on reducing emissions across the entire supply chain (CO_2 equivalent);
- 1 ERE represents 1 kg of avoided CO_2 emissions;
- Like HBEs, EREs can be traded among market participants.

HBE Report, January 2026

January 2026: NEa periodic report. Key conclusions:
The report provides insight into the amount of HBE credits credited and saved in the Energy for Transportation Registry (REV). It also reports on the number of HBE credits generated through January because of entries for renewable energy supplied to maritime and aviation sectors.

Transition to the ERE System and Introduction of the Fuel Transition Obligation (BTV)

January 2026: RVO Publication. Key Conclusions:
Effective January 1, 2026, the BTV will replace the Annual Energy for Transportation Obligation. The BTV operates under a trading system centered on EREs, which fuel suppliers can register in the NEa registry and purchase from other renewable energy suppliers.

Amendment regarding the registration of bioethanol

December 2025: Sixth progress report on the implementation of RED-III. Key conclusions:
The House of Representatives has adopted an amendment regarding the recording of bioethanol. Companies that wish to record deliveries of bioethanol in 2026 are required to demonstrate that the bioethanol was purchased as pure ethanol.

HBE Report, August 2025

August 2025: NEa periodic report. Key conclusions:
In 2024, the share of renewable energy in the Dutch transportation sector increased significantly, for example due to greater use of sustainable biofuels such as HVO (hydrotreated vegetable oil). This growth led to a significant reduction in CO_2 emissions in the fuel chain, partly thanks to policy measures such as an increased annual obligation and adjusted calculation factors for maritime transport.

HBE Report, May 2025

May 2025: Periodic NEa report. Key conclusions:
The savings balance has decreased compared to the previous year-end closing.
From 2023, 13.8 million saved HBEs were carried over to 2024. Now, only 3.9 million HBEs have been saved.

Initial results on renewable energy for transportation in the Netherlands, 2024

March 2025: NEa publication (more detailed report expected in July 2025).
Key conclusions:

- Sharp increase in annual target: The annual target for renewable energy in transportation rose to 28.4% in 2024, a significant increase from 18.9% in 2023 (link). Reason: In the 2023 Spring Memorandum, the government decided to achieve an additional 20 PJ (petajoules) of renewable energy in road transportation.
- Increased use of waste streams: There is a visible trend toward the use of biofuels derived from waste and residual streams.

Implementation of RED3

January 2025: Publication of the NEa. Main objective:
The target increases to 42.5% renewable energy by 2030 (EU-wide). See also: link.

From HBEs to EREs

Renewable Energy Units are certificates that can be obtained by supplying renewable energy to various modes of transportation. With the introduction of RED, the HBE has been replaced by an Emissions Reduction Unit (ERE) because Dutch laws and regulations will no longer focus on supplied renewable energy, but on reduced chain emissions.

Requirement

- The obligation for fuel suppliers has shifted from an annually increasing obligation in renewable energy (GJ) to an obligation in supply chain emission reductions expressed in CO2 equivalent. As a result, the HBE has been abolished and the ERE has been introduced.
- Fuel suppliers receive EREs by recording in the NEa registry the amount of renewable energy they have supplied to the transportation sector in the Netherlands.

Details

- The new system focuses less on energy content and more on emissions. Consequently, the calculation method for determining the level of the obligation and the “return” from entries has changed. The NEa has published a formula to verify compliance with the fuel transition obligation.
- Fuel suppliers can accumulate EREs. The amount of EREs that can be accumulated is limited, with the general rule being that a balance of 45,000 EREs or fewer may be accumulated.
- Fuel suppliers can purchase EREs from other renewable energy suppliers.

Motor Vehicle Tax (MRB)

Recent changes or developments

UPDATE

50% reduction in the MRB rate for business-owned delivery vans

June 2026: In anticipation of the 2027 Tax Plan bill, the motor vehicle tax rates for business-owned delivery vans were reduced by 50% effective July 1, 2026. In addition, effective July 1, 2026, the motor vehicle tax rates for trucks have been reduced to zero for a period of six months. These measures will remain in effect until January 1, 2027.

UPDATE

Effective Date of Motor Vehicle Tax Changes

January 2026: Effective January 1, 2026, various structural changes to the motor vehicle tax have taken effect. The most significant changes involve a significant restriction on the application of quarter rates and a tightening of various special provisions, resulting in the standard motor vehicle tax rate now applying to many vehicle categories.

Rate Reduction Effective 2026

December 2025: Following approval by the King, the tax credit for electric passenger cars has been increased to 30% for the period from 2026 through 2028. In 2029, the credit will remain at 25%.

2026 Tax Plan

September 2025: For the period from 2026 through 2028, it is proposed to increase the tax rate reduction for electric passenger cars from 25% to 30%. In 2029, the discount will remain at 25%, after which it will be completely phased out as of January 1, 2030. With this measure, the government will tax large electric and fossil-fuel vehicles (categories D and E) equally. At the same time, it will reduce tax disparities for smaller and medium-sized vehicles (categories A through C).

Outline Letter on Vehicle Tax Reform

July 2025: The State Secretary sends a letter to the House of Representatives outlining the framework for a future-proof vehicle tax system, considering affordability, climate goals, accessibility, and stable public finances. The letter presents policy options and considerations for a new government, without announcing any new policies.

New IT System for Motor Vehicle Tax

January 2025: Tax Authority. Key conclusions:
The administration has been transferred to a new IT system. This should make it easier to make payments and request authorizations.

Update to the Framework Decision

October 2024: Framework Decision. Key conclusions:
The Framework Decision clarifies additional assessments for motor vehicle tax, incorporates expert group opinions, and regulates the transition regarding the classic car exemption; the old decision has been repealed.

Expected changes or developments

UPDATE

Temporary reduction in motor vehicle tax for business delivery vans and trucks

According to the preliminary content of the 2027 Tax Plan, two temporary reductions in motor vehicle tax will take effect as of July 1, 2026:

- The rates for business-owned delivery vans will be temporarily reduced by 50% through December 31, 2026.
- The rates for trucks will be temporarily reduced to zero as of December 31, 2026.

Restoration of the Motor Vehicle Tax Base

April 2025: Explanatory Memorandum to the 2026 Omnibus Tax Bill. Key conclusions:

- The tax base will no longer be “unladen weight” but “curb weight” to better align with concepts used at the European level and for use in the vehicle registration system.
- This change is not intended to affect the amount of motor vehicle tax or provincial surcharges payable.
- The amendments are expected to take effect as of July 1, 2026.

MRB
A quarterly tax levied on the ownership of a passenger car, a delivery van, a motorcycle, a truck, or a bus.

Taxpayer
The person who owns the motor vehicle at the start of a tax period.

Rate
Depending on the type, weight, fuel, and level of environmental pollution of the motor vehicle.

Special provisions

- Motor vehicles can be suspended so that no MRB needs to be paid.
- Vehicle tax is partially collected by provinces through provincial surcharges. Vehicle tax rates may vary by province.
- Exemption for classic cars.

Passenger Car and Motorcycle Tax (BPM)

Recent changes or developments

Key changes for 2026

December 2025: A document from the Ministry of Finance provides an overview of the most important changes to the BPM. Effective January 1, 2026, the CO_2 limits and rates for passenger cars have been adjusted. In addition, fixed low BPM amounts will continue to apply to zero-emission special passenger cars through 2030 (the BPM for zero-emission special passenger cars is EUR 687 and for zero-emission motorcycles, EUR 206). These changes have now been incorporated into the Tax on Passenger Cars and Motorcycles Act.

Tax Plan 2026

September 2025: As of January 1, 2025, the five-year BPM (tax on passenger cars and motorcycles) exemption for zero-emission special-purpose passenger vehicles (such as camper vans and wheelchair-accessible vehicles) and zero-emission motorcycles expired. As a result, the government now taxes these vehicles in the same way as their fossil-fuel counterparts.

The government aims to address these undesirable tax disparities between zero-emission and fossil-fuel vehicles. To correct this, the government is introducing a flat rate of € 667 for zero-emission special-purpose passenger cars, similar to that applied to “regular” electric cars. For zero-emission motorcycles, it introduces a flat rate of € 200.

The government also proposes to extend the reduced rate through 2030 for all zero-emission special-purpose cars and motorcycles. In this way, zero-emission cars will pay the same amount of BPM as zero-emission special-purpose cars.

In summary, the following tax rates apply:

- Zero-emission cars: € 667
- Zero-emission motorcycles: € 200
- Diesel and gasoline cars: based on CO_2 emissions

Outline Letter on Vehicle Tax Reform

July 2025: The State Secretary sends a letter to the House of Representatives outlining the framework for a future-proof system of vehicle taxes, considering affordability, climate goals, accessibility, and stable public finances. The letter presents policy options and considerations for a new cabinet, without announcing any new policies.

Amendment to regulations regarding price lists and appraisal reports for BPM filings
April 2025: Online consultation on an amendment to the regulations regarding price lists and appraisal reports when filing the BPM return, bearing in mind verifiability and fraud risk. Three measures proposed:
Market price lists will become more transparent, the use of the purchase price will be permitted, and stricter rules will apply to appraisal reports.

Three measures from the cabinet to accelerate the transition to electric cars
April 2025: Letter to Parliament on the 2025 tax and policy implementation agenda. Proposals include:
- It has been decided to apply a flat rate of EUR 667 for zero-emission passenger cars and a flat rate of EUR 200 for zero-emission motorcycles. This will apply for the next five years.
- The State Secretary has already granted approval for this by a decision dated June 23, 2025. This approval precedes the announced legislation.
- For tax returns filed **between January 1, 2025, and July 1, 2025**, an ex officio reduction will ensure that the BPM paid is in accordance with this decision. The decision expires on **January 1, 2026**.
- The revenue loss resulting from this measure is estimated at EUR 4 million.

Digitization of the BPM Return
September 2024: Letter to Parliament accompanying the final report on the digitization of the BPM tax return (see also: link). Key conclusions:
- A new digital portal simplifies the filing process and reduces administrative burdens.
- Particularly relevant for importers and other entities that file BPM returns for vehicle registrations.
- Measures discourage the artificial reduction of BPM through appraisal reports.
- Expected to be operational in the second half of 2026.

BPM
A one-time purchase tax levied when a motor vehicle or motorcycle is purchased or imported.

Taxpeyer
- Tax Liability - (Re)registration or Amended Registration: The person applying for the registration, an amendment to the registration, or re-registration.
- Tax Liability - Use of the Road: The person who actually has the vehicle at their disposal.

Rate
Differentiated rates for different types of passenger cars and motorcycles. Progressive rate based on CO_2 emissions.

Details
- Refunds are possible in some cases.
- An exemption applies in certain situations.

Truck Toll

Recent changes or developments

UPDATE

Entry into force of the truck toll and implementing regulations
February 2026: By Royal Decree of February 16, 2026, a portion of the Truck toll Act and related laws and regulations (including the implementation of the revised European toll collection rules and relevant provisions from the 2026 Tax Plan) entered into force on March 1, 2026, in preparation for the introduction of the truck toll on July 1, 2026.

Preventing Simultaneous Taxation Under the Motor Vehicle Tax (MRB)
December 2025: A document from the Ministry of Finance explains a change regarding a zero-rate for the Motor Vehicle Tax (MRB) on trucks whose maximum authorized mass has been administratively reduced by 3.5 metric tons. This zero-rate is intended to prevent double taxation from truck tolls and the Motor Vehicle Tax (MRB).

Introduction of the Truck Toll
June 2025: Progress report on the introduction of the truck toll (see also: link).
Key conclusions:
With the introduction of the truck toll, the Eurovignette will be discontinued in the Netherlands. Motor vehicle tax will also be reduced to the European minimum.

House of Representatives Approves Amendment to the Truck Toll Act
April 2025: News report on an amendment to the Truck Toll Act. Key changes:

- Rates have been adjusted.
- Trucks with low CO_2 emissions will receive a higher discount on the rate.

Truck Toll
A new toll for domestic and foreign truck owners in the Netherlands, based on the number of kilometers driven on certain roads.

Taxpayer
The owner of a truck weighing more than 3.5 metric tons (truck type N2 or N3). These will mostly be transportation companies.

Rate
The expected average rate per kilometer is EUR 0.186 (2025 price level). The lower the emissions and the lighter the truck, the lower the rate.

Details
- The planned start date is July 1, 2026. The Eurovignette will also be discontinued in the Netherlands on that date.
- Concurrent with the introduction of the new toll, the motor vehicle tax (MRB) will be reduced.
- Many European countries already have a truck toll based on kilometers driven. The system in the Netherlands will therefore operate similarly to those in countries such as Germany or Belgium.
- Transport companies can pay the truck toll through a single toll service provider, which simplifies administrative procedures.
- A provider is required for payment. An on-board unit tracks the kilometers.
- Exemptions and waivers are possible.

Air Passenger Tax

Recent changes or developments

UPDATE

2027 Tax Plan

According to the preliminary content of the 2027 Tax Plan, the definition of "final destination" in the air passenger tax will be amended via the 2027 Miscellaneous Tax Measures Bill. This amendment allows for the final destination of a passenger to be demonstrated using other appropriate supporting documentation when there is no contract of carriage. As a result, the highest rate does not have to be applied in such cases.

UPDATE

2026 Coalition Agreement

January 2026: The Coalition Agreement of January 30, 2026, commits to the introduction of a harmonized European air passenger tax to replace the current national ticket tax. Although the abolition of the national air passenger tax is not explicitly provided for, it is implicitly implied.

UPDATE

2026 Rate

January 2026: As of January 1, the air passenger tax amounts to EUR 30.25 per passenger (2025: EUR 29.40). This annual adjustment results from the inflation adjustment provided for in the Environmental Tax Act.

Air Passenger Tax Differentiation Act

December 2025: The Air Passenger Tax Differentiation Act has been adopted and published. The rates previously proposed in the 2026 Tax Plan have been confirmed and will take effect as of January 1, 2027.

November 2025: An amendment was adopted regarding separate rates for passengers and private aircraft. Effective January 1, 2030, the Environmental Tax Act will introduce separate rates for passengers departing from a Dutch airport on an aircraft with 19 or fewer seats.

2026 Tax Plan

September 2025: The Tax Plan proposes to differentiate the air passenger tax based on the distance flown. This would take effect as of January 1 2027. The rate will be determined based on the distance to the final destination. The actual flight distance is therefore not considered. It is proposed to introduce three categories: UPDATE

- A. Distance to the capital is less than approximately 2,000 km, with a rate per passenger of EUR 29.40.
- B. The distance to the capital is between 2,000 and 5,500 km, with a fare per passenger of EUR 47.24.
- C. The distance is more than approximately 5,500 km, with a fare per passenger of EUR 70.86.

Fare A applies to the Caribbean part of the Kingdom. Passengers who are only taking a connecting flight are excluded.

Air Passenger Tax

A tax per departing passenger from an airport located in the Netherlands, regardless of where that passenger is flying to. Effective January 1, 2027, the rate will vary based on the distance to the final destination.

Taxpayer

- The operator of a Dutch airport (example: Royal Schiphol Group).
- Airlines are required to pay the air passenger tax charged to them by the operator. This tax may be passed on to the consumer (example: KLM).

Time of liability

The time when the tax becomes due is the time of the passenger's departure by air.

Rate

2026: EUR 30.25 per passenger (2025: EUR 29.40)

Details

- Tax is due only on passengers aged two years and older.
- Exemption for transfer passengers.
- The rate does not yet depend on the destination.
- No European agreement yet (reason for the national law).

6. Sustainable fuels

Nuclear energy

Dutch nuclear energy

UPDATE **Relevant developments**

- Establishment of the Nuclear Energy Organization Netherlands (NEO NL). NEO NL is a state-owned enterprise responsible for the construction and operation of nuclear power plants in the Netherlands. In the 2026 Spring Memorandum, 94 million euros were transferred for this purpose from the Nuclear Energy budget line to the KGG budget. NEO NL's goal is to build the first two nuclear power plants.
- The locations of the nuclear power plants and the choice of contractor have not yet been determined. After the summer of 2026, the Minister of Nuclear Safety, in consultation with the Minister of Housing and Spatial Planning, will make a preliminary location decision in the form of a draft Preferred Decision.
- A Bill to amend the Nuclear Energy Act is currently before the House of Representatives to extend the operating life of the Borssele nuclear power plant, which would otherwise be required to close as of December 31, 2033.

May 2026

- The Netherlands and Belgium reaffirm their plans to cooperate more closely in the field of nuclear energy by signing a Memorandum of Understanding (**MoU**) during BENENUC26. The MoU stipulates that both countries will work toward more intensive knowledge sharing and a broader research base.

April 2026

- The Ministry of Economic Affairs and Climate Policy has launched a market consultation to gain insight into the opportunities and challenges involved in financing projects related to *Small Modular Reactors* (**SMRs**), the need for and design of financial support during the preparatory phase, and suggestions for mitigating potential obstacles in later project phases.

Case Law

- CJEU, June 4, 2015, C-5/14
- A tax on nuclear fuel (uranium) is permitted under EU law because it does not relate to the consumption of electricity but to the use of a means of production, and therefore falls outside the harmonized framework for excise and energy taxes

Nuclear energy worldwide

- Nuclear energy currently accounts for approximately 9% of global electricity generation, with some 440 reactors in 31 countries generating electricity. In addition, nuclear energy provides more than 20% of all low-carbon electricity worldwide and is the second-largest source of low-carbon energy.

Hydrogen

Relevant developments

UPDATE

Energy tax

- As of January 1, a separate, flat rate applies to the energy consumption of pure hydrogen under the energy tax. The rate is set equal to the rate for commercial electricity consumption above 10 million kWh (i.e., the lowest rate for electricity) and is therefore lower than the rate for natural gas.
- In addition, the exemption for electricity used in electrolytic processes for the production, purification, and compression of hydrogen has been expanded, effective in 2026.

Renewable Energy Directive III

Industrial Sector

- Under RED III, *renewable fuels of non-biological origin* (**RFNBOs**) must account for at least 42% of all hydrogen in industry in the short term (2030) and 60% in the longer term (2035).
- In April 2026, the bill titled “Act on Annual Obligations for Renewable Fuels of Non-Biological Origin in Industry” was submitted. This bill includes a requirement for operators of industrial facilities to meet an annually increasing percentage of their final energy consumption and non-energy use of hydrogen using renewable hydrogen units for industry (**HWI**).

Mobility Sector

- On January 1, 2026, the Fuel Transition Obligation (**BTV**) took effect following parliamentary approval in March 2026. The BTV is the Dutch implementation of the transportation component of RED III. A key change is the transition from the system of renewable Energy units (**HBE’s**) to emission reduction units (**ERE’s**). Within the BTV, there is a separate sub-target for the use of RFNBO in the mobility sector, which increases annually and varies by sector.
- According to RED III, the RFNBO target can be met in two ways. First, through (i) the direct supply of RFNBO as fuel to vehicles, ships, and aircraft, for which a separate unit exists (**ERE-R**), and (ii) indirectly through the use of renewable hydrogen in refineries for the production of conventional fuels and biofuels, replacing gray hydrogen. Refining Reduction Units (**RARE**) are issued for this purpose.

Carbon Border Adjustment Mechanism

- As of January 2026, the rules regarding CBAM have taken effect. In addition to, among other things, iron, steel, aluminum, cement, fertilizer, and electricity, hydrogen falls within the scope of the CBAM, meaning that hydrogen importers are subject to both reporting and payment obligations.
- Hydrogen importers must pay for the embedded CO_2 emissions of the imported hydrogen by purchasing and surrendering CBAM certificates.

Hydrogen

- Hydrogen can play an important role in making the energy supply in the Netherlands more sustainable. Hydrogen is a gaseous energy carrier that can be produced through electrolysis using electricity and water. This makes it possible to produce a fuel with high energy density from renewable sources. When burned, this energy is released. This makes hydrogen suitable as an alternative fuel for industry, transportation, and heat generation.
- The source from which hydrogen is produced determines its color. Green hydrogen is produced via electrolysis using renewable electricity. Blue hydrogen is produced from natural gas, with a large portion of the CO_2 released being captured and stored or utilized. Gray hydrogen is produced from natural gas without CO_2 capture.



7. Raw Materials, Waste, and Recycling

Waste Tax

Recent changes or developments

Tax Plan 2026

September 2025: The Dutch government initially agreed to introduce a “circular plastics levy” for 2027. Due to anticipated tax leakage effects, it became clear that the levy’s budgetary target could not be met and that the levy would provide only a limited incentive for the circular economy. The government has therefore decided not to introduce the levy. The following proposals from the Tax Plan have been adopted to amend the waste tax and thereby offset the budgetary shortfall resulting from the circular plastics levy:

- The elimination of the exemption for purification sludge.
- The general rate for the waste tax will be increased from EUR 39.70 per metric ton of waste to EUR 90.21 per metric ton of waste in 2028. This rate is ultimately set to reach a structural rate of EUR 113.81 per metric ton of waste by 2035.

Waste Tax Evaluation

- The waste tax was evaluated in the second half of 2024. The evaluation examined how effective and efficient the current measure is.
  - Effectiveness: The waste tax is highly effective in generating revenue for the government. In addition, the waste tax has contributed to some extent to the prevention of waste generation by businesses and households.
  - Efficiency: Based on information and interviews, it can be concluded that the waste tax is a financially efficient instrument. For other policy objectives, such as promoting a circular economy and reducing CO2 emissions, it is less clear whether the scheme is efficient, due to the indirect impact of the waste tax.
- The evaluation provides grounds for continuing the waste tax in the coming years.

Court ruling leading to a legislative amendment

May 2024: Court ruling by the District Court of Northern Netherlands

- On May 16, 2024, the District Court of the Northern Netherlands issued a ruling on whether there is a right to a reduction in the waste tax for a portion of the weight of CO2 that leaves the facility through the chimney during combustion, based on Article 27(1) of the Environmental Tax Act.
- In its ruling, the Court states that the grammatical interpretation of Article 27(1) of the Environmental Tax Act does not provide for an exception to the tax reduction in the form of CO_2 emitted by the facility through the chimney. The plaintiff's claim is upheld, and she is granted the reduction.
- In response to this ruling, the legislature amended the Environmental Tax Act and added "substances that leave the facility through the chimney after combustion" to the exceptions for the tax reduction in Article 27(1).

The Environment Act

January 2024: The Environment Act enters into force

- Article 5.1(2) of the Environment Act stipulates that it is prohibited to carry out environmentally harmful activities without an environmental permit.
- Facilities subject to the Waste Tax are listed in Article 22(f) of the Environmental Tax Act defines this as a site where, pursuant to one or more environmental permits for an environmentally harmful activity, waste may be disposed of.
- This links the Waste Tax to the Environment Act, and a tax liability arises only when an environmentally harmful activity takes place.
- Environmentally harmful activities are specified in the Living Environment Activities Decree.

Waste Tax

The tax is levied on the landfilling and incineration of waste. The aim is to encourage recycling and prevent environmentally harmful waste disposal.

Taxpayers

Taxpayers are operators of facilities where waste is landfilled or incinerated. More specifically, this means:

- Facilities that receive waste for landfilling or incineration.
- Facilities that landfill or incinerate waste themselves on their own premises.
- Facilities that export waste abroad to be landfilled or incinerated there.

Time of liability

The tax liability arises as soon as the waste is processed. The taxpayer must then file a tax return.

Rate

2026: EUR 40.85 per metric ton.

Details

- No tax is due for the injection of CO_2.
- Landfilling of dredged material is exempt

Waste Management Contribution

Recent changes or developments

Some rates were adjusted in 2026

- Verpact, the administrator of the waste management contribution, has raised the rates for aluminum and beverage cartons.
- The surcharge for single-use plastic (SUP) packaging has been reduced from € 2,300 to € 2,100 per 1,000 units.

Waste Management Contribution

The waste management contribution is a mandatory levy that producers and importers pay to finance the costs of collecting, recycling, and processing packaging.

Who must pay the fee?

Any natural person or legal entity established in the Netherlands that:

1. places products in packaging on the market;
2. imports products in packaging on a commercial basis;
3. on a commercial basis, commissions another party to affix its name, logo, or trademark to the packaging of products;
4. places packaging on the market that is intended to be added to products when they are made available to the user;

as well as any natural person or legal entity established abroad that directly sells packaged products to consumers in the Netherlands through distance contracts.

Packaging

Packaging, with certain exceptions, refers to all products made of any type of material that can be used for the contain, protect, transport, deliver, and present other products - ranging from raw materials to finished products - throughout the entire journey from producer to user or consumer.

Basis

Producers and importers are liable to pay the waste management contribution based on the weight of packaging per calendar year, the number of packaging units per calendar year, or a combination of these. Producers and importers who remain below the tax-exempt threshold of 50,000 kilograms of packaging in a given calendar year are, in principle, not liable for the waste management contribution. This tax-exempt threshold may also be taken into account as a pro rata deduction.

Plastic Surcharge

Recent changes or developments

The plastic surcharge has been abolished

- A recent evaluation shows that the plastic surcharge is not effective or clear enough everywhere to curb the use of single-use plastic.
- The House of Representatives has passed a motion to eliminate the surcharge on disposable cups and containers. The surcharge will be eliminated as of January 1, 2026.

Expected changes or developments

Other measures needed

Despite the elimination of the plastic surcharge, other Dutch measures are needed to comply with the European requirement regarding single-use plastics. The Netherlands has translated this requirement into a goal of achieving a 40% reduction in the use of disposable cups and containers by 2026 compared to 2022.

Plastic surcharge

Since 2023, the Netherlands has imposed a reduced surcharge on disposable cups and containers made entirely or partially of plastic. The measure is intended to reduce the use of single-use plastic and encourage reuse. The surcharge applies to products provided for takeout or delivery, such as in supermarkets, snack bars, and coffee shops. As of January 1, 2024, disposable plastic cups and containers have been banned for on-site consumption. The surcharge was abolished as of January 1, 2026.

Rate

A retailer could set their own price for a disposable cup or container. The government provided the following guidelines:

- EUR 0.05 for pre-packaged vegetables, fruit, nuts, and single-serving packages;
- EUR 0.25 for a cup;
- EUR 0.50 for a meal.

8. Oil, gas, and coal

State's profit share, excise tax, and surface charge

Recent changes or developments

UPDATE **Sectoral Agreement on Gas Extraction in the Energy Transition: Chapter on Onshore Gas Extraction**

January 2026: Additional agreements regarding onshore gas extraction arising from the Sectoral Agreement on Gas Extraction in the Energy Transition of April 2025. This specifically concerns the implementation of Article 10 of that agreement. It has been agreed that there will be greater clarity regarding where and when gas extraction will still take place, that residents and local officials will be able to contribute their input and raise their concerns in advance, and that regions where gas extraction takes place will share in the proceeds. The permitting process will also be better coordinated.

Sectoral Agreement on Gas Extraction in the Energy Transition

April 2025: Agreement between the Ministry of Climate and Green Growth, EBN, and ElementNL aimed at creating a stable investment climate and predictable policy for gas production, particularly in the North Sea. Key elements include:

- The Ministry of Climate and Green Growth is exploring the possibility of EBN participating in exploration with up to an 85% stake.
- The Ministry of Climate and Green Growth will work with the sector and the Ministry of Finance to investigate whether the release of decommissioning provisions upon transfer of a production license can be prevented or postponed.

State's profit share

A tax on the profits earned by holders of oil and gas production licenses.

Rate

50% (with a credit for the corporate income tax due)

Tax

A tax on the revenue generated from the sale of oil and gas by holders of oil and gas production licenses.

Rate

A rate ranging from 0% to 7% of revenue. For offshore licenses, the rate is 0%.

Surface Charge Tax

A tax imposed on holders of an exploration license or production license for oil and gas.

Rate

A fixed amount per km² of the license area.

Temporary Solidarity Contribution (SDB)

Recent changes or developments

Inventory of excess profits in the energy sector

UPDATE **April 2026**: Letter from the Minister of Finance dated April 20, 2026, regarding Measures to Build Resilience to Energy Shocks:

- An additional tax on windfall profits may be undesirable and complex from legal, administrative, and economic perspectives. The solidarity contribution has led to numerous legal proceedings; of the budgeted estimate of approximately EUR 3.2 billion (including the excise tax), nearly 85% is being contested through legal proceedings (Appendix 4).

UPDATE Expected case law

Court of Justice of the European Union

Complete overview

- **December 2022**: Cases pending before the General Court (EU):
  Motion to annul the Regulation underlying the SDB (EU) 2022/1854 on the grounds of a potentially incorrect legal basis (Art. 122 TFEU) and violation of the right to property, legality, and legal certainty due to the retroactive effect of the measure (Cases T-803/22 and T-775/22).
- **August 2024**: Referral of questions to the Court of Justice:
  Preliminary questions referred by the High Court (Ireland) regarding the legal basis and validity of the regulation, the potential conflict with the right to property, and the impact of the regulation's retroactive effect on the EU legal principles of legality and legal certainty (Case C-533/24).
- **June 2026**: Hearing scheduled regarding the legal validity of the Regulation:
  The judicial calendar of the Court of Justice of the EU lists a (joined) oral hearing in Cases C-153/25 (Acea Produzione et al.) and C-358/24 (Varo Energy Belgium) and C-533/24 (Vermilion Energy Ireland), in all three of which the validity of the Regulation is at the heart of the matter. The oral arguments will take place on June 9, 2026, before the Grand Chamber of the Court of Justice.

Solidarity Contribution

A one-time tax on excess profits earned in 2022, targeting companies active in the oil, gas, coal, and refining sectors. "Excess profit" is defined as the portion of profit exceeding 120% of the reference profit, which is the average taxable profit over the four fiscal years preceding the contribution year.

Taxpayer

Entities subject to corporate income tax where at least 75% of revenue derives from the extraction of hydrocarbons, mining, petroleum refining, or the manufacture of coke oven products.

Rate

33% of the excess profit.

Details

- The SDB has its origins in Regulation (EU) 2022/1854 of the Council of the European Union of October 6, 2022.
- Levied in addition to regular corporate income tax.
- The solidarity contribution is calculated for the contribution year, defined as any fiscal year beginning in the calendar year 2022.
- No distinction is made between domestic and foreign revenue.

Coal Tax

Recent changes or developments

Letter from the State Secretary for Finance

December 2025: Letter from the State Secretary for Finance:

- The elimination of the exemption for dual and non-energy uses of coal effective 2027 will particularly affect steel production.

Publication of the Phase-Out Plan for Fossil Fuel Subsidies

October 2025: Publication of the Phase-Out Plan for Fossil Fuel Subsidies:

- The abolition of the exemption is motivated by budgetary considerations on the one hand, and serves as an additional incentive to phase out coal use in the Netherlands on the other.
- The exemption for the use of coal in electricity generation was originally intended to prevent double taxation on electricity. Abolition is unnecessary now that the scheme will effectively be discontinued as of 2030 when the legal ban on the use of coal in electricity production takes effect.

Tax Plan 2025

December 2024: Publication of the 2025 Tax Plan. Key points of focus:

- The exemptions for both dual-use coal and non-energy use of coal will be abolished as of **January 1, 2027**.
- The expiration of the exemptions will primarily affect the iron and steel industry and coke plants.
- Objective: to simplify the tax system and provide additional safeguards for the phase-out of coal use in industry.
- The abolition is expected to generate annual revenue of approximately EUR 84 million over several years.
- The exemption for the use of coal for energy purposes remains in effect.

Act Prohibiting the Use of Coal in Electricity Production

September 2021: Act Prohibiting the Use of Coal in Electricity Production:
A phased ban on the use of coal as a fuel for electricity generation in the Netherlands. For power plants with an electrical efficiency of 44% or higher, the ban takes effect on **January 1, 2030**. For power plants with lower efficiency, the ban takes effect on **January 1, 2025**.

Coal Tax

Tax on the importation of coal from a third country and the handling (transport, storage, and consumption) of lignite, coke, bituminous coal, and coal-derived fuels.

Taxpayer

In the case of removal, the tax is levied on the facility’s permit holder. In the case of coal imports, the tax is levied on the person filing the import declaration for the goods (customs debtor).

Rate

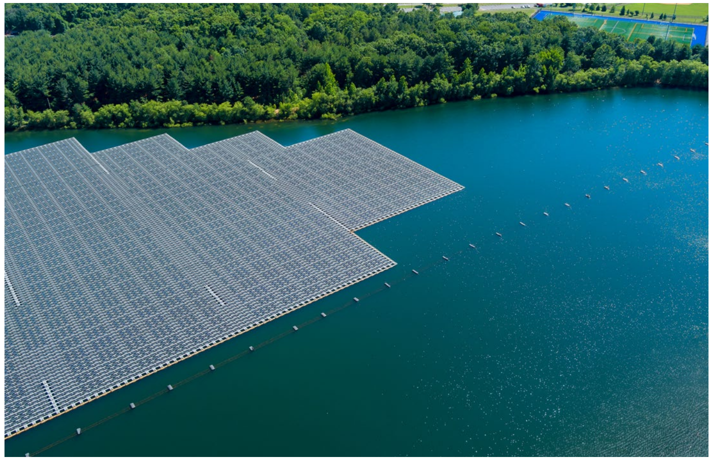
2024: EUR 18.10 / 1,000 kg
2025: EUR 18.32 / 1,000 kg
2026: EUR 18.85 / 1,000 kg

Details

- Tax exemption for the removal and import of coal used for purposes other than as fuel (non-energy).
- Tax exemption for the export and import of coal used for electricity generation (energy purposes).
- Tax exemption for the shipment and import of dual-use coal.

The tax exemption for the use of coal for energy purposes did not apply during the period from 2013 through 2015.





9. Built Environment

Valuation of Immovable Property Act (WOZ)

Recent changes or developments

UPDATE

Renewable Energy Valuation Guide

October 2025: WOZ Data Center publishes annual valuation guide:

- The valuation guide covers, among other things, the valuation of wind turbines and solar farms.
- Information on applicable functional lifespans, residual values, and other key metrics.
- A delayed connection due to grid congestion may be grounds for temporarily adjusting the functional assessment of a facility.

Report on extending the WOZ assessment period

May 2025: Report on the consequences and possibilities of a biennial revaluation.

Key conclusions:

- Arguments for maintaining an annual WOZ assessment period, such as greater acceptance by stakeholders, the prevention of abrupt adjustments, and the continuity of the implementation process, outweigh the (potential) reduction in the workload for municipalities.
- The Association of Dutch Municipalities continues to advocate for the annual revaluation of real property.

UPDATE

Recent case law and policy

Supreme Court

- **February 2026**: The Supreme Court ruled that the value of real property is, in principle, set at the adjusted replacement value. A party that invokes a deviation from the guidelines in the Valuation Guide, while having accepted the Valuation Guide as the starting point for the relevant aspect of the valuation, must state the grounds for doing so and, in the event of a dispute, demonstrate that they are plausible. If that party is the interested party, this constitutes an exception to the rule that the burden of proof for the WOZ value initially rests with the tax official. In this case, the interested party has consistently contested the principles of the Valuation Guide, as a result of which the burden of proof remains with the tax official.
- **January 2026**: The Supreme Court rules that a rooftop solar panel system (separated by a right of superficies) is an independently constructed property and must be classified as a separate WOZ object.
- **September 2025**: The Supreme Court declares the appeal in cassation unfounded and rules that, in assessing whether two properties within a business constitute a single unit for WOZ purposes, not only organizational coherence is decisive, but also, for example, geographic circumstances:
  - The notion that organizational coherence is decisive is based on a misinterpretation of the Schiphol ruling (BNB 2003/270).
  - Whether a single unit is formed must be assessed by considering all the circumstances of the case in their mutual context. In addition to organizational coherence, this also concerns geographical coherence, the distance between the properties, the possibility of separate sale and use, the external characteristics, and the cohesion observable to third parties.
- **May 2025**: The Supreme Court overturns the Court of Appeal's ruling regarding the impact of gas extraction facility dismantling costs on the WOZ value:
  - In the event that the owner of a piece of real property is obligated to remove a structure after the cessation of activities, an assessment must be made of the impact that dismantling obligation has on the value of the real property.
  - When determining the adjusted replacement value of a property, a decrease in value of (disregarded) equipment may be taken into account if a building is specifically designed for an installation to which the equipment exception applies.

Procurator General's Office at the Supreme Court

- **April 2025**: Opinion of Advocate General Pauwels - Equipment Exemption Does Not Apply to PV System:
  The Advocate General concludes that the PV system installed on the roof of a distribution center is, in and of itself, to be regarded as a structure and therefore cannot, as a whole, fall under the equipment exemptionvallen.

Courts of Appeal

- **January 2026**: The 's-Hertogenbosch Court of Appeal rules that, for energy tax purposes, the inspector is required to follow the WOZ assessments issued by the tax official in accordance with the policy in effect at the time - which is now outdated.
- **June 2024**: The Arnhem-Leeuwarden Court of Appeal rules that a floating solar park is movable property:
  Given its construction, a floating solar farm is intended to float and is therefore to be regarded as a vessel. Whether the solar farm is actually used as a means of navigation or transportation, or to what extent it is intended to remain in place for an extended period, is irrelevant.
- **December 2021**: The 's-Hertogenbosch Court of Appeal rules on the market value of the land beneath wind turbines:
  - The "wind turbine" zoning designation affects the value of the underlying land.
  - To determine the value, a comparison must be made with the present value of the fees paid for the right to build on the land.

Courts

June 2023: The District Court of Northern Netherlands rules on the agricultural land exemption in the WOZ for a solar park:

- The solar farm is mounted on posts, allowing sheep to graze beneath the panels. Grazing on the ground is classified as agricultural use, which means the land qualifies for the agricultural land exemption.
- The value of the cultivated land is not included in the WOZ value of the property.

Expert Group

December 2024: Expert Group Position on Depreciation Limits for Solar Panels:

- A solar panel installation on a roof for which a separate right of superstructure has been established and which exclusively supplies electricity to the grid at the expense and risk of the owner of the superstructure does not qualify as a building. The tax depreciation limitation does not apply.
- The WOZ Act does apply to solar panel installations.

Valuation of Immovable Property Act (WOZ)

Under the WOZ Act, a value is assigned to real property, such as wind turbines, solar farms, and power plants. This value affects (among other things) the energy tax, municipal taxes, water board levies, and the tax depreciation of commercial buildings.

Interested party

The natural person or legal entity that has the right to use real property by virtue of ownership, possession, or a limited right.

Details

- The WOZ value is set at the market value in a condition ready for immediate delivery, or the higher replacement value of the property.
- Annual depreciation on buildings is limited to the amount by which the book value exceeds the WOZ value.
- Valuation exception for equipment that does not qualify as built property and that can be separated from real property without significant damage (equipment exception). When determining the value of a piece of real property, the value of exempted equipment is not taken into account.

B. European developments

1. Net Zero Industry Act

What is the Net Zero Industry Act (NZIA)?

- **Article 1 of the NZIA**: The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of net-zero technologies. In this regard, it is particularly important to scale up the production capacity of these technologies and their supply chains. This should contribute to the achievement of the Union's climate objectives and the climate neutrality target.
- **Articles 3 and 4 of the NZIA**: Article 4 contains a list of net-zero technologies. This article stipulates that net-zero technologies are the end products or specific components of the technologies set forth in Article 4, or specific machinery used for the production of these technologies. Net-zero technologies can generally be described as technologies that contribute to achieving net-zero greenhouse gas emissions.
- **Article 20 of the NZIA**: By 2030, an annual injection capacity of at least 50 million metric tons of CO_2 are available to the market at storage sites not associated with tertiary hydrocarbon recovery. This injection capacity may be used for injecting CO_2 captured from industry. All storage sites must be designed to operate for at least five years.
- **Article 23 of the NZIA**: Entities within the European Union that hold a license for the production or exploration of oil or gas are required to make an individual contribution toward the 50 million metric tons of CO_2 target. The individual contribution is determined based on the entities' share of oil and gas production in the Union from **January 1, 2020, through December 31, 2023**.



Relevant dates

- The NZIA was announced by the European Commission on March 16, 2023. A Q&A was also published.
- The NZIA entered into force on June 29, 2024.
- As of 2030, CO_2 injection capacity must be made available for the first time by licensed oil and gas producers.

UPDATE **Developments (European and Dutch)**

2027: The Netherlands intends to introduce implementing legislation for the NZIA as of 2027. This legislation is expected to include the practical details of the NZIA.

2026: The European Commission has published its first progress report on progress toward the EU target of 50 Mton of annual CO_2 injection capacity by 2030. The key findings are as follows:

- Three storage sites already have permits: Porthos in Rotterdam, Greensand in the Danish North Sea, and Prinos in the Aegean Sea.
- At least seven additional sites are expected in the coming years, with a combined injection capacity of 19 Mton/year.
- According to the Commission, the 2030 target of 50 Mton is achievable, provided that oil and gas producers accelerate the development of new storage sites.

Regulation Objective

The Net Zero Industry Act aims to strengthen European production capacity for net-zero technologies and their essential components. The Regulation addresses barriers to scaling up production in Europe and aims to enhance the competitiveness of the net-zero technologies sector, attract investment, and improve market access for clean technologies within the EU. This contributes to the transition to clean energy and strengthens the EU's energy security.

By the numbers

- The Regulation sets a target that, by 2030, at least 40% of the EU's annual deployment needs for net-zero technologies will be produced within the EU.
- The Regulation sets a goal of creating an internal market for CO_2 storage services by 2030. To this end, a target is set at EU level, with a mandatory annual CO_2 storage capacity of at least 50 million metric tons.

UPDATE **2026**: The European Commission has published an Implementing Regulation setting out minimum environmental sustainability requirements for public procurement procedures for certain net-zero technologies. In addition, the Commission has published a proposal titled The Industrial Accelerator (IAA), which proposes significant amendments to the NZIA to promote industrial capacity and decarbonization in strategic sectors.

UPDATE **2025**: The European Commission has published a Delegated Regulation supplementing the NZIA, which includes identification and calculation rules applicable to European oil and gas producers required to provide CO_2 injection capacity by 2030. In addition, the European Commission has published a list of permit holders who, pursuant to Article 23 of the NZIA, are required to contribute to the European Union's CO_2 injection capacity. This list also specifies each permit holder's contribution to the European CO_2 injection target.

UPDATE **Overview of pending cases**

In October 2025, several cases were filed in court by oil and gas producers who, under the NZIA Regulation, are required to make CO_2 storage capacity available as of 2030. The claims primarily seek the annulment of Commission Decision (EU) 2025/1479 and Delegated Regulation (EU) 2025/1477. They also seek a declaration that the NZIA Regulation is invalid.

2. Fit for 55-Package

EU ETS Reform

What is the EU ETS review?

- The EU ETS review is a mandatory evaluation of the existing European emissions trading system. Based on the "*evaluate first*" *principle*, a thorough evaluation of the effectiveness of the current rules must be conducted before any adjustments are made.
- The 2026 review focuses on the existing EU ETS-1 and the Market Stability Reserve (MSR). This is based on specific articles in the ETS Directive.
- The ETS Directive contains several review clauses regarding EU ETS-1, to assess potential adjustments for aviation, maritime transport, and stationary installations.
- The planned review of the EU ETS in 2026 involves a thorough evaluation and possible adjustment of the system.
- The ETS Directive was previously revised in 2023 as part of the "Fit for 55" package, which tightened environmental targets and expanded carbon pricing to new sectors of the economy.

Relevant dates

- In April 2025, the European Commission launched a public consultation to gather input from citizens, businesses, and other stakeholders. This consultation ran through **July 8, 2025**.
- The revision must be completed by July 2026 at the latest. In its 2026 Work Program, the European Commission announced that it will present a proposal to revise the EU ETS Directive by July 2026.
- The new ETS2 system (for buildings, road transport, and small-scale industry) is not included - it will not be evaluated until 2031.

Purpose of the revision

- The objective of the EU ETS reform is to strengthen the European Union's climate ambitions within the framework of the Fit for 55-package.
- Certain aspects of the EU ETS are being revised to ensure that the system continues to contribute in a cost-effective manner to the overall goal of climate neutrality by 2050, with all sectors required to contribute to the EU's climate objectives.

Deforestation Regulation (EUDR)

UPDATE

Timeline, key milestones

The implementation of the Deforestation Regulation (EUDR) has been postponed again by one year, effective December 26, 2025. The following dates are relevant

- **December 30, 2026**: Applies to large and medium-sized enterprises, downstream operators, and all operators importing relevant timber products (regardless of the size of the enterprise).
- **June 30, 2027**: Applies to individuals and micro and small enterprises for other relevant products.

UPDATE

Recent changes and developments

On December 19, 2025, Regulation 2025/2650 was published, introducing the following key changes:

- New categories of market participants:
  - Primary micro and small market participants: a natural person or an enterprise that does not exceed at least two of the following three criteria, related to its activities involving relevant raw materials and products, during the fiscal year:
    1. a balance sheet total of 5 million euros;
    2. net revenue of 10 million euros;
    3. a workforce of 50.

    and which is established in a country classified as low-risk, and which, for the sake of brevity, has obtained the relevant raw materials or products itself through harvesting, cultivation, or similar means;
  - Downstream market participant: a natural or legal person who places relevant products on the market or exports them, provided they are accompanied by a due diligence statement or a simplified declaration.
- Reduced frequency for submitting due diligence statements for market participants and new simplified declaration scheme for primary micro and small market participants:
  - Primary micro and small market participants are required to submit a one-time simplified declaration for the relevant products they place on the market or export, after which they are assigned a declaration identification number;
  - Market participants must submit a due diligence statement and retain it for five years. Market participants must share with downstream market participants and traders the reference numbers of the due diligence statements they have submitted or, where applicable, the declaration identification numbers of the products placed on the market or exported;
  - When placing relevant products on the market or exporting them, downstream market participants and traders must refer to the due diligence statement previously submitted to the information system or the declaration - identification number, and must retain contact information for suppliers and customers for five years.

On May 4, 2026, the European Commission published a draft delegated regulation removing certain leather products from the list of relevant products falling within the scope of the EUDR.

Relevant raw materials
Livestock, cocoa, coffee, palm oil, rubber, soy, and wood.
Relevant products are manufactured from the raw materials listed above.

Please note: not all products consisting of these raw materials fall within the scope of the EUDR; see Annex I of the EUDR. The tariff classification in the Combined Nomenclature is decisive.

Statement of Due Diligence
The due diligence statement must include, among other things, a description of the product, information such as the country of production, and a statement that the required due diligence has been exercised.

What is the EUDR?
Relevant products may not be placed on the EU market, offered for sale on the EU market, or exported from the EU unless the following conditions are met:

- The relevant products are deforestation-free;
- The relevant products are produced in accordance with the relevant legislation of the country of production; and
- The relevant products are accompanied by a (simplified) due diligence statement.

ReFuelEU Aviation

What is ReFuel EU Aviation?

- ReFuelEU Aviation (ReFuelEU Aviation) is a European regulation (EU 2023/2405) that aims to make the aviation sector more sustainable by promoting the use of *sustainable aviation fuels* (**SAF**).
- Starting in 2025, aviation fuel suppliers must begin supplying a minimum percentage of sustainable aviation fuel, which will gradually increase to 70% by 2050.
- The minimum percentage of synthetic aviation fuel - which also contributes to meeting the minimum percentage of sustainable aviation fuel - will start at 0.7% in 2030 and rise to 35% by 2050.
- Airline operators must refuel 90% of the annual fuel required for departing flights at each EU airport. Enforcement of the refueling obligation will begin in calendar year 2025.
- Airline operators must report annually on the required and actual fuel volumes refueled. The reporting deadline for airline operators is the same as that of the EU ETS - annually by March 31 - with the first reporting year being 2025, covering the calendar year 2024.

UPDATE

Relevant dates

- The reporting deadline for the year 2026 was February 14 for fuel suppliers.
- The reporting deadline for the year 2026 was March 31 for aviation operators.

Developments

- On **February 27, 2025** the European Commission published the Report from the Commission to the European Parliament and the Council - *The ReFuelEU Aviation SAF Flexibility Mechanism* (COM(2025) 59 final), which states that ReFuelEU Aviation remains a key instrument for the rollout of SAF in the EU.
- On **March 14, 2025** the European Aviation Safety Agency (EASA) published version 1.5 of the Fuel Monitoring Tool. This tool helps airlines comply with their reporting obligations under Article 8 of the ReFuelEU Aviation Regulation.
- Status of Dutch Implementation (Implementation Act for ReFuelEU Maritime and ReFuelEU Aviation):
  - On **February 24, 2025**, Minister Madlener (Infrastructure and Water Management) submitted an amendment bill to the House of Representatives. This bill clarifies how the Netherlands will implement the European rules at the national level.
  - The House of Representatives passed the bill without debate on **March 20, 2025**.
  - The Senate issued a report on **May 21, 2025**, and is awaiting the minister's response.
  - On **July 4, 2025**, a policy memorandum was published in which Minister Tieman responds to questions from the Senate regarding the FuelEU Maritime and ReFuelEU Aviation Implementation Act. This memorandum clarifies how the Netherlands will implement the European regulations and what role the Dutch Emissions Authority (NEa) will play in this process.
  - The Act was published on September 16, 2025, after which Article I, sections A, B, C, D, and E, apply retroactively to January 1, 2025.
- On **June 3, 2025**, the Ministry of Infrastructure and Water Management published a roadmap for the use of SAF in the Netherlands. This roadmap is part of the Aviation Policy Letter and outlines concrete steps to promote the use of sustainable fuels in the aviation sector.

UPDATE

- As of January 1, 2026, Switzerland has implemented the ReFuelEU Aviation Regulation. This means that aviation fuel suppliers at the Zurich and Geneva airports must blend a minimum of 2% sustainable aviation fuel (SAF) into their fuel.

Purpose of the Regulation

The goal of the ReFuelEU Aviation Regulation is to make the aviation sector in the EU more sustainable and to contribute to the EU's climate goals. The regulation is part of the broader Fit for 55-package, which aims to reduce greenhouse gas emissions by 55% by 2030.

FuelEU Maritime

What is FuelEU Maritime?

- FuelEU Maritime (FuelEU Maritime) is a European regulation (EU 2023/1805) that will take effect in 2025 and is part of the broader EU “Fit for-55” climate package.
- Every ship ≥ 5,000 GT calling at EU ports, regardless the flag or nationality, must meet the annual reduction targets for the greenhouse gas intensity of energy used starting **January 1, 2025**. The entity that controls the ship (often the holder of the *Document of Compliance*) is responsible for compliance.
- The requirement applies to the entire life cycle of fuels (Well-to-Wake), including production, transport, and combustion. Ships may choose how they meet the requirements - through biofuels, e-fuels, hydrogen, electric propulsion, and so on.

Relevant dates

- As of **August 31, 2024**, a monitoring plan must be submitted for each ship.
- The FuelEU Maritime regulation took effect on **January 1, 2025**.
- The first report for 2025 was due no later than **January 31, 2026**.
- By **June 30, 2026**, at the latest, every ship must have a *FuelEU Document of Compliance* on board.
- Starting in 2030, container ships and passenger ships must use shore power (OPS) or other zero-emission technologies while berthed at certain ports.

UPDATE

Developments

- Status of Dutch Implementation (FuelEU Maritime and ReFuelEU Aviation Implementation Act):
  - On **February 24, 2025**, Minister Madlener (Infrastructure and Water Management) submitted an amendment to the House of Representatives regarding FuelEU Maritime. This amendment clarifies how the Netherlands will implement the European regulations at the national level.
  - The House of Representatives passed the bill without debate on **March 20, 2025**.
  - The Senate issued a report on **May 21, 2025**, and is awaiting the minister's response.
  - On **July 4, 2025**, a policy memorandum was published in which Minister Tieman responds to questions from the Senate regarding the FuelEU Maritime and ReFuelEU Aviation Implementation Act.
  - The Act was published on September 16, 2025, after which Article I, sections A, B, C, D, and E, apply retroactively through January 1, 2025.
  - Starting in **2027**, this may be extended to ships > 400 GT.
- On **June 6, 2025**, Commission Implementing Regulation (EU) 2025/1127 was published. This regulation defines which container transshipment ports do not count as "ports of call" under FuelEU Maritime. The European Sustainable Shipping Forum (ESSF) has published two guidelines:
  - A methodology report for calculations under FuelEU, including fuel allocation and flexibility mechanisms.
  - A report on certification procedures for marine fuels to support the implementation of FuelEU Maritime
- On January 22, 2026, the NEa organized a webinar to explain the FuelEU Maritime directive.

Regulation Objective

The objective of FuelEU Maritime is to reduce greenhouse gas emissions in the maritime sector and to promote the use of renewable and low-carbon fuels.

By the numbers

Gradual reduction in the greenhouse gas intensity of the energy used by ships:

- 2% reduction by 2025
- 6% reduction by 2030
- Up to an 80% reduction by 2050

Penalty

Non-compliance results in fines.

Details

Emissions reductions may be achieved at the fleet level, not on a per-vessel basis.

Revision of the Energy Taxation Directive (EBR)

Brief analysis of the EBR

- **Article 1 - Purpose**: Member States must levy a tax on energy products and electricity.
- **Article 4 - Tax Rates**: Member States' tax rates may not be lower than the minimum rates set out in Annex I - A, B, or C.
- **Directive (EU) 2020/262 - General Provisions**: Directive (EU) 2020/262 specifies, among other things, the taxable event, time, and place of liability with respect to energy products and electricity covered by the ETR.

Key issues (summarized and not exhaustive)

- **Issue 1**: The EBR is no longer aligned with the EU's climate and energy objectives (it does not provide incentives for greenhouse gas reduction, energy efficiency, or the use of electricity and alternative fuels).
- **Issue 2**: The EBR effectively promotes the use of fossil fuels due to a wide range of tax exemptions and reductions.
- **Issue 3**: The EBR no longer contributes to the proper functioning of the internal market due to the lack of an indexation mechanism for minimum tax levels.

Developments

- 2021 - Proposal to restructure the EBR: The most significant changes compared to the current EBR include shifting from a tax based on volume to a tax based on energy content, removing incentives for fossil fuels, and ranking tax rates based on their environmental performance. The proposal also reviews the possibility of tax reductions and exemptions, which currently result in lower taxes on fossil fuels. Furthermore, the proposal aims to eliminate exemptions for aviation and shipping.

- **2022 and 2024 - Economic and Financial Affairs Council**: A debate was held on the revision of the EBR. To that end, a progress report was published setting out the presidency's views on the status of the work and the progress made. In December 2024, a debate was held on the revision, and the progress made was reviewed.
- **2025 - ECSA Update**: The latest compromise on the EBR maintains the exemption for marine fuels, with a review by 2035 at the latest, despite continued pressure from the EC.
- **2025 - Progress Report Update**: Under the Polish presidency, progress has been made on the revision of the EBR, with proposals for exemptions for energy-intensive sectors, automatic indexation of minimum tax levels, and the retention of existing compromises. The revision of the EBR is expected to be a priority under the Danish presidency.
- **2025 - Invitation to Coreper**: Coreper is invited to take note of the Presidency's intention to reach an agreement, to instruct the working groups to finalize the content of the EBR, and to report back to Coreper. The aim is to reach an agreement in the Economic and Financial Affairs Council (ECOFIN) in November 2025.
- **2025 - New Version of the EBR**: On July 30, 2025, a compromise text on the revision of the EBR was drafted under the Danish Presidency. Member States are expected to discuss it in early September, and the goal is to reach an agreement by the end of the year.
- **2026 - EBR Not on the Agenda:** Continuing efforts to reach a political agreement on the EBR are not included in the program of the Cypriot presidency for the first half of 2026, nor in the draft agendas for the Council meetings scheduled under this presidency. For the time being, therefore, it seems unlikely that a new attempt to reach an agreement will be made during this period, although no formal announcement to that effect has yet been made.

UPDATE
- **2026 - EBR as a pending EU legislative proposal:** The EBR is included in a report on pending EU legislative proposals for the first quarter of 2026.

Objective of the EBR

- To establish minimum tax levels at the Community level for energy products such as natural gas, coal, and electricity, in addition to mineral oils.
- The primary objective of the EBR is to ensure a well-functioning internal market. The secondary objective is to support Member States in implementing EU environmental protection policies and fulfilling international obligations.

Details

- The EBR entered into force in 2003, and the minimum rates are now clearly outdated. A revision of the EBR has long been on the agenda but has not yet taken place.
- The revision of the EBR is part of the "Fit for 55" package, which was presented by the European Commission on July 14, 2021. As part of that initiative, a proposal to restructure the EBR was also made, and an impact assessment report was published.
- The EBR does not establish a link between the minimum tax rates for fuels and their energy content or environmental impacts.
- The EBR provides an exemption for aviation and shipping.

Implementation

In the Excise Tax Act and the Environmental Tax Act.

3. Regulation (EU) 2022/1854 - Emergency Intervention on Energy Prices

What is the Regulation (EU) 2022/1854?

The EU Regulation 2022/1854 was adopted in response to the sharp rise in energy prices caused by disruptions in gas supply in mid-2022.

The Regulation includes three measures aimed at reducing electricity consumption and mitigating the effects of high energy prices on end users:

- A requirement for Member States to reduce their gross energy consumption.
- A cap on the revenues of electricity producers with low marginal costs (the inframarginal electricity levy).
- A temporary solidarity levy on excess profits of companies operating in the oil, gas, coal, and refining sectors.

Developments

Ongoing proceedings before the Court of Justice of the EU

- Several legal proceedings challenging (parts of) the Regulation are pending before the Court of Justice of the EU and the General Court.
- The Regulation is based on Article 122 TFEU and was adopted by a qualified majority. This legal basis is being challenged due to the fiscal character of the inframarginal electricity levy and the temporary solidarity contribution.
- In addition, several cases are pending before the Court of Justice of the EU regarding the possible incompatibility of these measures with other EU law, such as property ownership.

Overview of pending cases

UPDATE **Temporary Solidarity Contribution**
- General Court (EU), T-775/22, December 12, 2022, (*TJ et al. v. Council*)
- General Court (EU), T-795/22, December 20, 2022, (*TV and TW v. Council*)
- General Court (EU), T-802/22, December 28, 2022, (*ExxonMobil*)
- General Court (EU), T-803/22, December 30, 2022, (*TZ v. Council*)
- Court of Justice, C-358/24, May 16, 2024, (*Varo Energy Belgium*)
- Court of Justice, C-533/24, August 1, 2024, (*Vermilion Energy Ireland et al.*)
- Court of Justice, C-731/25, November 17, 2025, (*Rompetrol*)

UPDATE **Price Cap for Inframarginal Electricity Producers**
- General Court (EU), T-759/22, December 2, 2022, (*Electrawinds Shabla South EAD v. Council*)
- Court of Justice, C-261/24, April 12, 2024, (*Alizeu Eolian*)
- Court of Justice, C-462/24, July 1, 2024, (*Braila Winds*)
- Court of Justice, C-467/24, July 2, 2024, (*2Valorise HAM and Others*)
- Court of Justice, C-187/25, March 7, 2025, (*EVN Bulgaria Renewables*)
- Court of Justice, C-153/25, April 28, 2025, (*Acea Produzione et al.*)
- Court of Justice, C-327/75, May 14, 2025, (*VETS Svoge*)
- Court of Justice, C-588/25, September 4, 2025, (*Preenergyvis*)
- Court of Justice, C-699/25, November 5, 2025, (*Green forest project*)

Overview of decided cases

Price cap for inframarginal electricity producers
- Court of Justice, C-423/23, January 22, 2026, (*Secab*)
- Court of Justice, C-633/23, December 18, 2025, (*Electrabel et al.*)
- Court of Justice, C-391/23, October 16, 2025, (*Brăila Winds*)

Purpose of the Regulation

The purpose of the Regulation is to reduce electricity consumption by Member States and to mitigate the effects of high energy prices on end users of electricity. On the one hand, this objective is achieved by requiring Member States to reduce their electricity consumption. On the other hand, the surplus revenue must be used to finance targeted measures that mitigate the effects of high energy prices.

Details

- The Regulation was adopted pursuant to Article 122 of the TFEU. On this basis, the European Union may adopt an (emergency) measure in the event of serious difficulties in the supply of energy products.
- The Regulation is temporary in nature and is no longer in force.

Dutch implementation

- Act on the Temporary Solidarity Contribution
- Temporary Act on the Inframarginal Electricity Levy

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