

## ***UNOFFICIAL AND NOT BINDING TRANSLATION***

### **EXPLANATORY MEMORANDUM**

#### **General**

Within the framework of the common foreign and security policy of the Kingdom and in order to protect the integrity and reputation of Aruba and its financial sector, the Government has decided, using articles 2 and 2a of the Sanctions State Ordinance 2006<sup>1</sup>, to implement a number of restrictive measures of the European Union (hereinafter: EU Sanctions) for the purpose of freezing funds or other assets, which have been implemented by means of the Interim State Decree on Priority Sanctions Regimes<sup>2</sup>.

By means of Annex I to aforementioned State Decree, a number of EU sanctions, to which the regime of freezing funds or other assets applies, are brought together. Annex I refers to countries with corresponding annexes of EU Regulations and EU Decisions against persons, legal persons, entities, or bodies against whom restrictive measures have been issued. The dynamic reference in Annex I ensures that amendments to the Annexes to these EU Regulations and EU Decisions will automatically be reflected in the Interim State Decree on Priority Sanctions Regimes.

The purpose of this State Decree is to expand Annex I with two countries subject to targeted restrictive measures. These are, first, the Republic of Haiti and, second, the Republic of Moldova. In view of the situation in Haiti, the Council of the European Union adopted Decision (CFSP)

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<sup>1</sup> The State Ordinance of October 21, 2013 (“AB” [*Official Bulletin*] 2013 No. 77) amending the Sanctions State Ordinance 2006 (AB 2007 No. 24) (extension of the possibility to apply sanctions decisions and to improve the designation of supervisors) has made it possible, with the introduction of article 2a of the Sanctions State Ordinance 2006, to implement restrictive measures of the European Union, which have been adopted within the framework of the common foreign and security policy of the European Union, and which are furthermore aimed at maintaining or restoring international peace and security, in Aruba as well.

<sup>2</sup> See also the State Decree containing General Administrative Orders of September 3, 2019 (AB 2019 No. 47) implementing Articles 2 and 2a of the Sanctions State Ordinance 2006 (AB 2007 No. 24) (Interim State Decree on Priority Sanctions Regimes).

2022/2319<sup>3</sup> and Regulation (EU) 2022/2309<sup>4</sup>, which set out a framework for restrictive measures against Haiti.

On April 28, 2023, the Council of the European Union adopted Decision (CFSP) 2023/891<sup>5</sup> and Regulation (EU) 2023/888<sup>6</sup> in connection with actions destabilizing the situation in the Republic of Moldova. The purpose of this State Decree is to implement these aforementioned Decisions and Regulations.

### **Explanatory notes on the individual articles**

The purpose of article I, part A, paragraph 1, is to delete a definition, taking the opportunity to align article 1 more closely with the preferred method of enumeration according to the Drafting Guidelines for Legislation, namely alphabetical order.

Article I, part A, paragraph 2, concerns an amendment of a purely editorial nature and needs no further explanation.

Article I, part A, paragraph 3, adjusts the definition of “service provider”, and this adjustment is of a technical legislative nature.

Article I, part A, paragraph 4, contains a provision by which the definition of Financial Intelligence Unit Aruba is abbreviated to “FIU-Aruba” and added to the definitions of article 1 in connection with the deletion of the definition of “Reporting Center” (see article I, part A, paragraph 1).

Article I, part B, concerns an amendment of a technical nature and is related to article I, part A, paragraph 4, and needs no further explanation.

Part C concerns the amendment to Annex I. In view of the situation in Haiti, the United Nations Security Council adopted Resolution 2653 (2022), which provides a framework for restrictive measures against Haiti. Article I, part C, paragraph 1, implements Decision (CFSP)

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<sup>3</sup> See Council Decision (CFSP) 2022/2319 of November 25, 2022 concerning restrictive measures in view of the situation in Haiti (OJEU 2022, L 307).

<sup>4</sup> See Council Regulation (EU) 2022/2309 of November 25, 2022 concerning restrictive measures in view of the situation in Haiti (OJEU 2022, L 307).

<sup>5</sup> See Council Decision (CFSP) 2023/891 of April 28, 2023 concerning restrictive measures in view of actions destabilizing the situation in the Republic of Moldova (OJEU 2023, L 114).

<sup>6</sup> See Council Regulation (EU) 2023/888 of April 28, 2023 concerning restrictive measures in view of actions destabilizing the situation in the Republic of Moldavia (OJEU 2023, L 114).

2022/2319 and Regulation (EU) 2022/2309 with regard to Haiti within the framework of the common foreign and security policy of the Kingdom and in order to protect the integrity and reputation of Aruba and its financial sector, using articles 2 and 2a of the Sanctions State Ordinance. This includes, among other things, the freezing of funds or other assets and a prohibition on making funds or other assets available to persons, entities, or bodies that engage in or support gangs involved in violence, criminal activities, or human rights violations that undermine the peace, stability, and security of Haiti and the region.

Article I, part C, paragraph 2, implements restrictive measures against the Republic of Moldova. The Council of the European Union considers that measures consisting of the freezing of funds or other assets should be imposed against persons responsible for, supporting, or implementing actions or policies which undermine or threaten the sovereignty and independence of the Republic of Moldova, as well as democracy, the rule of law, stability, or security in the Republic of Moldova, and against persons, entities, or bodies associated with them. To implement this framework, the Council of the European Union adopted Decision (CFSP) 2023/891 and Regulation (EU) 2023/888.

For the determination of the date of entry into force of this amending Decree, the fixed dates for changes were deviated from. The reason for this deviation is the implementation of international sanctions allowing an exception to the fixed dates for changes in accordance with the Drafting Guidelines for Legislation concerning fixed dates for changes.

The Minister of General Affairs, Innovation, Government Organization,  
Infrastructure and Spatial Planning,  
[was signed]

The Minister of Finance and Culture,  
[was signed]