

# Netherlands

## Preserving individual debtor's human dignity in distress

### 1. Monthly income

Adults	Single person	With 2 dependant children
Minimum wage for a full-time employee (if it exists): Minimumloon:	Gross : 1745 (incl. holiday allowance) Net : 1592 (incl. holiday allowance)	Gross : 1745 (incl. holiday allowance)
Median income per capita		

Poverty threshold		
Minimum solidarity allowance for an adult without income	Minimum disposable income = 1124 euro. Includes governmental subsidies	Minimum disposable income = 2049 euro. Includes governmental subsidies

Elderly people	Single person	Couple
Minimum pension for a former employee (full career)	Minimum disposable income = 1314 euro. Includes governmental subsidies	Minimum disposable income = 1865 euro. Includes governmental subsidies
Average pension per capita (all types of pensions)		
Minimum solidarity allowance for elderly people with no or very limited pension	Minimum disposable income = 1314 euro. Includes governmental subsidies	Minimum disposable income = 1865 euro. Includes governmental subsidies

**Additional information:**

## 2. Garnishment of funds in bank accounts

This concerns the seizure of funds directly from the bank account of the debtor, as a result of a court ruling or equivalent procedure.

Unseizable funds	<b>0.</b>	
	(single person)	
Unseizable_income	Description	Designation
	Orphan Child allowance Special social assistance study grants/loans (from government) - for students - for highschools - for vocational schools Rentsubsidy Child allowance (income-dependent) Child care subsidy - national - local Subsidy health care insurance Local traffic subsidies for handicapped Subsidies for foster child Subsidies to take care of own care (for handicapped)	Wezen uitkering Kinderbijslag Bijzondere bijstand Studiefinanciering voor schuldenaar en partner, voor wat betreft de component studiekosten (lesgeld en leermiddelen) Uitkeringen op grond van de Wet tegemoetkoming onderwijsbijdrage en schoolkosten MBO studenten lesgeld vergoeding DUO Huurtoeslag Kind gebonden budget Kinderopvangtoeslag Tegemoetkoming kosten kinderopvang Zorgtoeslag Vervoersvergoedingen op basis van de WMO voor daadwerkelijk gemaakte kosten Pleegkindvergoeding Persoonsgebonden budget (PGB)
Partly seizable income	<u>Overtime work</u> <u>Holiday allowance</u>	Deel van het overwerk deel van het vakantiegeld
Income that can be fully seized	<u>All other income, a.o. Income from labour or social security</u>	

### Additional information:

Income can be seized when it is higher than the seizure free limit. See 3.

### 3. Seizures on wages and from third parties

This concerns seizures made directly by the debtor's employer from their employee's wages, following a court ruling or equivalent procedure. The same type of seizure may be made with other third parties.

Unseizable amount	923 (single person, absolute minimum)			
Seizable amounts (single person)	Income range	Monthly income	Percentage portion that can be seized	Maximum amount that can be seized per month
	1			
	2			
	3			
	4			
	5			
	6			
	7			

#### Additional information:

Seizure-free income is calculated as:

90% from the minimum solidarity allowance (MSA) + individual extra housing costs + individual extra health insurance costs + loss of child subsidy when having higher gross income

90% of MSA = 923 for single person and single parents, 1318 for couples, with or without children. For pensioners 1033 resp 1407 euro. For persons under the age of 21 MSA is much lower.

In debt rulings, judges have the possibility to increase seizure free income. In most cases this means that the seizure free income is calculated as:

95% of the minimum solidarity allowance for non-working debtors and 100% of the minimum solidarity allowance for workers.

+ extra corrections for labour-related costs (necessary use of car and or/child care), health costs, loss of government subsidies, study costs and other possible unavoidable costs

### 4. Additional rules for the protection of debtors

As part of an amicable debt mediation procedure or of a personal bankruptcy procedure, some additional protection rules exist in some countries, such as:

- The freezing of the recovery costs and default interest;
- The freezing of recovery procedures (made by registered mail or through a bailiff);
- The possibility for the debt advisor or the judge to lower or increase the protected amounts;
- The possibility of choosing other methods or calculation rules to determine the remaining income.

If similar rules exist in your country, it would be very useful to describe them.

Recovery costs and default interest stop when in procedure;

Local municipalities can ask the judge for a cooling down-period to stabilize the household and look for a solution

See additional info at 3) for calculating the seizure free income. Nibud participates in the national judges commission for this.

In amicable settings, often a minimum payment of 50 euro's per month is standard.

Personal bankruptcy and legal debt settlement lead to debt-free start after (normally) 3 years if debtors behave bona fide.

Do you accept we include your name, or the name of your organisation, in the list of respondents that will be included in the final report?		YES	NO
		X	
Personal name	Marcel Warnaar		
Name of the organisation	Nibud		