



Unofficial English translation

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**OFFICIAL BULLETIN
OF
ARUBA**

STATE DECREE containing general administrative orders of April 8, 2022 implementing Articles 2 and 2a of the Sanctions Ordinance 2006 (“AB” [*Official Bulletin*] 2007, No. 24) (Sanctions State Decree Recognition Donetsk and Luhansk)

Published on April 12, 2022

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

IN THE NAME OF THE KING!

THE GOVERNOR of Aruba,

Having considered:

that, in the interest of international legal order and the foreign policy of the Kingdom, it is desirable to implement without delay Regulation (EU) No. 2022/263 of the Council of the European Union of February 23, 2022 concerning restrictive measures in response to the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas and Decision (CFSP) 2022/266 of the Council of the European Union of February 23, 2022 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas;

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:

Decision (CFSP) 2022/266 : Decision (CFSP) 2022/266 of February 23, 2022 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas, including any

	subsequent amendments to those Annexes;
Annex II	: Annex II to Regulation No. 2022/263 of the Council of the European Union of 23 February 2022 concerning restrictive measures in response to the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas;
investment services	: <ol style="list-style-type: none">1. reception and transmission of orders in relation to one or more financial instruments;2. execution of orders on behalf of clients;3. dealing on own account;4. portfolio management;5. investment advice;6. underwriting of financial instruments or placing of financial instruments on a firm commitment basis;7. placing of financial instruments without a firm commitment basis;
service provider	: any person who provides a service on a professional or commercial basis;
specified territories	: the areas in the Donetsk and Luhansk oblasts not controlled by the government of Ukraine;
goods	: goods which are wholly obtained in the specified territories or which have undergone their last substantial processing or transformation there;
Minister	: the Minister of Finance;
technical assistance	: technical support related to repairs, development, manufacture, assembly, testing, maintenance or any other technical service, which may take forms such as instruction, advice, training, transmission of working knowledge or

- skills or consulting services, including verbal forms of assistance;
- brokering services : 1. the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, including from a third country to any other third country;
2. the sale or purchase of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country;
- Regulation No. 2022/263 : Regulation (EU) No. 2022/263 of the Council of the European Union of February 23, 2022 concerning restrictive measures in response to the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas, with its Annexes, including any subsequent amendments to those Annexes.

Article 2

1. The following shall be prohibited:
 - a. to import goods originating in the specified territories;
 - b. to provide, directly or indirectly, financing or financial assistance as well as insurance and reinsurance related to the importation of the goods referred to in subparagraph a.
2. The prohibitions referred to in the first paragraph shall not apply to:
 - a. the execution until May 24, 2022 of trade contracts concluded before February 23, 2022, or of ancillary contracts necessary for the execution of such contracts, provided that the natural or legal persons, entities or bodies seeking to execute the contract have informed the Minister of the activity or transaction at least ten workdays in advance;
 - b. goods originating in the specified territories which have been made available to the Ukrainian authorities for examination, for

which compliance with the conditions conferring entitlement to preferential origin has been verified and for which a certificate of origin has been issued in accordance with the EU-Ukraine Association Agreement.

Article 3

1. The following shall be prohibited:
 - a. to acquire or extend any participation in real estate located in the specified territories;
 - b. to acquire or extend any participation in entities located in the specified territories, including the acquisition in full of such an entity or the acquisition of shares therein, and other securities of a participating nature of such an entity;
 - c. to grant or be part of any arrangement to grant any loan or credit or otherwise provide financing, including equity capital, to an entity in the specified territories, or for the express purpose of financing such an entity;
 - d. to create any joint venture in the specified territories;
 - e. to provide investment services directly related to the activities referred to in subparagraphs a through d.
2. The prohibitions referred to in the first paragraph shall not apply to the conduct of legitimate business with entities outside the specified territories, provided that the related investments are not destined to entities in the specified territories.
3. The first paragraph shall not apply to the execution of obligations arising from contracts concluded before February 23, 2022, or from ancillary contracts necessary for the execution of such contracts, provided that the Minister has been informed thereof at least five workdays in advance.

Article 4

1. It shall be prohibited to sell, supply, transfer or export goods and technology listed in Annex II to Regulation No. 2022/263:
 - a. to any natural or legal persons, entities or bodies in the specified territories; or
 - b. for use in the specified territories, in the transportation sector, telecommunications sector, energy sector and the prospecting, exploration and production of oil, gas and mineral resources.

2. Without prejudice to the first paragraph, it shall be prohibited:
 - a. to provide, directly or indirectly, technical assistance or brokering services related to the goods and technology listed in Annex II to Regulation No. 2022/263, or related to the supply, manufacture, maintenance and use of such goods and technology to any natural or legal persons, entities or bodies in the specified territories or for use in the specified territories;
 - b. to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in Annex II to Regulation No. 2022/263 to any natural or legal persons, entities or bodies in the specified territories or for use in the specified territories.
3. The first and second paragraphs shall not apply to the execution until August 24, 2022 of obligations arising from contracts concluded before February 23, 2022, or from ancillary contracts necessary for the execution of such contracts, provided that the Minister has been informed thereof at least five workdays in advance.

Article 5

1. It shall be prohibited to provide technical assistance, or brokering, construction or engineering services directly relating to infrastructure in the specified territories in the sectors referred to in Article 4, first paragraph, as defined in Annex II to Regulation No. 2022/263, independently of the origin of the goods and technology.
2. The first paragraph shall not apply to the execution until August 24, 2022 of obligations arising from contracts concluded before February 23, 2022, or from ancillary contracts necessary for the execution of such contracts.

Article 6

1. It shall be prohibited to provide services directly related to tourism activities in the specified territories.
2. The first paragraph shall not apply to the execution until August 24, 2022 of obligations arising from contracts or ancillary contracts concluded before February 23, 2022, or from ancillary contracts necessary for the execution of such contracts, provided that the Minister has been informed thereof at least five workdays in advance.

Article 7

1. The Minister may grant, under such conditions as he deems necessary, an exemption for transactions in relation to the activities referred to in Article 3, first paragraph, and Article 4, second paragraph, and to the goods and technology referred to in Article 4, first paragraph, provided that the transaction:
 - a. is necessary for official purposes of consular missions or international organizations enjoying immunities in accordance with international law and located in the specified territories;
 - b. is related to projects exclusively in support of hospitals or other public health institutions providing medical services or civilian public education establishments located in the specified territories; or
 - c. appliances or equipment for medical use.
2. The Minister may also grant, under such conditions as he deems necessary, an exemption for the activities referred to in Article 3, first paragraph, provided that the transaction is related to maintenance in order to ensure the safety of existing infrastructure.
3. The Minister may also grant, under such conditions as he deems necessary, an exemption for the activities referred to in Article 3, first paragraph, and Article 4, second paragraph, and for the goods and technology referred to in Article 4, first paragraph, and for the services referred to in Article 5, if the sale, supply, transfer or exportation of those goods or technology is necessary for the urgent prevention or mitigation of the consequences of an event likely to have a serious and significant impact on human health and safety, including the safety of existing infrastructure, or the environment.

Article 8

1. The Central Bank of Aruba shall be responsible for the publication in digital form of the current text of Annex II to Regulation No. 2022/263.
2. Service providers shall make such arrangements as to ensure that they are at all times aware of the contents of Annex II to Regulation no. 2022/263.

Article 9

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 Recognition Donetsk and Luhansk.

Given in Oranjestad, April 8, 2022
J.A. Boekhoudt

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

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

The Minister of Tourism and Public Health,
D.P. Oduber