

Unofficial English Translation

STATE DECREE containing General Administrative Orders for the Implementation of Article 2, first paragraph, of the Sanctions State Ordinance 2006 (AB 2007, No. 24) (Sanction Decree Combat Terrorism and Financing Terrorism)

EXPLANATORY MEMORANDUM

General explanatory notes

On April 26, 2007, the Sanctions State Ordinance 2006 (“AB” [*Official Bulletin*] 2007 No. 24) entered into force. Pursuant to this State Ordinance, rules may be laid down by a state decree containing general administrative orders in order to comply with a treaty or an international decision, which Aruba is obligated to comply with and which contains a limitation or prohibition for, or the imposition of an order on residents. Such a state decree is described in Article 1 of the Sanctions State Ordinance 2006 by the term “sanctions state decree”. The same Article defines the term “international decision” as a decision of a body of an international organization, or an international agreement aimed at maintaining or restoring international peace and security or promoting or restoring international legal order or combating terrorism. This State Decree makes use of this provision to take freezing measures regarding funds and other assets present in Aruba of persons and entities engaged in terrorism activities and/or the financing of such activities. In this context, two UN Security Council Resolutions need special consideration, namely Resolution 1267 (1999) and Resolution 1373 (2001).

Resolution 1267 (1999) prescribes the freezing without delay of funds or other assets owned or controlled by the Al-Qaeda terrorist organization, the Taliban, Osama bin Laden, or persons and entities associated with them as designated by the UN Al-Qaeda and Taliban Sanctions Committee (hereinafter referred to as: “the Sanctions Committee”). Such freezing measures should be taken without prior notification of the persons or entities involved. The UN Al-Qaeda and Taliban Sanctions Committee was established by Resolution 1267 (1999) as the authority responsible for designating the persons

and entities that should have their funds and other assets frozen under Resolution 1267 (1999) and its successor UN Security Council Resolutions (namely 1333 (2000), 1363 (2001), 1390 (2002), 1455 (2003), 1526 (2004), 1373 (2001) and 1452 (2002)).

Resolution 1373 (2001) is in fact the direct result of the terrorist attacks by Al-Qaeda in the United States on September 11, 2001. This Resolution prescribes (*inter alia*) the freezing without delay of funds, other financial assets or economic resources of:

- a. persons who commit or attempt to commit terrorist acts or participate in or assist in the committing of terrorist acts;
- b. entities owned or controlled directly or indirectly by persons who commit or attempt to commit terrorist acts or participate in or assist in the committing of terrorist acts;
- c. persons and entities acting on behalf of or at the direction of the persons or entities referred to in subparagraphs a or b.

Therefore, the scope of this Resolution is broader than that of 1267 (1999), which is limited to the persons and entities that form part of or are associated with the Taliban and/or Al-Qaeda. The designation of the persons and entities is left to the Member States themselves. Resolution 1373 (2001) places strong emphasis on effective international cooperation by means of an obligation on the Member States to examine and give effect to the freezing measures taken by other Member States and, if so desired, to take freezing measures themselves against the persons and entities concerned. When a specific notification has been sent, and the receiving Member State is satisfied, according to applicable legal principles, that the requested designation of the person or entity is supported by a reasonable basis to assume that the person or entity concerned is a terrorist, one who finances terrorism or a terrorist organization, that Member State must ensure that the funds or other assets are frozen without delay. In addition, Resolution 1373 (2001) requires Member States to prohibit their nationals and all other persons and entities in their territory from making funds, other financial assets or economic resources, or financial or other related services available, directly or indirectly, for the benefit of persons and organizations that commit, attempt to commit or participate in terrorist offenses.

Since these UN Resolutions also apply to Aruba, funds and other assets of the persons and entities referred to above, present in Aruba, should also be frozen. However, an adequate legal framework should first be created for this purpose. This was accomplished by means of the adoption and entry into force of aforementioned Sanctions State

Ordinance 2006. In this context, reference should also be made to Special Recommendation III of the Financial Action Task Force (FATF). This Recommendation directed against terrorism financing requires the FATF members - of which Aruba, through the Kingdom, is one - to take measures so that funds or other assets of terrorists, financiers of terrorism and terrorist organizations can be frozen without delay in accordance with the UN Resolutions in the area of the prevention and combating of terrorism and terrorism activities.

The purpose of this State Decree containing General Administrative Orders is to implement aforementioned UN Resolutions and Special Recommendation III of the FATF. The core element is formed by the so-called freezing lists of persons and organizations that have been found to be involved in terrorism and terrorism financing based on certain indications. Inclusion on a freezing list leads to the freezing of funds or other assets present in Aruba of these persons or entities. Freezing means prohibiting the transfer, conversion, movement or provision of those funds and assets. Persons or institutions active in Aruba must ensure that they do not engage in any activities or provide any services that result in the transfer, conversion, movement or provision of funds and assets to or for the benefit of the designated persons. This may concern both funds or assets available at a service provider or kept in custody by a service provider (for instance, a balance in a bank account or valuable objects in a bank safe) and assets kept by a designated person himself or a third party (for instance, a house or an office building). In the latter case, service providers should refrain from providing services regarding these funds and assets, which result or may result in the transfer, conversion, movement or provision thereof to or for the benefit of the designated persons. This means that the freezing measure applies to everyone, and its effect is therefore not limited to service providers within the meaning of this State Decree. In fact, freezing means that the party entitled loses the power of disposition (but not ownership) with regard to his funds or other assets. As a result, frozen funds and assets cannot be the subject of legal acts, so that they are excluded from legal transactions.

There are two freezing lists. The first is the consolidated list of persons and entities associated with the Al-Qaeda terrorist organization and the Taliban. This list was drawn up by the Sanctions Committee, which also ensures that it is updated, when necessary. For reasons of efficiency, it has been decided to refer directly in this State Decree to this already existing and continuously updated list,

which is also followed by the vast majority of the UN Member States. The other list is a list drawn up by the Minister responsible for judicial matters (hereinafter referred to as: the Minister) of persons and entities other than those already designated under UN Resolution 1267 (1999) and its successor resolutions, as regards whom/which it has been established, either here in this country or elsewhere, that they engage in terrorist activities or terrorism financing. This list is based on UN Resolution 1373 (2001). This will be discussed in more detail in the explanatory notes on Article 2.

Explanatory notes on individual articles

Re Article 1

The first paragraph of this Article contains the definitions necessary for the application of this State Decree. The term “freezing” has already been discussed above. It is derived from the so-called “Interpretative Note” of the FATF to its Special Recommendation III. That Recommendation relates to the freezing and seizure of funds or other assets of terrorists, financiers of terrorism and terrorist organizations designated as such under the UN Resolutions in the area of the prevention and combating of terrorism and terrorist activities. By defining it as a prohibition on the transfer, conversion, movement or provision of funds and other assets, it covers all acts that may lead to the provision of funds and other assets (for instance, by transferring funds to a foreign account) to the designated persons or entities or to the persons or entities related to them, or to a change in the legal status of those funds and other assets (for instance, by transfer).

The term “freezing lists” has already been briefly discussed above and will be discussed in more detail in the explanatory notes on Article 2. The term “designated person” refers to a natural or legal person and entities mentioned on one of the freezing lists. The partial term “entity” is considered as a residual term for other possible partnerships and organizations, such as special-purpose funds and trusts.

The term “funds or other assets” is based on the term “funds or other assets” used in the FATF Methodology 2004 for the application of Special Recommendation III. This states: “financial assets, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments

in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, (but not limited to), bank credits, travelers checks, bank checks, shares, securities, bonds, money orders and letters of credit, and any interest, dividends or other income or value accruing from or generated by such funds or other assets". In order to comply with this very broad description, it has been decided to seek harmonization with the term "property" of Article 1 of Book 3 of the Civil Code of Aruba. According to that Article, property consists of all objects and all property rights. According to Article 2 of Book 3 of the Civil Code of Aruba, "objects" means tangible objects that can be controlled by humans. Pursuant to Article 3 of Book 3 of the Civil Code of Aruba, objects can be distinguished into immovable and movable objects. Property rights are described in Article 6 of Book 3 of the Civil Code of Aruba as the rights which, either separately or together with another right, are transferable, or which intend to give its proprietor material benefit or which are obtained in exchange for supplied or the prospect of still to supply material benefit. The conditions of "tangible or intangible and movable or immovable" from the definition of "funds or other assets" of the FATF Methodology 2004 are thus satisfied. Examples of property within the context of this draft are accounts in which a balance in cash or other monetary value can be held, property subject to registration, vehicles, jewelry and suchlike. The Government expects that any funds and assets within the meaning of Special Recommendation III will mainly be present in Aruba in the form of accounts held with the banks. The words "however acquired" have been included to indicate that both property acquired under universal title and those acquired under particular title fall under the scope of this State Decree. The words "any kind of documentation and information carrier which proves whole or partial property or entitlement to the funds or other assets in question" first of all apply to all documentation or other instruments evidencing the existence of property, in particular a property right. Therefore, this also includes electronically or digitally recorded evidence of rights to property. Examples include securities, checks, travelers checks, bank drafts and money orders, letters of credit, letters of guarantee, bonds, share certificates and other financial instruments. The words "income or increases in value generated by such funds or other assets" refer to interest, dividends or other income or increases in value generated by the property. After all, these should also be subject to the freezing measure.

The term “service provider” refers to anyone who carries out or can carry out an activity relating to a fund or any other asset in a professional or commercial capacity. In fact, it refers to any person or institution involved in the management and disposition of the funds and assets of the designated persons, or whose cooperation is required for the transfer, conversion, movement or provision of a fund or asset. Examples are banks, money transfer companies, civil-law notaries, lawyers, accountants, tax consultants, jewelers, car dealers.

The second paragraph stipulates that, as regards the service providers subject to legal supervision by the Bank and the “Volkskredietbank”, the Bank will see to it that these service providers comply with the obligations of this State Decree applicable to them. To this end, the Bank will take the measures provided for in this State Decree, if necessary. These measures include those mentioned in Articles 3, second paragraph, 4, fourth and fifth paragraph, and 6 of this State Decree. As regards the other service providers, the duty of care described in the first sentence rests with the Financial Intelligence Unit. The service providers subject to legal supervision by the Bank are the credit institutions, insurance companies, money transfer companies and trust offices. The “Volkskredietbank” is mentioned separately as a service provider for which the Bank bears responsibility within the meaning of this State Decree, since this financial institution does not operate pursuant to a license or registration granted by the Bank, but pursuant to a state ordinance, i.e. the State Ordinance on the “Volkskredietbank” (AB 1993 No. GT 15). Given the banking nature of the activities of the “Volkskredietbank”, the Government deems it desirable that the Bank is responsible for this institution for the purposes of this State Decree.

The distinction itself is related to the decision of the Government to entrust the supervision of compliance with anti-money laundering and anti-terrorist financing legislation and regulations with regard to financial institutions to the Bank and to entrust the supervision of non-financial institutions to the Financial Intelligence Unit. In connection herewith, reference can also be made to the State Ordinance amending the Criminal Code of Aruba (AB 1991 No. GT 50), which entered into force on March 5, 2010, and the State Ordinance on the Obligation to Report Unusual Transactions (AB 1995 No. 85) (revision criminalization terrorist financing; expansion circle of supervisors FIU; laid down in AB 2010 No. 6). Reference

can also be made to Article 16 of the Sanctions State Ordinance 2006, which applies a similar system with regard to the supervision of compliance with that State Ordinance.

Re Article 2

In implementation of UN Resolution 1373 (2001) and Special Recommendation III, Article 2 entrusts the Minister with the preparation of a list of the following natural persons, legal persons and entities (see the first and second paragraph):

- a. natural persons involved in the committing of one or more terrorist crime or in crimes to prepare or facilitate one or more terrorist crime;
- b. legal persons and other entities directly or indirectly owned or controlled by persons as referred to in subparagraph a;
- c. natural persons, legal persons and other entities acting on behalf of or at the direction of the persons, legal persons and other entities referred to in subparagraphs a or b.

For the sake of clarity, it should be noted with regard to subparagraph a that this also includes natural persons who attempted to commit one or more terrorist crime or crimes to prepare or facilitate the committing of one or more terrorist crime. For this purpose, the word “involved” has been included in this subparagraph.

In order to emphasize the fact that this is a separate list that applies pursuant to the consolidated list applicable under UN Resolution 1267 (1999) (which is directly applicable in Aruba pursuant to Article 4) , the words “Without prejudice to United Nations Security Council Resolution 1267 (1999) and the obligations arising therefrom for Aruba” are used in the opening lines of the first paragraph.

The second paragraph entrusts the Minister with the administration of the list referred to in the first paragraph. Administration is understood to mean the updating of that list. The fact that the Minister is entrusted with this duty in this State Decree is related to the far-reaching nature of the freezing measure and the responsibility this entails. Pursuant to the second paragraph, however, the Minister may authorize the Bank to update the list on his behalf in accordance with the provisions of this State Decree. This possibility to authorize the Bank, which will almost certainly be applied, has been included for reasons of efficiency. It is expected, for example, that in some cases (for instance, in response

to new terrorist attacks) the list will have to be amended promptly . By giving the Bank - which has already been given an important role in the implementation of the Sanctions State Ordinance 2006 - the derivative authority to amend its own list so that such a situation can be addressed adequately.

The list may consist of both residents and non-residents. Having regard to Article 4 of the Sanctions State Ordinance 2006, which stipulates, subject to being declared nonbinding that the identity of the individual natural and legal persons, groups or entities must be accurately described in the event of an infringement of the constitutional right to the undisturbed enjoyment of property, the second paragraph mentions the details regarding identity (including aliases), place of residence or domicile and other relevant data, where available. It should be noted that the system of the consolidated list will be followed in outline.

Re Article 3

The first paragraph entrusts the Bank with the timely and digital publication of the freezing lists and of all changes to these lists. In view of their expected large size and the use of the internet by the service providers, which has meanwhile become common practice, the freezing lists will be published on the Bank's website www.cbaruba.org. This website is accessible to everyone.

The second paragraph builds on the first and imposes a duty of care on both the Bank and the Financial Intelligence Unit to provide information and, if necessary in individual cases, assistance to the service providers about the consultation of the freezing lists and the further measures to be taken by these service providers pursuant thereto to ensure the freezing of the funds and assets of the designated persons and other persons. After all, this will make it possible to implement the freezing measures envisaged by this Sanctions Decree in an efficient and effective manner.

In order to ensure the application of the freezing measures regarding any funds or other assets present in Aruba, the third paragraph imposes a duty of care on the service providers to keep themselves informed of the freezing lists and of any changes to those lists at all times.

Re Article 4

Article 4 provides for the actual freezing of the funds and other assets of natural and legal persons, and entities found to be engaged in terrorist activities or terrorism financing by or pursuant to aforementioned UN Resolutions. These UN Resolutions require the freezing of all funds and other assets directly or indirectly owned by the persons and organizations referred to therein. The first paragraph refers to funds and other assets directly or indirectly owned by a designated person, or to which a designated person is otherwise entitled. In this context, the term “owned” should be understood to mean both ownership and possession within the meaning of civil law (in this connection, see Article 107, first paragraph, of Book 3 of the Civil Code of Aruba and Article 1, first paragraph, of Book 5 of the Civil Code of Aruba). Insofar as the phrase “entitled otherwise” is concerned, consideration should notably be given to transferable rights with regard to such funds and assets, such as the limited real rights referred to in Book 5 of the Civil Code of Aruba.

The second paragraph provides for two special cases of freezing of funds or other assets. The first case concerns funds or other assets owned or controlled, directly or indirectly and entirely or in community with others, by designated persons, persons suspected of or convicted for one or more terrorist crimes, persons or organizations that finance terrorism or terrorist organizations. The term “in joint ownership with others” is to be understood a joint ownership within the meaning of Article 166 of Book 3 of the Civil Code of Aruba (in which one or more assets belong to two or more co-proprietors jointly) between designated persons, persons suspected of or convicted for one or more terrorist crimes, persons or organizations that finance terrorism or terrorist organizations, on the one hand, and one or more third parties, on the other hand. As regards “persons that are suspected of one or more terrorist crimes or were convicted herefore, persons or organizations that finance terrorism, or terrorist organizations”, it should be noted that these have been included in view of the explicit recommendation of the FATF (included in both the Methodology 2004 and in the so-called Interpretative Note to Special Recommendation III) not to limit the freezing of funds and assets to the persons designated under UN Resolutions 1267 (1999) and 1373 (2001), but to apply this to the funds and assets of other terrorists, persons or organizations that finance terrorism and terrorist organizations as well, in order to achieve an effective freezing system. As in the case of designated persons, a conviction is not necessary to be considered a terrorist, a

financier of terrorism or a terrorist organization. Eventually, an optimal use of the freezing instrument will be achieved in this way.

The other case concerns funds and other assets accruing from or generated by funds or other assets owned or controlled by designated persons, persons suspected of or convicted for one or more terrorist crimes, persons or organizations that finance terrorism or terrorist organizations. In fact, it refers to the economic benefits generated by the frozen funds or other assets. This includes interest, dividends and other income or value accruing from or generated by the (originally) frozen funds or assets.

As a consequence of the freezing referred to in the first paragraph, the third paragraph requires service providers to refrain from providing any services and performing any acts that lead to it or could reasonably lead to it that a designated person gains access in any way to the funds or other assets frozen pursuant to the first and second paragraph. This does not only concern services within the meaning of Article 1 of this State Decree, but also any actual act that results in a fund or asset being placed under the control of a designated person. For the sake of good order, it should be noted that the violation of this order is punishable under Article 17 of the Sanctions State Ordinance 2006.

To the extent that service providers, at the time of inclusion of a person or entity on one of the freezing lists, hold funds or assets of that person or entity (for instance, based on a custodial agreement), they must take such measures without delay which results in those funds and assets not being transferred, converted, moved or provided to the designated person in breach of the freezing measure. An example of such a measure is a notification within a bank to the counter staff that transactions relating to a (frozen) account of a designated person may no longer be carried out. This is provided for in the fourth paragraph.

The fifth paragraph provides for the implications of a change to a freezing list by adding or delisting a designated person. After all, adding a designated person leads to the freezing of the funds and assets of the designated person or organization. In order to ensure that this freezing actually takes place, the fourth paragraph instructs the Bank to notify the service providers concerned of the designation without delay and to ensure that the freezing actually takes place. This notification is a separate matter from the general publication requirement referred to in the first paragraph. The same applies *mutatis mutandis* to the delisting of a designated person or other

person from a freezing list. Such a delisting has the opposite effect compared to the designation , namely that the freezing of funds and assets is lifted. Moreover, the existence of such a delisting provision is also one of the essential criteria based on which compliance with Special Recommendation III is assessed by the FATF.

Re Article 5

This Article imposes an obligation on the service providers to take such measures that will enable them to be aware of the freezing lists referred to in Article 2. These include adequate computer infrastructure and associated programs to enable automatic tracking of these lists - which will be published and updated by the Bank on its website - with a view to possible agreements. Account must also be taken of the fact that these lists will be constantly amended, usually within a period of several months. The service providers must always be aware of these amendments.

Re Article 6

In order to ensure an adequate application of the freezing measures laid down in this State Decree, this Article authorizes the Bank and the Financial Intelligence Unit, respectively, to give instructions to an individual service provider. The service provider concerned must immediately comply with an instruction. Failure to comply with an instruction may lead to criminal prosecution pursuant to Article 17 of the Sanctions State Ordinance 2006.

Re Article 7

A freezing measure may also concern registered property, as this may also be an asset within the meaning of this State Decree. Article 10 of Book 3 of the Civil Code of Aruba defines registered property as an asset for which registration in the relevant public registers is necessary in order to transfer or establish it. In essence, this concerns immovable property, aircraft and vessels, and the limited rights that may be created on such property. Since the freezing of such an asset means that the party entitled can no longer dispose of it, it is desirable to record this in the public registers. In this way, it will be made clear to everyone that such registered property has been frozen. This applies in particular to service providers who, by virtue of their position, are involved in legal transactions relating to registered property (in particular civil-law notaries), and who have to rely on the public registers for this purpose.

In connection with the above, the first paragraph of this Article imposes a duty of care on the relevant keepers of the public registers - for immovable property and the limited rights to be created thereon: the Registrar of Mortgages, and for aircraft and vessels: the keepers of the Register of Vessels and the Register of Aircraft, respectively - to record the freezing in the public register in question. The duty of care means that the keepers of the public registers themselves must check whether a registered property has been frozen as a result of the inclusion of the party entitled on one of the freezing lists. Consultation of these lists is the appropriate way to do this.

In view of possible changes to the freezing lists, the second paragraph declares Article 4, fifth paragraph, applicable *mutatis mutandis* to freezing entries in the public registers.

Re Articles 8 and 9

Articles 8 and 9 elaborate on the freezing order contained in Article 4 and require any service provider who has been approached by a designated person as an opposing party or otherwise with a request for the provision of a service in respect of frozen property to report this to the Financial Intelligence Unit. The information obtained as a result will then be investigated by the Financial Intelligence Unit and, if the result of the investigation gives cause to do so, forwarded to the Public Prosecutor's Office in accordance with Article 6 in conjunction with Article 3, first paragraph,

subparagraphs a and b, of the State Ordinance on the Obligation to Report Unusual Transactions. Article 6 of that State Ordinance provides for the so-called duty to report to the Financial Intelligence Unit, whereas subparagraphs a and b of Article 3, first paragraph, of the same State Ordinance relate to the core task of the Financial Intelligence Unit, namely receiving, analyzing and, if necessary, forwarding unusual transactions. In this way, the Financial Intelligence Unit can continue to implement its objective of preventing and detecting money laundering and terrorist financing, as set out in Article 3, first paragraph, of the State Ordinance on the Obligation to Report Unusual Transactions. Incidentally, the Government considers it desirable that, in case of service providers placed under the supervision of the Bank (i.e., credit institutions, life insurance companies, money transfer companies and trust offices), the Bank is also informed of the services requested. Article 8, first paragraph, also provides for this. The related information may be taken into account when exercising the supervision referred to in Articles 15 in conjunction with Article 16, first paragraph, of the Sanctions State Ordinance 2006, or when applying the various statutory supervisory regimes vis-à-vis these institutions.

The second paragraph of Article 9 contains the information to be provided together with a report as referred to in the first paragraph of the same Article and does not require any further explanation.

Re Article 10

This Article concerns the addition to the list referred to in Article 4, first paragraph, following a request by a State to freeze funds and assets of a person or entity already designated by that State and not included on the list. Pursuant to this Article, the Minister will comply with this request by immediately amending the list referred to in Article 4, first paragraph, which in turn will result in the requested freezing. Prior to this, the Minister will first have to assess whether it can reasonably be assumed that the inclusion of the natural person, legal person or other entity concerned on the list, referred to in Article 4, first paragraph, is desirable. In connection herewith, this Article prescribes that the Minister should hold prior consultations with the Attorney General. For the sake of clarity, it should be noted that this Article is related to Essential Criterion No. III.3 of the FATF Methodology 2004. This criterion indicates that countries must have effective laws and procedures in place to be able

to assess and, if necessary, adopt freezing measures taken by other countries. These procedures should be such that it is possible to assess quickly, and in accordance with the applicable legal principles of the country, whether there are reasonable grounds to initiate a freezing measure and, consequently, to proceed with the immediate freezing of funds or other assets. In this context, it should be emphasized that freezing within the meaning of Special Recommendation III and this draft is not a criminal-law measure, but a special stand-alone measure, the purpose of which is to prevent terrorists, terrorist organizations, as well as those who finance terrorism or terrorist organizations, from still being able to dispose of their funds or other assets. On the one hand, it prevents these funds or other assets from being used to finance terrorist acts or terrorist organizations, while, on the other hand, these funds or other assets are already being immobilized in anticipation of a possible criminal investigation.

Re Article 11

This Article provides for the freezing of funds or other assets of persons or organizations having the same or a similar name as the persons or organizations as regards whom the freezing of funds or other assets has been requested. The Article provides for a notification procedure that should lead to a rapid lifting of the freezing in such a case. For the sake of good order, it should be noted that this does not mean that the entry on the freezing list will be removed; it will be maintained in an adapted form in order to allow the freezing of the funds or other assets of the person or entity actually targeted to continue. Incidentally, a person or organization whose interest has been affected by inclusion on this list may object to this and lodge an appeal as referred to in the State Ordinance on Administrative Justice (AB 1993 No. 45).

Re Article 12

UN Security Council Resolution 1452 (2002) allows a person or entity affected by a freezing measure to have access to the frozen funds or other assets to cover certain necessary expenses. These are defined in Resolution 1452 (2002) and can be found in subparagraphs a through e of the first paragraph of this Article. The second paragraph 2 contains, once again in accordance with the provisions of Resolution 1452 (2002), procedural requirements for access to the frozen funds or other assets.

Re Article 13

The amendments to be implemented by means of this Article to Articles 5 and 6 of the State Decree on Register Regulations for the Financial Intelligence Unit (AB 1990 No. 50) are related to Articles 8 and 9 of this State Decree. They enable the Financial Intelligence Unit to include the data and information received pursuant to last-mentioned Articles in the register of the Financial Intelligence Unit and, subsequently, to provide them from this register to the administrative or police authorities that have a task similar to that of the Financial Intelligence Unit. In connection herewith, reference can also be made to Article 7, first paragraph, of the State Decree on Register Regulations for the Financial Intelligence Unit, according to which information from the register will only be provided, if this is necessary to implement *inter alia* Article 6 of the State Ordinance on the Obligation to Report Unusual Transactions.

The Minister of Finance, Communication,
Public Utilities and Energy,
[was signed]

The Minister of Justice and Education,
[was signed]