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**OFFICIAL BULLETIN
OF
ARUBA**

NATIONAL DECREE containing General Administrative Orders of July 5, 2017 for the implementation of Articles 2 and 2a of the Sanctions Ordinance 2006 (“AB” [*Official Bulletin*] 2007 No. 24) (Sanctions Decree North Korea).

Published on July 17, 2017

The Minister of Justice,

A.L. Dowers

IN THE NAME OF THE KING!

THE GOVERNOR of Aruba,

Having considered:

- that, in the interest of the international legal order, it is necessary to implement certain resolutions, adopted by the Security Council of the United Nations, containing restrictive measures against the Democratic People's Republic of Korea;
- that, furthermore, having regard to Regulation No. 329/2007 of the Council of the European Union of March 27, 2007 and Decision 2016/849/CFSP of the Council of the European Union of May 27, 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP, it is desirable to implement the decision of the Council of the European Union of December 22, 2010 concerning restrictive measures against the Democratic People's Republic of Korea;

Having regard to:

Articles 2 and 2a of the Sanctions Ordinance 2006 (AB 2007 No. 24);

Has decided:

§ 1. General

Article 1

In this National Decree, the following terms shall mean:

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|------------------------------------|---|--|
| Decision 2016/849 | : | Decision (CFSP) 2016/849 of May 27, 2016 concerning restrictive measures against the Democratic People's Republic of Korea and the Annexes thereto, including any subsequent amendments made to those Annexes; |
| to freeze | : | a prohibition to transfer, convert, move or make available; |
| Bank | : | the Central Bank of Aruba; |
| correspondent banking relationship | : | a correspondent banking relationship as referred to in Article 1, first paragraph, of the National Ordinance on the Prevention and Combating of Money Laundering and Terrorist Financing (AB 2011 No. 28); |

service	:	an activity related to a fund or other asset;
service provider	:	anyone providing a service in a professional or commercial capacity;
funds or other assets	:	property, acquired in any way, as referred to in Article 1 of Book 3 of the Civil Code of Aruba, all documents and data carriers, in any form or capacity whatsoever, evidencing full or shared ownership or title to any property, and products or increases in value of property;
Common Military List of the European Union	:	the list of goods to which Common Position 2008/944/CFSP of the Council of December 8, 2008 defining common rules governing control of exports of military equipment and technology applies, including any subsequent amendments introduced to that list;
consolidated list	:	the list of all persons, entities and bodies designated by the Sanctions Committee of the UN Security Council in accordance with paragraph 8, subparagraph d, of Resolution 1718 (2006) of the Security Council of the United Nations;
credit institution	:	a credit institution as referred to in Article 1, first paragraph, of the National Ordinance on the Supervision of the Credit System (AB 1998 No. 16);
aircraft	:	an aircraft as referred to in Article 1, first paragraph, of the Aviation Ordinance (AB 1989 No. GT 58);
weapons of mass destruction	:	chemical, biological and nuclear weapons;
Minister	:	the Minister charged with financial matters;
Reporting Center	:	the Unusual Transactions Reporting Center, referred to in Article 20, first paragraph, of the National Ordinance on the Prevention and Combating of Money Laundering and Terrorist Financing (AB 2011 No. 28);
North Korea	:	the Democratic People's Republic of Korea;
proliferation	:	acts [consisting of] the provision of a fund or other asset, used directly or indirectly or employed in whole or in part for the production, acquisition, possession, development, exportation, transshipment, distributive trade, transportation, stockpiling or proliferation of weapons of mass destruction and related materials and their means of delivery, including dual-use technologies and software within the framework of weapons of mass destruction;

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- Resolution 1718 (2006) : Resolution No. 1718 (2006) adopted by the Security Council of the United Nations on October 14, 2006 in connection with the situation in North Korea;
- Resolution 1874 (2009) : Resolution No. 1874 (2009) adopted by the Security Council of the United Nations on June 12, 2009 in connection with the situation in North Korea;
- Resolution 2087 (2013) : Resolution No. 2087 (2013) adopted by the Security Council of the United Nations on January 22, 2013 in connection with the situation in North Korea;
- Resolution 2094 (2013) : Resolution No. 2094 (2013) adopted by the Security Council of the United Nations on March 7, 2013 in connection with the situation in North Korea;
- Resolution 2270 (2016) : Resolution No. 2270 (2016) adopted by the Security Council of the United Nations on March 2, 2016 in connection with the situation in North Korea;
- Resolution 2321 (2016) : Resolution No. 2321 (2016) adopted by the Security Council of the United Nations on November 30, 2016 in connection with the situation in North Korea;
- Resolution 2345 (2017) : Resolution No. 2345 (2017) adopted by the Security Council of the United Nations on March 23, 2017 in connection with the situation in North Korea;
- Resolution 2356 (2017) : Resolution No. 2356 (2017) adopted by the Security Council of the United Nations on June 2, 2017 in connection with the situation in North Korea;
- Sanctions Committee : the Committee of the Security Council of the United Nations, referred to in paragraph 12 of Resolution 1718 (2006);
- UN Security Council : the Security Council of the United Nations;
- Regulation No. 329/2007 : Regulation (EU) No. 329/2007 of the Council of the European Union of March 27, 2007 concerning restrictive measures against the Democratic People's Republic of Korea and the Annexes thereto, including any subsequent amendments made to those Annexes.

§ 2. The freezing of funds and other assets

Article 2

1. All funds or other assets in Aruba, which directly or indirectly belong to, are owned by, are in possession of or are controlled by a natural person, a legal person, entities or bodies listed in:
 - a. the consolidated list;
 - b. Annexes IV, V and Va to Regulation No. 329/2007, and
 - c. Annexes I, II and III to Decision 2016/849,shall be frozen.
2. The freezing, referred to in the first paragraph, shall apply mutatis mutandis to representatives of the natural persons, legal persons, entities or bodies mentioned in that paragraph.
3. Notwithstanding the first paragraph, a designated person may be granted access to his frozen funds or assets for funds, financial assets or economic resources that:
 - a. are necessary to cover expenses for the basic needs of the natural persons or legal persons, entities or bodies listed in:
 1. the consolidated list;
 2. Annexes IV, V and Va to Regulation No. 329/2007, and
 3. Annexes I, II and III to Decision 2016/849,and the family members dependent on these natural persons, such as payments for food, rent or mortgage charges, medicines or medical treatments, taxes, insurance premiums and public utility services;
 - b. are exclusively intended for the payment of reasonable fees or the payment of costs incurred in connection with the provision of legal services;
 - c. are exclusively intended for the payment of fees or costs for merely holding or managing frozen funds or economic resources, or
 - d. are necessary for the payment of extraordinary charges, provided the Minister has been notified of the reasons why this person feels that specific permission should be granted at least two weeks in advance.
4. Access to frozen funds or assets shall only be granted with the approval of the Minister, if necessary, after having obtained the consent of the Sanctions Committee.

Article 3

The Bank are charged with the digital publication of the current texts of the consolidated list and Annexes IV, V and Va to Regulation No. 329/2007 and Annexes I, II and III to Decision 2016/849.

Article 4

1. It is prohibited for everyone to provide services or to perform acts that result or can reasonably result in a natural person, legal person

or other entity listed in the consolidated list and Annexes IV, V and Va to Regulation No. 329/2007 and Annexes I, II and III to Decision 2016/849 gaining access in any way to funds or other assets.

2. It is prohibited to participate knowingly or intentionally in activities the object or effect of which it is to circumvent directly or indirectly the measures referred to in the first paragraph.

Article 5

1. Anyone having custody of funds or other assets of a natural person, legal person or other entity listed in the consolidated list and Annexes IV, V and Va to Regulation No. 329/2007 and Annexes I, II and III to Decision 2016/849 shall take such measures that these funds and assets cannot be used, or that these funds and other assets cannot be transferred, converted, moved or be made available.
2. If it concerns a service provider supervised by the Bank by or pursuant to a national ordinance, it shall immediately inform the Bank of the funds or other assets it has in its custody. The preceding sentence shall apply mutatis mutandis to service providers that have not been placed under supervision by or pursuant to a national ordinance.
3. Service providers shall promptly inform the Reporting Center of all transactions intended or performed by or on behalf of persons, entities and bodies listed in the consolidated list and Annexes IV, V and Va to Regulation No. 329/2007 and Annexes I, II and III to Decision 2016/849.
4. Service providers shall promptly inform the Reporting Center if they suspect or have reasonable grounds to suspect that funds or other assets are being used to finance proliferation.

Article 6

1. If the freezing concerns registered property as referred to in Article 10 of Book 3 of the Civil Code of Aruba, the keeper of the public register in question shall ensure that same be recorded in this public register.
 2. Vessels mentioned in Annex IVa to Regulation No. 329/2007 or Annex IV to Decision 2016/849 shall be considered registered property.
- § 3. Prohibition on the financing of the proliferation of weapons of mass destruction

Article 7

1. It shall be prohibited to provide services or to perform acts for the financing of the proliferation of weapons of mass destruction as set out in:
 - a. Annexes I, Ia, Ib and Ig to Regulation No. 329/2007;
 - b. the EU Common Military List of military equipment, and

- c. paragraph 8, subparagraph a, of Resolution 1718 (2016), for the benefit of natural persons, legal persons, entities or bodies domiciled in North Korea, or for use in North Korea.
2. It shall be prohibited to offer specialized knowledge that contributes or may contribute directly or indirectly to proliferation-sensitive activities of North Korea or to the development of systems for the delivery of nuclear weapons in North Korea.
3. It shall be prohibited to participate knowingly or intentionally in activities the object or effect of which it is to circumvent directly or indirectly the measures referred to in the first and second paragraph.

Article 8

1. It shall be prohibited to provide financial services or financial support for trade with North Korea, including the granting of export credits, guarantees or insurance to persons or entities involved in such trade, where such financial services or financial support could contribute to the programs of North Korea related to weapons of mass destruction or ballistic missiles or other activities prohibited by Resolutions numbers 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2345 (2017), 2356 (2017) or relevant measures of subsequent resolutions of the UN Security Council.
2. The prohibition referred to in the first paragraph shall apply *mutatis mutandis* to:
 - a. the chemical, mining or refining industry listed in Annex VIII, Part A, and
 - b. the provision of computer services and related services as referred to in Annex VIII, Part B, to natural persons, legal persons, entities or bodies in, or for use in, North Korea.
3. It shall be prohibited to participate knowingly or intentionally in activities the object or effect of which it is to circumvent directly or indirectly the measures referred to in the first and second paragraph.

§ 4. Restrictions on the transfer of capital and on financial services

Article 9

1. It shall be prohibited for a service provider to grant financing or to provide financial assistance, directly or indirectly, to trade with North Korea, as mentioned in:
 - a. Annexes Ic, Id, Ie, If and Ih to Regulation No. 329/2007;
 - b. Annexes III, IIIa, IIIb and VII to Regulation No. 329/2007, for the benefit of natural persons, legal persons, entities or bodies domiciled in North Korea, or for use in North Korea.
2. It shall be prohibited to participate knowingly or intentionally in activities the object or effect of which it is to circumvent directly or indirectly the measures referred to in the first paragraph.

Article 10

1. It shall be prohibited for a service provider to enter into a service related to the direct or indirect sale, supply, transfer to or exportation for the benefit of the central bank of North Korea of new banknotes and coins printed or minted in North Korean currency.
2. The prohibition referred to in the first paragraph shall apply mutatis mutandis to the Bank.

Article 11

1. It shall be prohibited for service providers:
 - a. to open a bank account with a credit institution or financial institution domiciled in North Korea;
 - b. to enter into or maintain a correspondent banking relationship with a credit institution or financial institution domiciled in North Korea, and when there is information available with respect to which reasonable suspicion exists that it may contribute to the programs of North Korea related to weapons of mass destruction, ballistic missiles or other activities prohibited under Regulation No. 329/2007 or Decision 2016/849;
 - c. to open a representative office in North Korea or to establish a branch office or subsidiary in North Korea;
 - d. to enter into a joint venture or to acquire an ownership interest in a credit institution or financial institution domiciled in North Korea;
 - e. to authorize the opening of a representative office or the establishment of a branch office or subsidiary in Aruba of a credit institution or financial institution domiciled in North Korea;
 - f. to conclude agreements for or on behalf of a credit institution or financial institution domiciled in North Korea concerning the opening of a representative office or the establishment of a branch office or subsidiary in Aruba;
 - g. to acquire or extend a participation or to acquire any other ownership right in a credit institution or financial institution by a credit institution or financial institution domiciled in North Korea;
 - h. to operate or facilitate the operation of a representative office, branch office or subsidiary of a credit institution or financial institution domiciled in North Korea;
 - i. to grant insurance, loans or credits to persons, entities or bodies domiciled in North Korea.
2. Financial service providers are obligated:
 - a. to close all bank accounts with a credit institution or financial institution domiciled in North Korea;
 - b. to end each correspondent banking relationship with a credit institution or financial institution domiciled in North Korea;
 - c. to close down the representative offices, branch offices and subsidiaries domiciled in North Korea;

- d. to end each joint venture with a credit institution or financial institution domiciled in North Korea;
 - e. to divest each ownership interest in a credit institution or financial institution domiciled in North Korea or in a credit institution.
3. The prohibition referred to in the first and second paragraph shall apply mutatis mutandis to the credit institutions and financial institutions domiciled in North Korea listed in Annex VI to Regulation No. 329/2007.
 4. It shall be prohibited to participate in activities the object or effect of which it is to circumvent directly or indirectly the measures referred to in the first, second and third paragraph.

Article 12

1. The following acts shall be prohibited for service providers:
 - a. the sale or purchase of government bonds or public-guaranteed bonds issued after February 19, 2013, directly or indirectly, to or from any of the following bodies:
 1. North Korea or the North Korean Government, government organizations, public companies and agencies;
 2. the Central Bank of North Korea;
 3. a financial institution domiciled in North Korea or from the credit institutions and financial institutions domiciled in North Korea listed in Annex VI to Regulation No. 329/2007;
 4. a natural person or legal person, entity or body acting on behalf or on the instructions of a legal person, entity or body as referred to in subparagraphs 1 or 2;
 5. a legal person, entity or body owned or controlled by a person, entity or body as referred to in subparagraphs 1, 2 or 3;
 - b. the provision of brokering services with respect to government bonds or public-guaranteed bonds issued after February 19, 2013 to a person, entity or body as referred to in subparagraph a;
 - c. the provision of assistance to a person, entity or body as referred to in subparagraph a with a view to the issue of government bonds or government-guaranteed bonds, by providing brokering services, commendation or any other service related to such bonds.
2. It shall be prohibited to participate in activities the object or effect of which it is to circumvent directly or indirectly the measures referred to in the first paragraph.

§ 5. Shipping and air traffic restrictions

Article 13

1. The Minister, in agreement with the minister charged with aviation and shipping matters, shall have freight shipments of vessels and aircraft in the territory of Aruba, which are prohibited under

Regulation No. 329/2007 and Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) or relevant measures of subsequent resolutions of the UN Security Council, inspected by competent authorities at the airport, in the harbors and in the free zone, if:

- a. the freight shipment originates in North Korea;
 - b. the freight shipment is destined for North Korea;
 - c. for the freight shipment, North Korea or nationals of that country or persons or entities acting on their behalf have acted as a broker or mediator;
 - d. for the freight shipment, persons, entities or bodies listed in Annex IV have acted as a broker or mediator;
 - e. the freight shipment is carried on vessels flying the flag of North Korea, or onboard an aircraft that is registered in North Korea, or if the vessel or aircraft is stateless.
2. In accordance with international law, in particular maritime law, the competent authorities may request information and inspect vessels on the high seas, if there is information that gives rise to the reasonable suspicion to assume that the freight shipment contains goods the supply, sale, transfer or exportation of which is prohibited under Regulation No. 329/2007 and Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) or relevant measures of subsequent resolutions of the UN Security Council.

Article 14

1. It shall be prohibited to provide bunkering or delivery services or other services to North Korean vessels or vessels flying the North Korean flag, which provide reasonable grounds to believe that the freight shipment of such vessels contains goods the supply, sale, transfer or exportation of which has been prohibited under Regulation No. 329/2007 and Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2017) or relevant measures of subsequent resolutions of the UN Security Council.
2. The prohibition referred to in the first paragraph shall not apply, if the supply of such services is necessary for humanitarian purposes.

Article 15

1. The following acts shall be prohibited for service providers:
 - a. the leasing or chartering of vessels or aircraft or the provision of crew services to North Korea, to persons and entities listed in Annex IV to Regulation No. 329/2007, to other North Korean entities, to other persons or entities that have participated in the violation of the provisions of Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) of the UN Security Council, or to any person or entity acting on behalf or on the instructions of such a person or entity, or entities owned or controlled by them;

- b. the possession, leasing, management, insurance of or the provision of classification services of vessels or related services to vessels flying the flag of North Korea;
 - c. the registration of or keeping registered vessels owned, operated or manned by North Korea or nationals of North Korea, or vessels removed from the register by another country in accordance with paragraph 24 of Resolution 2321 (2016) of the UN Security Council;
 - e. the provision of insurance or reinsurance services for vessels owned or controlled by North Korea.
2. It shall be prohibited to participate in activities the object or effect of which it is to circumvent directly or indirectly the measures referred to in the first paragraph.

§ 6. Final provision

Article 16

1. This National Decree shall enter into force as of the day following the day of its publication in the Official Bulletin of Aruba.
2. It may be cited as Sanctions Decree North Korea.

Given in Oranjestad, July 5, 2017
J.A. Boekhoudt

The Minister of Finance and Government Organization,
A.R. Bermudez

The acting Minister of Justice,
M.G. Eman

The Minister of General Affairs, Science, Innovation and Sustainable
Development,
M.G. Eman

The Minister of Tourism, Transportation, Energy and the Environment,
M.E. de Meza