



## CENTRALE BANK VAN ARUBA

### **GUIDELINES FOR THE DECLARATION AND PAYMENT OF FOREIGN EXCHANGE COMMISSION FOR HOLDERS OF FOREIGN BANK AND FOREIGN INTERCOMPANY ACCOUNT(S)**

In order to implement article 4, paragraph 2, of the State Ordinance Foreign Exchange Commission (SOFEC), the Centrale Bank van Aruba (CBA) hereby revokes the guidelines issued in November 2010 and simultaneously issues revised guidelines. These guidelines are applicable for foreign account holders (FA holders) whom have notified foreign bank accounts (FBA) and/or foreign intercompany accounts (FIA).

These guidelines are as follows:

1. The FA holder has to pay the foreign exchange commission (FEC) to the CBA directly.
2. The FA holder has to calculate the FEC due at the end of each calendar month and has to pay the amount due within fifteen (15) days after the end of each calendar month.
3. The FA holder has to submit the declaration form together with the proof of payment to the CBA within fifteen (15) calendar days after the end of each calendar month (for example, the January declaration form should be submitted by the 15<sup>th</sup> of February), either electronically via e-mail address [operations@cbaruba.org](mailto:operations@cbaruba.org) or via fax number 525-2101.
4. On the declaration form the total amount of outgoing payments (by foreign currency) to nonresidents must be summed up. The FEC due is calculated by multiplying the commission rate of 1.3 percent (%) with the total of outgoing payments to nonresidents in the reporting period settled through a notified FBA and/or FIA (in accordance with article 2, paragraph 2, section c and article 3 of the SOFEC). In the column "Foreign Exchange Commission" of the declaration form a calculation should be made. The official selling rate, as published by the CBA, should be used for conversion, e.g., from USD to Aruban florin the conversion rate of Afl. 1.80 should be used.
5. If in a reporting month no outgoing transactions have taken place, the declaration form still needs to be submitted to the CBA. In such case, the total of outgoing payments should be reported as zero.
6. Based on the monthly declaration forms received, the quarterly reports, and other supporting documents submitted by the FA holder, the CBA will conduct further reviews. In carrying out these reviews, the CBA may request the FA holder to submit additional information, e.g., copy of bank statements of the notified FBA, and general ledger summaries. Following these reviews and in the event that a subsequent levy is determined, the CBA will issue an Assessment Notice to pay the amount due. If, on the

other hand, the review results in an amount in favor of the FA holder the CBA will settle this amount with the FA holder's next payment.

7. The FEC due can be paid:
  - via a bank transfer at any local commercial bank for further credit to the CBA, bank routing number 100000285, or SWIFT code CBARAWAW should be used, for further credit to account 25009001 (copy of transfer should be included with the declaration form), or
  - at the cashier of the CBA by means of a check in name of the Centrale Bank van Aruba (opening hours from 8.30 am till 11.45 am and from 1.15 pm till 3.30 pm).
8. Pursuant to article 7a paragraph 1, if the FA holder does not comply with the payment as specified in the Assessment Notice, the CBA will issue a Summons Notice to warn the FA holder to fulfill its obligations within 10 working days. In the event that the FA holder remains in default of payment, the CBA will proceed to collect by way of a writ of execution.

The CBA, pursuant to article 11a paragraph 1 and 2 of the SOFEC, is authorized to designate persons to be entrusted with the supervision and the compliance of the provisions of the SOFEC. The designated persons are, pursuant to article 11, paragraph 2, subsections a, b, and c of the SOFEC, authorized to request all information and/or request inspection of business records.

All remaining conditions applicable to FBA and/or FIA as stipulated in the Decree concerning Foreign Exchange Transactions 2013-O.1 (General Exemption) and the Decree concerning general foreign exchange licenses 2013-K.2 (General Foreign Exchange License) issued by the CBA remain in full force, as well as the Decree on Balance of Payment Reporting Instructions 2013 (Decree RI 2013).

If you have any question concerning these guidelines, please contact Mrs. Lili Mejia of the Operations Department at telephone 525-2110, or via e-mail [l.p.mejia@cbaruba.org](mailto:l.p.mejia@cbaruba.org) or [operations@cbaruba.org](mailto:operations@cbaruba.org).

These guidelines shall become effective on October 15, 2013.