



CENTRALE BANK VAN ARUBA

POLICY DOCUMENT FOR THE REPORTING OF UNUSUAL TRANSACTIONS BY THE CBA TO THE FIU

1. Introduction

In accordance with article 7(1) of the *Centrale Bankverordening* (AB 1991 no. GT 32), the Centrale Bank van Aruba (CBA) is designated as the circulation bank and is, as such, exclusively entitled to issue florin banknotes.

In connection with the introduction of the 2019 series of florin banknotes, an amendment to the *Landsverordening voorkoming en bestrijding witwassen en terrorismefinanciering* (AB 2011 no. 28) (AML/CFT State Ordinance) entered into force on May 1, 2019.

In the amended AML/CFT State Ordinance, the CBA is granted the authority to report (intended) unusual transactions to the Financial Intelligence Unit of Aruba (FIU-Aruba). The reason for granting this authority is that the Cash Operations & Logistics (COL) department of the CBA may be confronted with (intended) transactions that may indicate money laundering or terrorism financing.

In complying with Article 55a, paragraph 3 of the AML/CFT State Ordinance, the CBA has established guidelines for the application of its authority to report (intended) transactions for which there are reasons to assume that the intended transaction may be related to money laundering or terrorism financing to the FIU-Aruba. The CBA has written them down in a policy document available for the general public.

2. Legal authority of the CBA to report unusual transactions to the FIU-Aruba – Relevant article AML/CFT State Ordinance

Article 55a AML/CFT State Ordinance (unofficial translation):

Article 55a

1. *If the Bank, in the performance of its duties as a circulation bank as referred to in Article 7(1) of the Central Bank Ordinance (AB 1991 no. GT 32), carries out a transaction, including an intended transaction, for which there is reason to assume that this may be related to money laundering or terrorism financing, the Bank is authorized to report this to the FIU, if necessary in deviation from the applicable legal confidentiality provisions.*
2. *With a report as referred to in the first paragraph, the Bank shall provide at least the following information:*
 - a. *the identity of the client;*
 - b. *the nature and number of the client's proof of identity;*
 - c. *the nature, time, and place of the transaction;*
 - d. *the size and the destination and source of the funds with regard to the transaction involved;*
 - e. *the circumstances on the basis of which the transaction is considered unusual.*
3. *The Bank establishes guidelines for the application of the authority referred to in the first paragraph, and records these in a policy document. The policy document shall in any case contain a description of the procedures to be followed in the event of a report, as referred to in the first paragraph, and shall be published, as well as any subsequent changes thereto, in a manner to be determined by the Bank.*
4. *The Bank shall keep the information referred to in paragraph 2 in an accessible manner for at least ten years after the time of making the report, in a manner to be determined by it.*

5. *The Bank may, on request or otherwise, provide further data and information to the FIU.*

3. **Guidelines**

The CBA has established the following guidelines to be followed by the COL department of the CBA when (i) banknotes and/or coins are offered for exchange or (ii) florin banknotes and/or commemorative coins/ coin sets/ circulation coins are bought:

a. **Identification**

To verify the identity of the subject person(s), a valid identity document needs to be presented to the cashier of the CBA. In accordance with *Regeling verificatiedocumenten LWTF* (AB 2011 no. 28), the CBA will only accept any of the following documents for identification:

1. Passport;
2. Aruba ID-Card (*cedula*);
3. Aruban Driving License (*rijbewijs*).

The cashier makes a copy of the identity document presented.

b. **Source of funds declaration form**

For the exchange and/or buying of florin banknotes and/or florin coins with a combined value of Afl. 1,000.00 or more, the subject person(s) is (are) required to fill in the attached source of funds declaration form (see Attachment 1). Name, and address of subject person(s) as well as a description of how the banknotes and/or coins offered for exchange or payment were obtained, need to be disclosed.

c. **Additional information**

The cashier may request additional information and/or documentation before carrying out the requested transaction(s).

d. **Transaction(s) exceeding Afl. 5,000.00**

For the exchange or buying of florin banknotes and/or florin coins with a combined value of Afl. 5,000.00 or more, the subject person(s) should send a notification, including a filled-in source of funds declaration form as meant under item 3 b., to the COL department via **Cash-VaultDept@cbaruba.org** at least **5 days** prior to visiting the COL department.

Only upon receipt of a written confirmation with an appointment from the COL department, the subject person(s) may visit the CBA on the proposed day and time for the exchange and/or buying of florin banknotes and/or florin coins with a combined value of Afl. 5,000.00 or more.

e. **Reporting to FIU-Aruba**

If, according to the CBA, there are reasons to assume that a(n) (intended) transaction may be related to money laundering or terrorism financing, the CBA will report that transaction to the FIU-Aruba.

If the CBA files a report to the FIU-Aruba, it is legally obliged to observe the required confidentiality and, therefore, will not inform the subject person(s) thereof.

f. **Rejection of transactions**

1. The CBA rejects the transaction in case of insufficient cooperation of the subject person(s) or if the cashier deems the information provided by the subject person(s) insufficient.
2. In the event that partially destroyed or damaged banknotes and/or coins are offered for exchange, the CBA can refuse the exchange or reimburse the subject person(s) depending on the severity of the

damage hereof.

3. The CBA rejects the transaction in case it determines after following proper authentication procedures that the banknotes and/or coins are counterfeit and will immediately report the case to the Public Prosecutor's Office and/or (investigative) authorities.
4. In the event that the CBA has reasons to assume that the banknotes and/or coins are related to a criminal offence, it will:
 - a. refuse the transaction; and
 - b. immediately report the case to the Public Prosecutor's Office and/or (investigative) authorities;

all of the foregoing without prejudice to any other rights or remedies.

4. Entry into force

This policy will enter into force on December 5, 2019.

