

UNOFFICIAL ENGLISH TRANSLATION

EXPLANATORY NOTE

General

The purpose of this amending State Decree is to extend the applicability of Annex I to several sanctions regimes. Firstly, this concerns Guatemala. On January 12, 2024, the Council of the European Union adopted Decision (CFSP) 2024/254¹ and Regulation (EU) 2024/287², which provide a framework for restrictive measures in view of the situation in Guatemala. Secondly, on January 19, 2024, the Council of the European Union adopted Decision (CFSP) 2024/385³ and Regulation (EU) 2024/386⁴, establishing a framework for targeted restrictive measures regarding Hamas and the Palestinian Islamic Jihad.

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 purpose of this State Decree, based on articles 2 and 2a of the Sanctions State Ordinance 2006 (“AB” [*Official Bulletin*] 2007 No. 24), is to implement those aforementioned Decisions and Regulations. Furthermore, the opportunity is used to supplement Annex II associated with article 2a of the Interim State Decree on Priority Sanctions Regimes to which the humanitarian exemption applies.

The abovementioned has no financial consequences for Aruba.

Explanatory notes on the individual articles

Article I, part A, paragraph 1, concerns an amendment of a technical legislative nature and requires no further explanation.

Article I, part B, paragraph 2, implements Council Decision (CFSP) 2024/254 and Regulation (EU) 2024/287 with regard to Guatemala within

¹ See Council Decision (CFSP) 2024/254 of January 12, 2024, concerning restrictive measures in view of the situation in Guatemala (OJEU January 15, 2024, number 00254).

² See Council Regulation (EU) 2024/287 of January 12, 2024, concerning restrictive measures in view of the situation in Guatemala (OJEU January 15, 2024, number 00287).

³ See Council Decision (CFSP) 2024/385 of January 19, 2024, establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad (OJEU January 19, 2024, number 00385).

⁴ Council Regulation (EU) 2024/386 of January 19, 2024, establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad (OJEU January 19, 2024, number 00386).

the framework of the Common Foreign and Security Policy of the Kingdom and in order to protect the integrity and reputation of Aruba. These provide for measures such as the freezing of funds or other assets and a prohibition to make funds or other assets available to natural or legal persons, entities, or bodies responsible for, involved in, supporting, or benefitting from actions that undermine democracy, the rule of law and the peaceful transfer of power in Guatemala.

Article I, part B, paragraph 2 implements restrictive measures with regard to Hamas and the Palestinian Islamic Jihad. The Council of the European Union considers that measures should be imposed to freeze funds or other financial assets on natural or legal persons, entities, or bodies supporting, facilitating, or enabling violent actions by Hamas and the Palestinian Islamic Jihad. To implement this framework, the Council of the European Union adopted Decision (CFSP) 2024/385 and Regulation (EU) 2024/386.

By means of article I, part C, Annex II related to article 2a of the Interim State Decree on Priority Sanctions Regimes is supplemented with the humanitarian exemption for both Guatemala and with regard to Hamas and the Palestinian Islamic Jihad.

Article II deviates from the fixed dates for changes in determining the date of entry into force of this amending State Decree. The reason for this deviation is that international sanctions are being implemented, which allows for an exception to the fixed dates for changes in accordance with the Guidelines for Drafting Legislation concerning fixed dates for changes.

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