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Identificatieplicht: know the law



Before the police check you out, check out what Expatica's expert has to say about the mandatory requirement to carry ID.



Don't worry. The Netherlands is still a liberal country and the vast majority of Dutch rules and regulations is neither harsh nor unfair. Recent studies of the Dutch Central Bureau for Statistics show that over the last eight years the overall level of sentencing imposed by Dutch judges has remained the same. In other words, no harsher regime in the Low Countries.

With regard to the implementation of mandatory identification (identificatieplicht) in the Netherlands since January 1, 2005, the following applies:

Everyone in the Netherlands who is older than 13 years is required to carry a valid means of identification. If a person has no valid identification he/she risks a fine of EUR 50 (EUR 25 if the person is between 14 and 16 years old).

These seem to be the average fines that can be expected. The law provides for penalties up to a maximum fine of EUR 2,250 and a maximum sentence of two months in prison. It is likely these maximum penalties will rarely be imposed, but it is wise to be aware that failure to carry acceptable identification could lead to serious consequences.

It is also likely that a person might be escorted to a police station in order to trace his or her identity.

The general idea behind this new identification rule is that the Dutch government thinks that it will increase the safety of Dutch society. With this new tool, the Dutch police force (and other services) can more easily ascertain a person's identity.

Which means of identification are acceptable?

If you are a Dutch national: your valid passport, driver's license or identity card

If you have Dutch and another nationality: your valid Dutch passport, driver's license, and identity card

If you are an EU/EER national: your valid passport and Dutch residence document

If you have a non-EU/EER nationality: your valid Dutch residence permit

In all the cases that are specified one of the documents should suffice (except then a person is non EU/EER citizen: only the residence permit).

Who is competent to ask you for identification?

First of all, officers of the Dutch police force and the military police (Marechaussee, who guard airports and other important buildings) can ask to see valid identification.

Furthermore, all sorts of inspectors (civil servants responsible for observance of certain laws, for instance foresters, tax officials and environment officers). There always has to be a reason for asking you for your identification.

For instance, Dutch police officers can ask you for identification if you are the victim of a crime or an accident or suspected of having committed a crime. Another competent agency known as the Arbeidsinspectie (the labour inspectorate) is allowed to ask you for identification at your place of work. Security company personnel can ask you for identification but it is not mandatory to oblige them. A security employee can ask you for your passport and if you refuse the worst thing that can happen is that you are refused entry into a shop or building.

There is also another kind of (limited) identification regulation in the Netherlands. That regulation was enacted in 1994 and remains in force. A person has to show identification when opening a bank account, when applying for a SOFI tax number or social welfare benefits, when accepting new employment and during working hours, when travelling by public transport without a valid ticket (for persons of 12 years and older), when visiting a soccer match, and when visiting a civil law notary (notaris).

The Dutch police can ask you for a driver's license if you are behind the wheel of a car or on a motorcycle. Finally, the police and the military police are allowed to check a person's identity, nationality and residence status in their ongoing battle against illegal immigration.

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This column is for informative purposes only, is general in nature, and is not intended to be a substitute for competent legal and professional advice. Dutch and European rules and regulations regarding foreigners, policies, procedures, work permits, visas, residence permits etc. are continuously subject to change.

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