

## **Outline of the support measures available to entrepreneurs**

The government has announced additional support measures for businesses to offset, as much as possible, the negative effects of the coronavirus crisis. An overview of the key measures is presented below.

### **Please note:**

On Thursday, 2 April it was announced that the rules on applying for a deferment of tax payments have been relaxed further, including by broadening the types of taxes covered. Read more about this in Article 6.

### **Please note:**

We are keen to ensure we provide up-to-date information. As we are writing, however, the Dutch Government is constantly announcing new additions or improvements to (new) schemes. The overview below is based on the information available as at 7.15 p.m. on Thursday, 2 April.

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1. Entrepreneurs can apply under NOW payroll compensation scheme from 6 April

Employers who experience a drop in turnover will have a portion of their payroll costs reimbursed via the NOW scheme. They will be able to apply for this compensation from 6 April to 31 May 2020.

### **Drop in turnover of at least 20% for three months**

The main condition for receiving the compensation is that a company's turnover drops by at least 20% for a period of three months.

### **How the drop in turnover is determined**

The drop in turnover is determined by taking 25% of the turnover for 2019 as a reference. This has to be compared with the turnover generated from March to May 2020. However, employers can also take a period starting one or two months later as a basis for determining their drop in turnover. In such cases the wage bill will remain the wage bill for March, April and May 2020.

### **Please note:**

In the case of groups the turnover for the whole group is taken as a basis. Any subsidies received and other contributions from public funds are treated as turnover.

### **Maximum contribution of 90%**

In the event of a 100% drop in turnover the contribution amounts to 90% of the wage bill. If the drop is smaller, the contribution is adjusted proportionately, i.e. it will amount to 45% of the wage bill for a 50% drop in turnover.

### **What is the wage bill?**

The wage bill is determined using the payroll tax return, taking the salaries on which employee insurance contributions were deducted in January 2020 as a basis. A 30% mark-up for charges paid by the employer, such as pension and employer's contributions, is added to this for all companies. The maximum salary per employee is € 9,538 per month.

### **Application**

The application is made for each payroll tax number. The expected drop in turnover for the company as a whole must be indicated in each application.

### **Who is and who is not eligible?**

Anyone for whom a payroll tax return is submitted and who is insured under the Unemployment Insurance Act (WW), Sickness Benefits Act (ZV) or Work and Income (Capacity for Work) Act (WIA) is covered by the scheme. The salary of flexiworkers is also compensated. No distinction is made between different forms of contract. The scheme also covers the payroll costs of employees for whom the employer has no obligation to make continued salary payments, e.g. employees on a zero-hours contract.

Payroll employers and temporary employment agencies are subject to the same conditions as ordinary employers. Employees with a fictitious employment relationship also fall under the scheme, although uninsured and voluntarily insured directors/major shareholders (Dutch: *DGA*) do not.

### **Approval by UWV**

If the application is approved by the UWV, an advance payment of 80% will be paid in three instalments. The first portion of the advance will be paid out within two to four weeks of the application being made. If necessary, the scheme will be extended beyond May. The subsidy may only be used to cover payroll costs.

### **Accountant's role**

Within 24 weeks of the end of the period for which compensation has been awarded under the NOW the employer must apply for the final amount of the subsidy to be determined. In principle, a declaration from an accountant is required for this purpose, but the threshold below which this will not be necessary is being considered. A final settlement from the UWV will follow within 22 weeks.

### **No compulsory redundancies!**

A condition for receiving the contribution is that no applications to make employees redundant for commercial reasons are submitted to the UWV over the period from 18 March to 31 May 2020. If such applications are made, the contribution is reduced by deducting 150% of the salary of the employee who has been made redundant from the wage bill.

### **Please note:**

This condition does not apply to employees on a flexible contract.

## **2. Applications for € 4,000 support measure opened**

Entrepreneurs in sectors that have been particularly affected by the coronavirus crisis can now apply for a net contribution of € 4,000 towards their costs. This is possible under the Contribution for Entrepreneurs in Sectors Affected by COVID-19 scheme (Tegemoetkoming Ondernemers Getroffen Sectoren COVID-19 (TOGS)), previously known as the Emergency Service Point (Noodloket).

Applications can be submitted until 5 p.m. on 26 June 2020. The contribution takes the form of a grant. To prevent abuse of the scheme, applications will be subject to checks.

### Specific sectors

The contribution is intended for specific sectors. It covers food and drink outlets, cinemas, hair and beauty salons (including hairdressers, pedicurists and beauticians), travel agents and tour operators, driving school owners, saunas, solariums, swimming pools, fitness centres, sports clubs and sporting events, as well as certain private cultural institutions, such as museums, circuses, theatres and music schools. Entrepreneurs in the non-food sector, such as shopkeepers, can also make use of the scheme from Monday, 30 March 2020. The list of industries and sectors was updated on Monday, 30 March 2020.

### Apply digitally

The application must be submitted digitally to the Netherlands Enterprise Agency (RVO) at [www.rvo.nl/tegemeetkomingcorona](http://www.rvo.nl/tegemeetkomingcorona). eHerkenning, level 1 or higher, is required to make the application. Initial experiences suggest that an advisor with eHerkenning is allowed to submit the application for a client. In this case the client must have authorised the firm to do so in writing.

### Conditions

This contribution is subject to a number of conditions. The main ones are as follows:

- your company is based in the Netherlands;
- your company belongs to one of the sectors referred to above; this must be apparent from the entry in the Commercial Register of the Chamber of Commerce on the reference date of 15 March 2020;
- your company employs no more than 250 people;
- your company is not bankrupt and has not applied for a suspension of payments;
- you expect your turnover to drop by at least € 4,000 from 16 March 2020 to 15 June 2020;
- you expect to have fixed costs of at least € 4,000 from 16 March 2020 to 15 June 2020, also after having taken advantage of other support measures made available by the government;
- you have received no more than € 200,000 in state aid over the current and the two preceding tax years (de minimis Regulation).

### Not available to businesses run from home

Another condition is that your business must be based outside your home. The sole exception are food and drink outlets, e.g. a café whose owner, tenant or lessee lives above the business.

### The application

To submit an application, you need (in summary):

- eHerkenning (level 1 or higher)
- the Chamber of Commerce (KvK) number of the company (please note: not the branch number/RSIN)
- the SBI code of the company's principal activity
- the company's correspondence and visiting address
- the entrepreneur's contact details: name, telephone number and email address

### When will you receive your money?

RVO will endeavour to make a decision within two weeks. The payment will then be made within a few working days. If the RVO is unable to make a decision within two weeks, you will be notified promptly.

### 3. Relaxation of pension contribution payment requirements

Pension administrators are also trying to alleviate the financial distress that entrepreneurs are experiencing as a result of the coronavirus crisis. They are helping them as much as possible to overcome the difficulties they are facing in relation to the payment of pension contributions. As the

problems differ from one sector and one employer to another, tailor-made arrangements will be worked out based on the following possibilities:

- Pension administrators will make a payment arrangement with employers, where necessary. In this case the individual employer must contact the pension fund, insurer or contributory pension institution (PPI).
- The periods for paying pension contributions will be extended within the bounds of what is possible under the law.
- Pension administrators will pursue a less strict collection policy, including deferring the engagement of debt collection agencies and the imposition of penalties.

**Please note:**

Entrepreneurs experiencing acute problems with the payment of their pension contributions are advised to consult the website of their pension administrator and, if necessary, to contact their pension fund, insurer, PPI or financial advisor.

#### 4. Differentiated unemployment insurance contribution

Since 1 January employers have paid a low unemployment insurance contribution for permanent contracts and a high unemployment insurance contribution for flexible contracts. The high unemployment insurance contribution is also payable for permanent employees whose overtime has exceeded 30% of their contractual working hours in a calendar year.

This rule could now have unintended consequences in sectors that need employees to work a considerable amount of additional overtime as a result of the coronavirus crisis, such as healthcare. The government is preparing an amendment to address these consequences.

Employers have also been given until 1 July 2020 to draw up a permanent employment contract, in order to comply with the conditions for paying the low unemployment insurance contribution. This period has been extended from 1 April 2020 to 1 July 2020 as a result of the coronavirus crisis.

#### 5. Income problems? New rules on temporary support for the self-employed

For a period of three months, from 1 March to 31 May 2020, self-employed persons can obtain additional income support via an accelerated procedure to help cover their living costs/working capital. The support is available only to self-employed persons – including directors/major shareholders – who have no or very little income as a result of the coronavirus crisis.

This information can be found in the Temporary Bridging Scheme for Independent Entrepreneurs (Tijdelijke Overbruggingsregeling Zelfstandige Ondernemers (Tozo)).

##### **Living costs**

This temporary support scheme to help cover the living costs of independent entrepreneurs does not mention a means or partner test. In other words, any existing assets and/or partner's income will not present an obstacle to receiving the support. The viability of the business will also not be assessed.

##### **Advance payment**

Local authorities (the application is made in the entrepreneur's place of residence) will now start implementing the scheme, which will be based on an advance payment. The support will be provided within four weeks. This also applies to working capital loans of up to € 10,517. The income of the self-employed individual will be supplemented up to a maximum net amount of € 1,500 for persons who are married and a maximum net amount of € 1,050 for single persons. The lower social assistance benefit level will apply to young people between the ages of 18 and 21. Many local authorities have opened a digital service point where all the information is available. From 30 March there will also be physical emergency service points in major cities such as Utrecht, Amsterdam, The Hague and Rotterdam.

### **No prior assessment**

The contribution towards living costs will be awarded once for a three-month period and paid out monthly. The self-employed person must declare that his/her expected income for the next three months will be less than the minimum social income as a consequence of the coronavirus crisis. Income is therefore not assessed in advance.

#### **Please note:**

The payment counts as income for the purposes of any allowances you receive. These may therefore be reduced as a result. You will need to pass this information on yourself, as otherwise there is a risk that you will have to pay back any allowances that have been overpaid.

### **From 1 March**

An application for a contribution towards living costs can be submitted until 31 May 2020. You can apply for such a contribution with retroactive effect from 1 March 2020.

All applications submitted within the scheme period, i.e. up to 31 May 2020, can be backdated in this way. The contribution towards living costs will be awarded once for a three-month period and paid out monthly.

#### **Please note:**

The income support for living costs does not have to be repaid retrospectively.

### **Requirements**

To receive this temporary support, you must meet the following requirements:

- You are a self-employed person aged between 18 and pensionable age and have been working in this capacity for a reasonable period of time (established self-employed person);
- You live and are legally resident in the Netherlands;  
Please note: it has been announced that the question of how support can be offered to entrepreneurs who have a business in the Netherlands and live abroad, or vice versa, will be urgently examined. In principle, however, such persons are entitled to support in their country of residence;
- You are a Dutch national or have equivalent status;
- Your business or self-employed activity is carried out in the Netherlands;
- You satisfy the legal requirements for running your own business, e.g. you were entered in the Commercial Register of the Chamber of Commerce before 6.45 p.m. on 17 March 2020;
- You started your business before 1 January 2020 and dedicated at least 1,225 hours (average of 24 hours a week) to your own business or self-employed activity in 2019. If the applicant has been working on a self-employed basis for less than a year, the hour criterion applies to the number of months worked;
- You live in the municipality in which you are applying for additional income support.

#### **Please note:**

The scheme also applies to self-employed persons who employ staff and, in principle, to directors/major shareholders of companies who fulfil the conditions. The latter will have to plausibly demonstrate that the company is no longer able to pay any salaries.

### **Working capital loan**

Independent entrepreneurs who experience liquidity problems as a result of the coronavirus crisis can apply for a working capital loan of up to € 10,157 with an interest rate of 2%. This will be made available within four weeks. The maximum term of the loan is three years and no repayments have to be made until January 2021.

To qualify for a loan, an independent entrepreneur must declare and plausibly demonstrate that he/she is experiencing liquidity problems as a result of the coronavirus crisis.

### **No cost standard divisor**

During implementation of the schemes the so-called 'kostendelersnorm' (cost standard divisor) will be left out of consideration. This standard means that the benefit payment is lower if several adults are living together, as it is assumed that the costs will be shared. This will now not be the case.

**Please note:**

In many cases the legitimacy of the support will be checked retrospectively. In the event of fraud it will be reclaimed and a penalty imposed. This means that independent entrepreneurs who make a claim under the scheme are obliged, of their own volition, to supply the local authority with all information that could influence their entitlement to or the level of the payment. This may include any changes to the individual's income situation, for example.

## 6. Further relaxation of rules on deferment of tax payments

Many companies are seeing their turnover and profit decline, while their costs and expenses remain unchanged. If you find yourself in this situation, you can request a deferment of payments from the Tax and Customs Administration. Entrepreneurs can obtain a deferment of payments online for the payment of payroll tax, income tax, corporation tax, VAT, gambling tax, excise duties, consumption tax on non-alcoholic drinks, insurance tax, the landlord levy, energy tax and other environmental taxes and comparable taxes in the Caribbean Netherlands. You will be granted a deferment of payments automatically for a three-month period.

### Longer deferment possible

If a three-month deferment is insufficient, you can also ask for a longer deferment period. Entrepreneurs with a tax debt of less than € 20,000 can obtain a longer deferment by submitting documents as evidence that their turnover or orders/reservations has/have fallen significantly compared with previous months.

**Please note:**

In the case of a higher tax debt a declaration is required from a third-party expert, such as an accountant. The specific requirements are yet to be announced.

### G-account

Companies that use a G-account can ask the Tax and Customs Administration to unblock the credit balance in this account. This means that amounts set aside for payroll tax or VAT payments can also be released temporarily. If these entrepreneurs have applied for a deferment of payments, they will therefore enjoy the same benefits as entrepreneurs without a G-account.

### One deferment application

To obtain a deferment of payments for these taxes, only one deferment application has to be submitted.

The deferment then applies not just to the existing tax debt, but also to additional debts arising over the following three months.

This relaxed deferment policy will apply to all the taxes mentioned above until at least 19 June 2020.

**Please note: tax return must still be submitted**

Entrepreneurs must submit their tax return on time, as they can only apply for a deferment of payments after they have received an assessment or additional assessment from the Tax and Customs Administration.

### Energy tax

Separate arrangements have been made in relation to energy tax. As a result, the deferment also benefits consumers of electricity and natural gas who experience financial problems, e.g. in the floriculture sector.

### Default penalties



The tax authorities will also be scrapping or reducing so-called default penalties for the non-payment or late payment of taxes. Such penalties are imposed if you are late in paying your VAT, for example. There will be no need to pay or lodge an objection against these penalties.

### **Log in using DigiD**

As this form of deferment is also intended to apply to entrepreneurs who are subject to income tax, you must apply for the deferment using your DigiD. Your DigiD is not used for any other purpose and is not linked to the deferment. On the online form you also need to indicate your company's details, including your RSIN or BSN.

#### **Please note:**

Legal entities can apply for a deferment via the DigiD code of an employee, their director/major shareholder or their intermediary. Intermediaries can apply for a deferment for their clients using their own DigiD.

### 7. Adjust your provisional assessment!

Entrepreneurs, including self-employed persons, received their provisional income tax assessment in January. In this their profit is estimated on the basis of historical data. If your profit this year turns out to be lower due to the coronavirus crisis or for other reasons, you can adjust your provisional assessment.

#### **Submission**

This can be done digitally via Mijn Belastingdienst. You will usually hear back within four – and no more than eight – weeks. This means that you will have to pay less tax from the end of April or the end of May.

#### **Please note:**

If you have overpaid or underpaid tax at the end of the year, this will be settled in your final assessment.

#### **Corporation tax**

Entrepreneurs who run a company can also adjust their provisional corporation tax assessment for this year. This can be done via the new business portal Mijn Belastingdienst Zakelijk. You will need to log in via eHerkenning.

#### **Provisional income tax assessment for directors/major shareholders**

If the coronavirus crisis has a significant impact on the turnover and liquidity of your company, as a director/major shareholder you can temporarily agree on a lower monthly salary in 2020. At the end of the year you determine your customary annual salary for 2020 and enter this in your payroll tax return. As a result of the coronavirus crisis, you can therefore determine your customary salary retrospectively, as you then have a clearer picture of the consequences of the crisis. You are not permitted to reduce any salary already received with retroactive effect. The relevant changes can also be made in your provisional income tax and health insurance assessment.

### 8. Reduction in rates of late payment and tax interest

The late payment interest that is generally charged after the deadline for tax payments has passed is being lowered temporarily from 4% to 0.01%. This applies to all tax debts. The rate of tax interest is also being temporarily reduced to 0.01%. This reduction will apply to all taxes subject to tax interest. The Tax and Customs Administration charges tax interest if you submit your tax return late, for example.

### 9. Banks offer SMEs six-month deferment of repayments

SMEs with a loan of up to € 2.5 million can obtain a six-month deferment of their loan repayments. Such a deferment is subject to the company essentially being in a healthy position. This has been decided on jointly by ABN Amro, ING, Rabobank, de Volksbank and Triodos. The measure that banks are introducing applies to corporate clients in all sectors who have a loan of up to € 2.5 million. Possible ways of relieving the repayment burden are currently being considered for corporate clients with loans above this amount.

**Please note:**

Specific forms of finance such as commercial finance, club deals and syndicated loans are excluded. Loans being handled by the Recovery department within Special Asset Management also fall outside the deferment scheme.

10. Expansion of government-guaranteed scheme for loans to SMEs (Borgstelling MKB Kredieten – BMKB)

Via the BMKB scheme the Ministry of Economic Affairs and Climate Policy is guaranteeing loans to entrepreneurs to make it easier for them to borrow funds. Entrepreneurs can contact lenders, usually their own bank, to access these loans.

Under the regular scheme the government-guaranteed loan represents 50% of the loan granted by the bank, for a period of one year. The government underwrites 90% of this guaranteed loan. The maximum amount of the BMKB loan has been increased temporarily from € 1 million to € 1.5 million.

**Please note:**

As a result of the coronavirus crisis the level of the government-guaranteed loan under the BMKB scheme has been raised from 50% to 75% for companies requiring credit of up to € 266,667.

The expansion of the BMKB scheme will apply until 30 June 2022.

This will allow banks to extend credit more easily and more quickly, reduce the risk to which they are exposed and give companies the option of borrowing more funds at an earlier stage. The scheme will also be applicable to bridging loans and overdraft facilities with a term of up to two years.

**Please note:**

You do not have to submit a separate application for the BMKB scheme. This is arranged via your bank.

11. Expansion of Corporate Finance Guarantee Scheme (Garantie Ondernemersfinanciering)

Companies that are having problems obtaining bank loans and bank guarantees can take advantage of the Corporate Finance Guarantee Scheme (GO). The government is proposing to increase the guarantee ceiling under the GO from € 400 million to € 1.5 billion. The GO helps both SMEs and large companies by underwriting, at a level of 50%, bank loans and bank guarantees from a minimum of € 1.5 million up to a maximum of € 50 million per company. The maximum amount per company is being temporarily increased to € 150 million.

12. Expansion of Qredits loans

Qredits has been offering an SME loan for a number of years now. This is a business loan for start-ups and existing SMEs that can range from a minimum of € 50,000 up to a maximum of € 250,000. It is specifically intended for entrepreneurs who require financing and are unable to obtain this from their bank.

Qredits is introducing a temporary crisis measure for small businesses affected by the coronavirus crisis. These businesses will be granted a deferment of repayments for a six-month period, during which their interest rate will be automatically reduced to 2%.



**Please note:**

In principle, this crisis measure applies for a period of nine months and is open until the end of May this year. There is a special email address that entrepreneurs can use for assistance: [hulp@qredits.nl](mailto:hulp@qredits.nl).

13. Expansion of government-guaranteed scheme for loans to agricultural businesses (Borgstellingskrediet Landbouw)

The government-guaranteed scheme for loans to agricultural businesses (BL) has been expanded due to the outbreak of the coronavirus. This will allow agricultural and horticultural businesses that are in a healthy position and are affected by this crisis to have continued access to financing. Expanding the BL scheme will allow healthy companies that are experiencing liquidity problems to benefit from a government-guaranteed bridging loan (BL-C). This additional module became effective on 18 March 2020 and will remain available until 1 April 2021.

14. Local authorities and water boards

Various local authorities are also taking measures to support citizens and businesses experiencing financial difficulties as a result of the coronavirus crisis. These include the local authorities in Almere, Zutphen, Oisterwijk, Goirle, Harderwijk, Gorinchem, Wierden, Schagen and Noordwijk. The support available varies and includes the suspension of tourist tax and the deferment and delayed collection of municipal levy payments.

**Water boards**

Water boards have also decided to grant a deferment of payments to businesses that have found themselves in financial difficulties due to the coronavirus crisis. Various water boards are also suspending the collection of taxes and are paying invoices more quickly.

**Urgency in granting permits and awarding contracts**

In addition, water boards are doing everything they can to ensure that permits are still being granted and contracts awarded to companies, so that civil and hydraulic engineering work can continue.

15. Vignette for cross-border workers in vital sectors

As of 22 March 2020 cross-border workers in vital sectors and with crucial occupations can use a vignette to cross the border between Belgium and the Netherlands more quickly. The purpose of the vignette is to prevent such cross-border workers from being held up at the border and it can only be used by them.

Since Wednesday, 18 March 2020 Belgium has banned non-essential journeys to other countries, including the Netherlands. Cross-border workers and other persons who need to travel across the border are still able to do so. However, they need to take specific rules into account.

The vignette can be obtained via the site [www.crisiscentrum.be/nl](http://www.crisiscentrum.be/nl).

16. No Dutch support for self-employed persons residing abroad

Self-employed persons who work in the Netherlands but live abroad will be denied access to the income support being offered to self-employed persons as a result of the coronavirus crisis, according to a report in daily newspaper De Gelderlander. On the basis of figures from the Chamber of Commerce, there are around 2.5 million self-employed persons in the Netherlands in 2020. Some of them live outside the Netherlands, mostly in the border region. As a result, they will not be entitled to income support from the Dutch government in connection with the coronavirus crisis.

**Conditions**

The income support for self-employed persons is obtained through the local authority in the individual's place of residence and a number of conditions are attached. Self-employed persons residing abroad do not meet the condition of living and being legally resident in the Netherlands.

**No support abroad either**

By their own account, self-employed persons also cannot obtain any financial support abroad, as they pay tax in the Netherlands and not in the country concerned. To address this situation and bring it to the attention of politicians, a petition that people can sign has been published online.

**Support to become available after all?**

The government has now (27 March 2020) announced that the question of whether support can be offered to entrepreneurs who have a business in the Netherlands and live abroad, or vice versa, will be urgently examined. According to the government, however, there is always an entitlement to support in the person's country of residence.

**Part-time self-employed persons also miss out**

From the other conditions it seems that the support is also not intended for part-time self-employed persons. One of these other conditions states that persons must devote at least 1,225 hours a year to their business.

**17. Emergency package for entrepreneurs and employees in the Caribbean Netherlands**

As a result of the coronavirus crisis, the government has decided to take exceptional economic measures for employees and businesses on Bonaire, Sint-Eustatius and Saba.

The letter on the emergency package for employees in the Caribbean Netherlands is similar to the one the government sent to the Lower House on 17 March 2020 relating to the European Netherlands. The structure of the letter is the same and the measures are also similar.

**18. No tax consequences for healthcare workers' pensions**

Retired healthcare workers who took early retirement more than five years before state pension age can now return to work in connection with the outbreak of the coronavirus without any tax consequences for their pension. This has been announced by the Tax and Customs Administration.

**19. Expansion of export credit insurance**

As part of the measures taken to deal with the coronavirus crisis the government has announced an expansion of export credit insurance. Its aim here is to support exporters in particular with the problems they are experiencing as a result of the crisis.

**Export credit insurance**

Export credit insurance is a guarantee given by the government to underwrite an export credit transaction. This insurance covers the export of capital goods and services. If you suffer a loss, because a buyer defaults on your invoice, you or your insurer can recover this loss from the government.

**Relaxation of conditions**

This expansion means, amongst other things, that export credit transactions with a term of less than two years can be covered, which was previously not the case. In addition, domestic cover is being expanded, the country policy is being made more flexible and cover can be obtained for a greater number of countries.

**Accelerated procedures**

The expansion also means that higher levels of cover will be made available and that procedures will be accelerated. At present, for example, there is still a waiting period, usually three months, before payment is made to cover the loss incurred.

**Do you have any questions? Please give us a call!**

VNO-NCW (Confederation of Netherlands Industry and Employers) and the Dutch SME organisation MKB-Nederland, together with the Chamber of Commerce, have opened a service point for entrepreneurs who have questions. See [kvk.nl](http://kvk.nl).

If you have any questions after reading this newsletter, please do not hesitate to contact us.

***Disclaimer***

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