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**Date:** Friday, March 6, 2026, 2:17 PM
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**Subject:** Onderwerp: Position Paper - Hervorming van box 3 - Inbreng van een Europese burger (VERZOEK OM ANONIMITEIT)

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**Attachments:**
260306petitiondutchsenate.pdf

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You don't often get email from 5.1.2.e [redacted]@hotmail.fr. Learn why this is important

Geachte griffier,
Hierbij doe ik u mijn "Position Paper" toekomen betreffende het wetsvoorstel "Wet werkelijk rendement box 3". Ik verzoek u vriendelijk dit document voor te leggen aan de commissie voor de technische briefing en de verdere behandeling tijdens de vergadering van 17 maart aanstaande.

Vanwege de gevoelige aard van de persoonlijke en financiële informatie, verzoek ik u vriendelijk om mijn persoonsgegevens te anonimiseren in alle publieke documenten, verslagen en agenda's. In openbare documenten kan naar mij worden verwezen met mijn initialen: MC.

Als Europees burger en stakeholder bij de EU-instellingen, vestig ik uw aandacht op de onhoudbare cumulatie van fiscale druk voor personen met een zware beperking. De voorgestelde belasting op ongerealiseerde winsten vormt een directe bedreiging voor het Europese sociale model en het recht op een autonoom en inclusief leven.
Het belastten van virtuele groei tast de middelen aan die noodzakelijk zijn om de kloof tussen erkende behoeften en gefinancierde middelen te overbruggen. Een drempel van €2.533,20 per maand (gebaseerd op Franse normen) of €1.800 per maand (Spanje) is een noodzakelijk minimum om te voorkomen dat inclusie een "plutocratisch privilege" wordt.
Ter informatie: Deze begeleidende tekst is vertaald met behulp van kunstmatige intelligentie. De bijgevoegde Engelstalige Position Paper is de enige authentieke versie en dient als de leidende tekst voor de inhoudelijke behandeling.
Met vriendelijke groet,
5.1.2.e [redacted]

Enviado desde Outlook para Android

POSITION PAPER

Submission to the Standing Committee on Finance (Financiën)

Regarding the Reform of Box 3 (Wet werkelijk rendement box 3)

> CONFIDENTIALITY NOTICE & REQUEST FOR ANONYMITY:

> The petitioner formally requests, pursuant to the rules of the Eerste Kamer, that all personal identification (Full Name and Address) be redacted from all public records, agendas, and reports. For public identification, please refer to the petitioner as MC, a European Citizen and Institutional Stakeholder.

>

Date: March 6, 2026

Distinguished Members of the Senate,

I submit this position paper regarding the proposed reform of the Dutch tax Box 3 as a European citizen of Spanish nationality (principal according to international law) and French nationality (secondary according to international law). As a stakeholder collaborating with EU institutions for over a decade, and living with cerebral palsy requiring 24/7 support, I wish to alert the Senate to a systemic risk: this reform threatens to dismantle the European social model by making inclusion a luxury reserved for the ultra-wealthy.

I. The "Core Autonomy Fund" and the Cumulative Fiscal Squeeze

For a person with a 24/7 dependency, capital is not a tool for speculation but a Core Autonomy Fund. This fund is essential to ensure an autonomous and inclusive life, covering the high residual costs that persist even with the assistance of the competent State.

* In France: Professional income (salaried or self-employed) is excluded from autonomy resource calculations. For realized capital income, a person may receive up to twice the monthly amount of the Majoration pour Tierce Personne (MTP, currently €1,266.60/month) without impact. This safety threshold of €2,533.20 per month (approx. €30,398 per year) is a vital minimum. Above this, a 20% contribution is required, unless the total "out-of-pocket" cost exceeds 10% of resources. This safeguard is necessary because the State distinguishes between "recognized needs" and "validated fundable needs"—the latter often restricted by budgetary constraints.
* In Spain: Thresholds within the Patrimonio Protegido are revised annually based on the IPREM (currently €600/month). Income is tax-exempt up to 3x the IPREM (€1,800/month or approx. €25,200/year). Beyond this threshold, realized gains are taxed (approx. 19%), and 65% of the remaining net funds are subject to a co-payment to ensure autonomous and inclusive living.
* The Dutch Impact: The proposed reform introduces a 36% tax on profits that have not yet been realized (unrealized gains). While taxation is a national prerogative, taxing virtual growth where no liquidity has been generated fundamentally challenges the European Social Model and the specific inclusion of the disabled. When combined with the Dutch practice of adding 4% of Box 3 wealth to the income base for care contributions (Eigen Bijdrage), it creates an unsustainable "Double Tax" on virtual profits.

II. The Erosion of the European Model of Inclusion

By taxing the virtual growth of these vital reserves before they are realized, the Netherlands risks setting a precedent that transforms the European promise of an "Inclusive Society" into a plutocratic privilege. Inclusion will cease to be a fundamental right accessible to all and will become an option available only to the extremely wealthy. This shift undermines the core values of solidarity and dignity that define the European project.

III. Legal and Human Rights Context

This law fails the "Fair Balance" test established by the ECHR in Immobiliare Saffi c. Italy. Treating compensatory capital as discretionary wealth constitutes discrimination by omission (Thlimmenos principle) and contradicts the spirit of Art. 19 of the UNCRPD, which mandates that States protect the means for independent living and inclusion within the community.

Formal Request

I urge the Senate to incorporate a permanent exemption or a dedicated hardship clause for individuals with a significant disability resulting in high or very high dependency in their daily autonomous and inclusive life. Protecting life-sustaining capital against the taxation of unrealized gains is a prerequisite for preserving the European Social Model and the dignity of its citizens.

Respectfully submitted,

MC

European Citizen with cerebral palsy living in inclusion within the community

📚 Sources & Bibliography

European & International Law:

* UNCRPD: Article 19 (Independent living and community inclusion).
* ECHR: Immobiliare Saffi v. Italy [GC], no. 22774/93; Thlimmenos v. Greece [GC], no. 34369/97.
* EU Charter of Fundamental Rights: Article 21 (Non-discrimination) and Article 26 (Integration of persons with disabilities).

France (Legal Framework):

* Code Général des Impôts (CGI): Article 199 septies, 2° of I (Specific tax reduction for épargne-handicap).
* Bulletin Officiel des Finances Publiques (BOFIP): BOI-IR-RICI-40-20240618 (Updated June 18, 2024, regarding tax reductions for insurance premiums and épargne-handicap).
* Code de l'Action Sociale et des Familles (CASF): Article L146-5 (Rule of the 10% maximum "reste à charge").

Spain (Legal Framework):
 * Ley 41/2003: Protección Patrimonial de las Personas con Discapacidad (Framework for the Patrimonio Protegido).
 * Acuerdo del Consejo Territorial de Dependencia (10 July 2012): Resolución de 13 de julio de 2012 (National standards for the 65% "copago" and annual revision of social thresholds).
 * IPREM (Indicador Público de Renta de Efectos Múltiples): Annual update of income thresholds (Ref. 2026: ~€600/month).
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