

**OFFICIAL BULLETIN
OF
ARUBA**

STATE DECREE containing general administrative orders of December 23, 2022, implementing article 51, first paragraph, of the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing (hereinafter referred to as: “AML/CFT State Ordinance”) (“AB” [*Official Bulletin*] 2011 No. 28) (State Decree on the Allocation of Supervision Costs Non-Financial Service Providers AML/CFT State Ordinance)

Issued on December 29, 2022

The Minister of General Affairs,
Innovation, Government Organization,
Infrastructure and Spatial Planning,
E.C. Wever-Croes

IN THE NAME OF THE KING!

THE ACTING GOVERNOR of Aruba,

Having considered:

that, in the interest of an efficient and sustainable supervision of the designated non-financial service providers that are legally subject to supervision by the Central Bank of Aruba pursuant to the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing, it is desirable to lay down rules for the financing of this supervision;

Having regard to:

Article 51, first paragraph, of the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing;

After being heard the Advisory Council, has decided:

Article 1

In this State Decree, the following definitions shall apply:

- Bank : the Central Bank of Aruba;
- the State Ordinance : the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing;
- supervision costs : the amounts to be charged by the Bank before December 1 of each year to the non-financial service providers to cover the costs incurred by the Bank in connection with the implementation of the State Ordinance.

Article 2

1. Each year, the non-financial service providers designated hereinafter shall owe the following amounts in respect of supervision costs - to

the extent that they provide services as referred to in article 6, second paragraph, of the State Ordinance:

- a. a natural person acting as a lawyer, civil-law notary, candidate civil-law notary or tax advisor or practicing a similar legal profession: an amount of Afl. 750.- per person;
- b. a natural person who acts as an external registered accountant, an external accounting consultant, who independently engages in professional activities, including forensic accounting, or a natural person, insofar as he or she independently engages in any other similar activities in a professional or commercial capacity: an amount of Afl. 750.- per person;
- c. a casino as referred to in article 1, first paragraph, of the State Ordinance on Hazard Games: an amount of Afl. 7,500.- per casino;
- d. a natural person in the conduct of a sole proprietorship, a legal person or company trading or acting as an intermediary in the purchase and sale of real estate and the rights to which such property is subject in a professional or commercial capacity: an amount of Afl. 750.- per sole proprietorship, legal person or company;
- e. a natural person in the conduct of a sole proprietorship, a legal person or company trading or acting as an intermediary in the purchase and sale of vehicles, vessels, aircrafts, and the rights to which these objects are subject in a professional or commercial capacity: an amount of Afl. 750.- per sole proprietorship, legal person or company;
- f. a natural person in the conduct of a sole proprietorship, a legal person or company trading or acting as an intermediary in the purchase and sale of art objects, antiques, and the rights to which these objects are subject in a professional or commercial capacity: an amount of Afl. 750.- per sole proprietorship, legal person or company;
- g. a natural person in the conduct of a sole proprietorship, a legal person or company trading in precious metals, precious stones and jewels in a professional or commercial capacity: an amount of Afl. 750.- per sole proprietorship, legal person or company;
- h. a natural person in the conduct of a sole proprietorship, a legal person or company engaging in the exchange of virtual currency or fiduciary currency in a professional or commercial capacity: an amount of Afl. 750.- per sole proprietorship, legal person or company;
- i. a natural person in the conduct of a sole proprietorship, a legal person or company offering custodial wallets in a professional or

commercial capacity: an amount of Afl. 750.- per sole proprietorship, legal person or company.

2. The total amount of the allocated supervision costs shall not exceed Afl. 7,500.- per legal entity.
3. The amounts referred to in the first paragraph, subparagraphs a through i, may be increased annually by order of the Minister by at most the 12-month average inflation rate in respect of the preceding year calculated by the Central Bureau of Statistics, as measured in the consumer price index.

Article 3

1. The supervision costs to be paid by the designated non-financial service providers as referred to in article 1, first paragraph, subparagraphs a and b, shall be determined based on a statement of the number of professionals providing services as referred to in article 6, second paragraph, subparagraphs a, b, d through g, of the State Ordinance, to be sent to the Bank by these designated non-financial service providers before July 1 of each year.
2. If the designated non-financial service provider fails to send the Bank the statement as referred to in the first paragraph, or does not send it on time, the Bank may determine the number of professionals ex officio, with due observance of the provision of article 2, second paragraph.
3. The format of the statement as referred to in the first paragraph shall be drawn up by the Bank.

Article 4

If a designated non-financial service provider does not or not fully comply with the requirements laid down in article 51, third paragraph, of the State Ordinance, the statutory interest shall be due in respect of the unpaid part of the supervision costs as of the expiration of that period.

Article 5

1. This State Decree shall enter into force as of the first day of the month following the day of its publication in the Official Bulletin of Aruba.
2. It may be cited as: State Decree on the Allocation of Supervision Costs Non-Financial Service Providers AML/CFT State Ordinance.

Given in Oranjestad, December 23, 2022
A. Vrolijk

The Minister of Finance and Culture,
X.J. Maduro

The General Affairs, Innovation,
Government Organization, Infrastructure and Spatial Planning,
E.C. Wever-Croes