

**OFFICIAL BULLETIN
OF
ARUBA**

STATE DECREE containing general administrative orders of August 26, 2020 for the implementation of Articles 2 and 2a of the Sanctions Ordinance 2006 (“AB” [*Official Bulletin*] 2007 No. 24) (Sanctions State Decree Cyber-Attacks)

Published on August 27, 2020

The Minister of Justice,
Security and Integration,

A.C.G. Bikker

IN THE NAME OF THE KING!

THE GOVERNOR of Aruba,

Having considered:

that, in the interests of the foreign policy of the Kingdom and in the interests of international legal order, it is desirable to implement Regulation No. 2019/796 of the Council of the European Union of May 17, 2019 and Decision (CFSP) 2019/797 of May 17, 2019 concerning restrictive measures against cyber-attacks threatening the European Union or its Member States;

Having regard to:

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

Has decided:

§ 1. General

Article 1

For the purposes of this State Decree, the following definitions shall apply:

Bank	:	the Central Bank of Aruba;
Decision 2019/797	:	Decision (CFSP) 2019/797 of May 17, 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States, with its Annexes, including any subsequent amendments made to those Annexes;
to freeze	:	a prohibition to transfer, convert, move or make available;
service	:	an activity relating to a fund or other asset;

service provider	: any person providing a service on a professional or commercial basis;
funds or other assets	: property, however acquired, 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 of or title to any property, and products, respectively;
Minister	: the Minister responsible for financial matters;
Financial Intelligence Unit	: the Financial Intelligence Unit, as referred to in Article 20, first paragraph, of the State Ordinance on the Prevention and Combating of Money Laundering and Terrorist Financing (AB 2011 No. 28);
Regulation No. 2019/796	: Regulation (EU) No. 2019/796 of May 17, 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States, with its Annexes, 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, directly or indirectly belonging to, owned, held or controlled by a natural person, a legal person, entities or bodies listed in Annex I to Regulation No. 2019/796 and the Annex to Decision 2019/797 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 are:

- a. necessary to cover expenses for the basic needs of the natural persons listed in Annex I to Regulation No. 2019/796 and the Annex to Decision 2019/797 and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines or medical treatments, taxes, insurance premiums and public utility charges;
 - b. intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses in connection with the provision of legal services;
 - c. intended exclusively for the payment of fees or costs for the routine holding or management of frozen funds or economic resources, or
 - d. necessary for the payment of extraordinary expenses, provided that 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.

Article 3

1. The Bank shall be responsible for the digital publication of the current text of Annex I to Regulation No. 2019/796 and the Annex to Decision 2019/797.
2. Service providers shall make such arrangements as to ensure that they are at all times aware of the content of Annex I to Regulation No. 2019/796 and the Annex to Decision 2019/797.

Article 4

1. It shall be 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 Annex I to Regulation No. 2019/796 and the Annex to Decision 2019/797 gaining access in any way to funds or other assets.
2. It shall be prohibited to participate knowingly or intentionally in activities of which the object or effect 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 Annex I to Regulation No. 2019/796 and the Annex to Decision 2019/797 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 state 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 designated non-financial service providers.
3. Service providers shall promptly inform the Financial Intelligence Unit of all transactions intended or performed by or on behalf of persons, entities and bodies listed in Annex I to Regulation No. 2019/796 and the Annex to Decision 2019/797.

§ 3. Final provision

Article 6

1. This State 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 State Decree Cyber-Attacks.

Given in Oranjestad, August 26, 2020
J.A. Boekhoudt

The Minister of General Affairs, Integrity,
Government Org., Innovation and Energy,
E.C. Wever-Croes

The acting Minister of Finance, Economic Affairs
and Culture,
E.C. Wever-Croes

The Minister of Justice, Security
and Integration,
A.C.G. Bikker