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STATE DECREE containing General Administrative Orders of April 11, 2024, amending the Sanctions State Decree Cyber-Attacks in connection with the insertion of a humanitarian exemption and amending the Sanctions State Decree Human Rights Violations and the Sanctions State Decree Chemical Weapons

Published on April 17, 2024

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 having regard to Regulation (EU) 2023/2694 of the Council of the European Union of November 27, 2023, amending certain Council Regulations concerning restrictive measures in order to insert provisions on humanitarian exemptions, it is desirable to insert a humanitarian exemption in the Sanctions State Decree Cyber-Attacks;
- that it is also desirable to make some amendments of a technical nature to the Sanctions State Decree Human Rights Violations and the Sanctions State Decree Chemical Weapons;

Having regard to:

Articles 2 and 2a of the Sanctions State Ordinance 2006;

Having heard the Advisory Council, has decided:

Article I

The Sanctions State Decree Cyber-Attacks shall be amended as follows:

A in article 1, the following amendments shall be made:

1. in the definition of 'service provider', 'bedrijfsmatige' (commercial) is replaced by 'bedrijfsmatig' (commercial);
2. the definition of "Reporting Center" shall be deleted;
3. the following definition shall be inserted in alphabetical order:

FIU-Aruba : the Financial Intelligence Unit of Aruba, referred to in article 20, first paragraph, of the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing.

B after article 2, the following article shall be inserted:

Article 2a

1. Article 2, first and second paragraphs, shall not apply to the provision of funds or other assets necessary to ensure the timely delivery of humanitarian assistance or to support other activities that meet basic human needs where such assistance and other activities are carried out by:
 - a. the United Nations, including its programs, funds and other entities and bodies, as well as its specialized agencies and related organizations;
 - b. international organizations;
 - c. humanitarian organizations with observer status at the United Nations General Assembly and members of those humanitarian organizations;
 - d. bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plans, United Nations Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs;
 - e. organizations and agencies to which the European Union has granted the Humanitarian Partnership Certificate or which are certified or recognized by a Member State in accordance with national procedures;
 - f. specialized agencies of the Member States of the European Union; or
 - g. the employees, beneficiaries, subsidiaries, or implementing partners of the entities referred to in subparagraphs a through f while and to the extent that they are acting in those capacities.
2. Without prejudice to the first paragraph, and by way of deviation from article 2, first and second paragraphs, the Minister may authorize the release of certain frozen funds or assets, or the provision of certain funds or assets, under conditions deemed appropriate by him, after the Minister has determined that the provision of such funds or assets is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that meet basic human needs.

3. If the Minister has not made a negative decision, requested information or indicated that additional time is needed within ten working days after receipt of a request for authorization under the second paragraph, that authorization shall be deemed granted.
4. The Minister shall inform the Dutch Minister of Foreign Affairs of any authorizations granted under the second and third paragraphs within four weeks after having granted such authorization.

C in Article 5, third paragraph, “the Reporting Center” shall be replaced by “the FIU-Aruba”.

Article II

The Sanctions State Decree Human Rights Violations shall be amended as follows:

A in article 1, the following amendments shall be made:

1. in the definition of 'service provider', 'bedrijfsmatige' (commercial) is replaced by 'bedrijfsmatig' (commercial);
2. the definition of “Reporting Center” shall be deleted;
3. the following definition shall be inserted in alphabetical order:

FIU-Aruba : the Financial Intelligence Unit of Aruba, referred to in article 20, first paragraph, of the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing;

B in article 5, third paragraph, “the Reporting Center” shall be replaced by “the FIU-Aruba”.

Article III

The Sanctions State Decree Chemical Weapons shall be amended as follows:

A in Article 1, the following amendments shall be made:

1. in the definition of 'service provider', 'bedrijfsmatige' (commercial) is replaced by 'bedrijfsmatig' (commercial);

2. the definition of “Reporting Center” shall be deleted;
3. the following definition shall be inserted in alphabetical order:

FIU-Aruba : the Financial Intelligence Unit of Aruba, referred to in article 20, first paragraph, of the State Ordinance for the Prevention and Combating of Money Laundering and Terrorist Financing;

B in Article 5, third paragraph, “the Reporting Center” shall be replaced by “the FIU-Aruba”.

Article IV

This State Decree shall enter into force as of the day following the day of its publication in the Official Bulletin of Aruba.

Given in Oranjestad, April 11, 2024
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