

GUIDELINES FOR THE DECLARATION AND PAYMENT OF FOREIGN EXCHANGE COMMISSION FOR HOLDERS OF FOREIGN ACCOUNT(S)

1. General

The Centrale Bank van Aruba (CBA) issues these guideline pursuant article 4, paragraph 2, of the State Ordinance Foreign Exchange Commission (SOFEC). This guidelines is effective as of May 1, 2023 and will replace the previously issued guidelines dated December 1, 2021.

These guidelines are applicable to foreign account holders (FA holders) whom have notified:

- foreign bank accounts (FBA) and/or
- foreign intercompany accounts (FIA).

2. Monthly declaration foreign exchange commission

- 2.1 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.
- 2.2 The FA holder has to submit the monthly 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 15th of February) to the Treasury, Financial Markets and Banking Operations department of the CBA via e-mail address fec@cbaruba.org.
- 2.3 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.
- 2.4 In the monthly declaration form the total amount of outgoing payments to nonresidents must be summed up and their countervalue in Afl. must be reported. The FEC due is calculated by multiplying the commission rate of 1.3 percent (%) with the total of outgoing payments to nonresidents, converted to the corresponding countervalue in Afl., 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 monthly declaration form a calculation should be made.
- 2.5 The monthly declaration FEC forms are available in both excel format as well as in pdf format. The excel file includes formulas and drop down options. Both forms can be submitted to the Treasury, Financial Markets and Banking Operations department of the CBA via e-mail address fec@cbaruba.org. These forms are also available for download on the CBA's website www.cbaruba.org.



CENTRALE BANK VAN ARUBA

- 2.6 Based on the monthly declaration forms and the “weekly-monthly FALA” reports submitted via the FAME portal, the CBA conducts 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, general ledger summaries or any other it deemed necessary. Following these reviews if a subsequent levy is determined, the CBA will issue an Assessment Notice for payment of the amount due. In case 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.
 - 2.7 If the FA holder does not comply with its monthly reporting obligation, the CBA will issue an Assessment Notice based on the relevant transactions reported in the weekly-monthly FALA reports submitted via the FAME portal.
- 3. Payment of FEC**
- 3.1 The FA holder has to pay the foreign exchange commission (FEC) to the CBA directly.
 - 3.2 The FEC should be paid to the CBA via bank transfer through a 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. A copy of the transfer effectuated should be included with the monthly declaration form.
 - 3.3 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 remind 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.
- 4. Supervision and compliance**
- 4.1 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.
 - 4.2 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).

All relevant regulation and legislation are available on the CBA’s website www.cbaruba.org.

If you have any question concerning these guidelines, please contact the Treasury, Financial Markets and Banking Operations department via e-mail address fec@cbaruba.org.