STATES OF CURAC::AO

LEGISLATIVE YEAR 2023 - 2024 -

COUNTRY REGULATION of the containing rules concerning games of chance (Landsverordening op de kansspelen)

No.2 DRAFT

In the name of the King!

The Governor of Curac;ao,

Having considered:

That in the context of social and technological developments it is desirable to enact legislation regarding the organization of games of chance or the opportunity to modernize the supervision and enforcement of the rules regarding games of chance, as well as to establish rules to combat and prevent gambling addiction;

That it is desirable to establish the rules for all games of chance existing in Curac;ao in stages and, in the first stage, to introduce in particular new rules for remote games of chance;

That it is desirable in <litit context to establish an independent administrative body as referred to in article 111, first paragraph, of the State Regulation of Curac;ao1, which is charged with the tasks and powers established in this National Ordinance;

Has, having heard the Advisory Council, with common consent of the States, adopted the following National Ordinance:

Chapter 1 General Provisions

§ 1 Definitions

Article 1.1

In this National Ordinance and the provisions based thereon, the following definitions shall apply:

a. Curac;ao Gaming Authority the foundation established by notarial deed dated April 19, 1999.

Curac;ao Gaming Authority Foundation, formerly the Gaming Control Board Foundation, hereinafter referred to as CGA;

b. Inspector of Taxes: the Inspector of Taxes, mentioned in article 2,

second paragraph, under c, of the General National Ordinance Landsbelastingen2;

c. qualified participation: a direct or indirect interest of at least

ten percent of the issued share capital or a comparable interest, or the ability to exercise, directly or indirectly, at least ten percent of the voting rights or a comparable control;

d. game of chance: any game in which one or more participants compete for prizes in the form of money or pecuniary value in return for payment of money, and the outcome of which is determined solely by chance or by a combination of chance and insight or skill on the part of the participants, without the participants being able to exert a decisive influence on the outcome, including sports betting and poker;

e. remote game of chance: a game of chance remotely offered by electronic means of

means of electronic communication and in which participation is provided without physical contact with the person providing the opportunity;

f. gaming licence: a licence for the organisation of or the

opportunity to participate in a game of chance;

g. critical services and goods: gambling-related services or goods that are

are indispensable in determining the outcome of a game of chance, or that are so important that any failure in their provision or delivery could have a significant consequence for the holder of the gaming license to comply with <liens obligations under this National Ordinance;

h. vulnerable person means a person who:

i. who has not attained the age of eighteen years;

n. <liens gambling behavior is not or insufficiently under control as a result of which he is addicted to or at risk of becoming addicted to one or more games of chance and can thereby cause harm to himself or those close to him;

iii has been forcibly or at his own request denied participation in any game of chance;

iv. has been declared bankrupt or has otherwise lost the management or disposal of all or part of his assets;

i. supplier: a person who provides legal, financial or administrative services, management services or gaming-related services or goods to a gaming operator; a license to provide critical services or goods;

k. minister: the Minister of Finance;

l. non-profit game of chance: a game of chance whose net proceeds benefit in their entirety a social, social or ideological purpose, including a purpose in the field of religion, sports, environment, charity, health, politics, culture or education as referred to in article 4.1;

m. non-profit organization: any non-profit legal entity established in Curac;ao, with a social, societal or ideological purpose, which is responsible for the non-profit game of chance;

n. Recipient: the Ontvanger, mentioned in article 2, second paragraph, part d, of the General National Ordinance Landsbelastingen;

o. offender: the person who commits or contributes to an offence;

p. key person: a natural person who, in name or in fact, indirectly or directly controls or exercises significant influence over the management, assets or the determination or execution of the operational policy of a licensee;

q. beneficial owner: a natural person who ultimately owns or controls, through directly or indirectly holding more than ten percent of the shares, voting rights or ownership interest in the legal entity.

§ 2 Prohibited acts Article 1.2

1. It is prohibited without or contrary to a gaming license issued by the CGA, or without otherwise being entitled to do so by or pursuant to statutory basis, to organize or provide opportunity for any gaming in or from Curac;ao.

2. It is prohibited to act in violation of the rules and restrictions attached to the gaming license.

3. It is prohibited to transfer a gaming license, or to give it in use by contract or otherwise in any form whatsoever to an anther.

4. The prohibition referred to in subsection 1 shall not apply to matters which are not open to the public or given on a commercial basis.

5. It is prohibited to offer the opportunity to participate in a non-profit game of chance if the CGA has not been notified of this at least four weeks in advance.

Article 1.3

A participant is prohibited from:

a. participating in a game of chance if the participant is already familiar with the outcome of an event made contingent on that game of chance;

b. to participate in a game of chance if the participant qualifies as a key person of the provider of that game of chance; or

c. to sell, gift, rent, lease, pawn or pledge his claim against a holder of a gaming license under any title whatsoever.

Article 1.4 A gaming licensee is prohibited from:

a. to offer games of chance, the outcome of which is partially or entirely dependent on

actual events that have to do with a disaster or crisis as referred to in article 1 of the National Disaster Regulation3 , with the exploitation of people or mistreatment of people or animals or with otherwise endangering the lives of people or animals;

b. to offer games of chance which by means of an image or object are offensive to the honor as meant in Article 2:194 of the Penal Code or insulting as meant in Title XV of the Penal Code4;

c. to extend any form of credit to participants or act as an intermediary in doing so;

d. giving a minor the opportunity to participate in games of chance; or

e. giving a person other than a minor, in respect of whom it must be reasonably suspected that he or she is a vulnerable person, the opportunity to participate in games of chance. -

Article 1.5

1. It is prohibited to provide critical services or goods in or from Curac;ao without or contrary to a supplier's license of the CGA prescribed pursuant to this National Ordinance.

2. It is prohibited to act in violation of the regulations and restrictions attached to the supplier license granted.

Article 1.6

1. It is prohibited without or contrary to an accreditation of the CGA prescribed pursuant to this National Ordinance to provide services or goods for which the accreditation is required.

3 P.B. 2015, no. 51 (G.T.), as last amended by P.B. 2021, no. 106.

- P.B. 2011, no. 48.

2. It is prohibited to act contrary to the rules and restrictions attached to the accreditation granted.

Chapter2 Gambling licenses

Article 2.1.

1. A gaming license may be granted by the CGA upon written application to a public or private limited company incorporated under the laws of Cura<;ao and also having its registered office in Cura<;ao.

2. The CGA shall prepare a model application form for a gaming license.

3. The applicant for a gaming license is required to provide all information in a timely and truthful manner with the application using the application form.

4. The legal entity for which the application is made is managed by at least one natural person who is a resident of Cura<;ao or a legal entity incorporated under the laws of Cura<;ao and having its registered office in Cura<;ao and managed by at least one natural person who is a resident of Cura<;ao.

5. Unless otherwise provided in this National Ordinance, a gaming license shall be granted for an indefinite period of time.

6. The model application form referred to in the second paragraph shall be available from the CGA and shall be published on the CGA website.

Article 2.2

1. The CGA may refuse a gaming license if it has grounds to believe that doing so could endanger the safe, responsible, transparent, verifiable and predictable supply of games of chance.

2. The license shall in any case not be granted if:

a. the identity, existence and suspected identity of all ultimate interested parties, persons with qualified participation and those who determine or co-determine the policy that are suspected in the operation of the game of chance for which the gaming license is applied for has not been established;

b. a final stakeholder with an interest exceeding 25%, or the holder of a qualifying participation with an interest exceeding 25%, or the person who determines or co-determines the policy, has been convicted in the eight years preceding the application, whether or not final, of any crime committed for the purpose of obtaining an unlawful advantage, including but not limited to theft, extortion, handling, embezzlement, money laundering, prejudice to creditors, or for financing terrorism.

c. the origin of funds and the origin of assets used to finance the operation has not been sufficiently established or can be traced, in whole or in part, to criminal activity;

d. any amounts owed in connection with the application have not been paid in full;

e. the applicant for a gaming license has outstanding tax and contribution debts with the Ontvanger or the Sociale Verzekeringsbank, or has a payment schedule in the matter which is not properly fulfilled, or has a deferral of payment;

f. the applicant or any person who determines or co-determines the policy is or was involved in another operation which is subject to a gaming license suspension or whose gaming license has been revoked;

g. the applicant for a gaming license fails to adequately demonstrate that it has sufficient liquid assets to promptly pay out to participants the prizes that can reasonably be expected to be dropped;

h. the applicant does not have policies in place to ensure responsible gaming offerings;

i. the applicant does not provide a form of alternative dispute resolution approved by the CGA, to the extent mandated under this National Ordinance;

j. a key person involved in the operation is a vulnerable person; or

k. the applicant is not registered in the reporting system goAML, referred to in the Landsbesluit goAML5 reporting portal, as far as applicable to him.

3. Responsible gaming offerings as referred to in subsection 1 include at least:

a. ensuring that participants play in a safe and secure environment;

b. ensuring that games of chance are fair and clear to participants;

c. ensuring that vulnerable persons cannot participate in games of chance;

d. ensuring that participants can limit or stop their participation in games of chance if such participation threatens to become an addiction for them.

Article 2.3

The CGA may suspend all or part of a gaming license for no more than three months based on serious suspicions that there are grounds to revoke the license under Article 2.4. This period may be extended for a period not exceeding three months.

Article 2.4

1. The CGA may revoke the gaming license if:

a. the gaming license holder violates or has violated an obligation arising from or pursuant to this National Ordinance, not being a reason for revocation as mentioned in subsection 2;

b. a regulation attached to the license or a restriction under which the license has been granted has been violated;

c. that the gaming licensee, a beneficial owner, a person with a qualifying participation, or any key person has been irrevocably convicted of a crime referred to in article 100 of the Code of Criminal Procedure.6

5 P.B. 2020, no. 157.

6 P.B. 1997, no. 237.

d. the gaming licensee fails to meet its financial obligations to a participant or under this National Ordinance;

e. the gaming licensee fails to promptly and truthfully inform the CGA of changes that may affect the status of the gaming license;

f. the gaming licensee misuses or has misused participants' funds, including winnings obtained by participants;

g. circumstances arise or facts become known on the basis of which, had they occurred or been known before the gaming license was granted, the gaming license would have been refused;

h. the gaming licensee, to the extent required to do so pursuant to this National Ordinance, no longer provides for a form of alternative dispute resolution approved by the CGA;

i. the rules laid down in or pursuant to this National Ordinance, the National Ordinance on the Reporting of Unusual Transactions7, the National Ordinance on the Identification of Service Providers8, the National Sanctions Ordinance9 or the National Sanctions Act10 are not being complied with or are no longer being complied with; or

j. in the opinion of the CGA, as a result of an irrevocable decision by an authority in another country, it has become sufficiently plausible that it has been established that the gaming licensee is acting in violation of legal regulations concerning games of chance of that country.

2. The CGA shall revoke the gaming license if:

a. the gaming license holder violates the prohibition referred to in Article 1.2(3);

b. there are grounds to believe that the gaming licensee is endangering a safe, responsible, transparent, verifiable and reliable gaming offer;

c. the gaming licensee of a gaming license cannot sufficiently demonstrate that it has sufficient liquid assets to immediately pay out the prizes, which can reasonably be expected to fall, to the participants;

d. the gaming licensee does not at least have policies in place to ensure a responsible supply of games of chance;

e. the gaming licensee requests it;

f. the objectives of the relevant business of the gaming licensee are no longer being pursued;

g. the information or documents provided with the application for the gaming license prove to be so incorrect or incomplete that a different decision would have been made on the application had the correct circumstances been fully known when the application was evaluated;

h. the gaming licensee has not operated the games of chance for which the gaming license was issued for a period of six consecutive calendar months;

1. the gaming licensee provides reports and other data and records to the CGA that are untrue or misleading;

7 P.B. 2017, no. 99.

a P.B. 2017, no. 92.

9 P.B. 2014, no. 55 (G.T.).

10 P.B. 2016. no. 54.

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j. it is the fault of the gaming licensee that a tax, in accordance with one of the tax ordinances, mentioned in article 1, first paragraph, of the General National Ordinance on Taxes, has not been paid or remitted in part, or too little tax has been levied, or has not been paid or has not been paid in time;

k. the gaming licensee is to blame for having acted in conflict with the provisions of or pursuant to the National Ordinance on the Reporting of Unusual Transactions, the National Ordinance on the Identification of Service Providers, the Sanctions Ordinance or the National Sanctions Act;

I. the gaming licensee or any key person is to blame for a violation of a prohibition imposed by or pursuant to this National Ordinance, or for theft, handling stolen goods, money laundering, fraud or any other crime that seriously shocks the public legal order.

3. The CGA may attach regulations to the revocation to safeguard the interests of participants or other interests that serve a safe, responsible, transparent, verifiable and reliable gaming offer. The holder of a revoked gaming license is obliged to comply with the regulations.

Article 2.5

1. If the CGA intends to suspend or revoke all or part of the gaming license, it shall notify the gaming licensee of this intention. Articles 13.29 and 13.30 hereby apply mutatis mutandis to a proposed revocation of the license.

2. The gaming licensee shall be given the opportunity to make his views known within two weeks of the notification of the intention referred to in subsection 1.

3. The CGA shall decide within six weeks after receipt of the opinion referred to in subsection 2, and if the opinion has not been submitted, within six weeks after the period referred to in subsection 2 has expired.

4. The suspension or withdrawal shall be published in the register referred to in Section 3.1.

5. If, as part of the decision referred to in subsection 3, the CGA issues an instruction as referred to in section 13.43, and this instruction is not complied with within the term set for it, the CGA may still proceed to suspend the gaming license in whole or in part or to revoke the gaming license.

6. The holder of a revoked gaming license is, without prejudice to the regulations imposed by the CGA in connection with the revocation, obliged to immediately cease offering games of chance. Any legal proceedings instituted or to be instituted shall have no suspensive effect.

Article 2.6

1. The CGA may amend a gaming license:

a. at the written request of a licensee; or

b. ex officio in the event of the circumstances referred to in Article 2.4(1)(a) or (b).

2. Article 2.5, first paragraph, first sentence, second and third paragraphs, shall apply mutatis mutandis to an amendment of a license as referred to in the first paragraph, subsection b.

3. With regard to an amendment of a permit as referred to in subsection 1, section a, the CGA shall decide within six weeks of receiving the complete request for an amendment. This period may be extended by a period not exceeding six weeks.

4. Article 2.1, second and third paragraphs, and Article 2.2 shall apply mutatis mutandis to the amendment of a gaming license as referred to in subsection 1(a).

5. The amendment shall be published in the register referred to in Article 3.1.

Chapter 3 The Register

Article 3.1.

1. The CGA shall keep a register of all gaming licenses, supplier licenses and accreditations.

2. The register shall state, with regard to the licenses and accreditations referred to in subsection 1:

a. the type of license or accreditation and the activities for which the license or accreditation was granted;

b. the name of the licensee or the person to whom accreditation has been granted;

c. the registration number of the licensee or those to whom accreditation has been granted with the Chamber of Commerce and Industry;

d. the date on which the license or accreditation was granted; and

e. the validity status of the permit or accreditation.

3. The registry shall be free, public and accessible to all and shall be published on the CGA website.

Chapter4

Non-profit gaming Article 4.1.

1. A nonprofit game of chance is a commodity lottery, bingo or bon ku ne:

a. that is further regulated by or pursuant to national ordinance;

b. that is organized by a non-profit organization established in Curacao;

c. that is offered only on Curaçao; and

d. that is offered no more than:

1-. ten times per year is organized by the same non-profit organization and does not bring in more than NA£250,000 in revenue per time; or

2°. is organized five times per year by the same non-profit organization and does not bring in more than NA£ 500,000 per time.

2. At least one director of a non-profit organization is a resident of Curacao.

3. The rules of the game of chance by or pursuant to the National Ordinance and security requirements applicable to the premises where the game of chance is physically offered shall be observed.

4. Without prejudice to subsection 1(d), rules of the game referred to in subsection 3 that prescribe a maximum revenue or stake per player are not applicable to non-profit games of chance.

5. Draws of lotteries on behalf of non-profit games of chance shall only be held by institutions that have registered with the CGA.

6. The fee payable for reporting a non-profit game of chance as referred to in the fifth paragraph shall be NA£100.

7. The non-profit organization shall take measures to secure the funds of participants and their winnings and shall keep proper records for the purpose of each non-profit game of chance.

8. The non-profit organization shall ensure that non-profit games of chance are fair and clear to participants and that vulnerable persons do not participate in non-profit games of chance.

9. A notification as referred to in Article 1.2(5) shall be made in accordance with a model established by the CGA and the supporting documentation.

10. To ensure compliance with the provisions of this article and to prevent money laundering and terrorist financing and proliferation, the model referred to in subsection 9 shall in any case include:

a. the non-profit game of chance being offered;

b. the identity of the directors of the non-profit organization;

c. the origin of the funds used in connection with the non-profit game of chance to be offered;

d. the size of the intended proceeds of the non-profit game of chance to be offered;

e. the destination of the intended proceeds of the non-profit game of chance to be offered;

f. the manner in which the provisions of the third through seventh paragraphs of this Article will be complied with.

11. Within six weeks after the non-profit game of chance has ended, the non-profit organization will send a statement of income and expenditure relating to the non-profit game of chance. The CGA may request further documents and information to ensure compliance with the provisions of this Article enter prevention of money laundering and the financing of terrorism.

12. The model referred to in the ninth paragraph is available from the CGA and is published on the website of the CGA.

Chapter5 Remote gaming

Article 5.1

1. A license to organize remote games of chance may be granted in accordance with the provisions of this chapter.

2. The processing of an application for a remote gaming license shall take place in two stages. The first phase relates only to the assessment

of the integrity of at least those involved in organizing the games of chance, the ultimate interested parties, the persons with a qualified participation and the person who determines or co-determines the policy, as well as the assessment of the financial situation and viability of the applicant. The second phase relates to the requirements other than those mentioned in the previous sentence that must be met by or pursuant to this National Ordinance in order to obtain the gaming license.

3. The CGA shall determine the information and documentation to be provided by the applicant per phase.

4. Within eight weeks after receiving all required information and documentation for the assessment in the first phase, the CGA shall decide whether to further process the application in the second phase or to refuse the license. This period may be extended by a maximum of four weeks.

5. If the CGA decides to further process the application in the second phase, all necessary information and documentation for the assessment of the application in the second phase must be submitted to the CGA within four weeks after the date of this decision.

6. The CGA shall decide within eight weeks of receiving the complete application for the purpose of the assessment in the second phase whether to issue the license or to refuse it. This period may be extended by a maximum of four weeks.

7. With regard to the first and second phases, the CGA will determine whether or not the information and documentation submitted for this purpose is complete within two weeks of receiving it. If the applicant fails to submit all required information and documentation within four weeks of being requested to do so, the application will not be processed further. The deadline in the second sentence may be extended by up to four weeks.

8. Pending the investigation in the second phase, the CGA may decide to grant a provisional gaming license for a maximum period of six months. This period may be extended by up to six months.

9. A provisional gaming license will in any case not be granted if one or more of the cases mentioned in Article 2.2(2) occurs.

10. The regulations applicable to a gaming license under or pursuant to this National Ordinance shall apply to the provisional gaming license unless otherwise provided in this National Ordinance.

11. Further rules with regard to the application procedure may be laid down by ministerial regulation with general effect.

Article 5.2

1. The applicant shall provide all information and documents necessary for the assessment of the application in order to guarantee a safe, responsible, transparent and reliable offer of games of chance.

2. The information and documents referred to in subsection 1 may be requested by the CGA in order to gain insight into, among other things:

a. the registered office, reliability and suitability of the applicant;

b. the ownership and control structure within the group to which the applicant belongs;

c. the identity, reliability and suitability of its key persons;

d. the identity and reliability of its holders of qualifying holdings and ultimate beneficial owners;

e. the liquidity and solvency of its business;

f. the objectives of its business and the acceptability and feasibility of those objectives;

g. the suitability, acceptability and reliability of the games of chance to be offered;

h. The reliability, integrity, verifiability and suitability of its business operations and the means and methods used for offering the games of chance;

i. the reliability and suitability of persons from whom he wishes to obtain services with a view to the games of chance to be offered;

j. the applied Uniform Resource Locators or software applications on which the games of chance are offered;

k. the adequacy and transparency of its measures to ensure responsible gaming offerings;

1. the remote gaming system, and any software used in the operation of remote games;

m. the suitability of its measures to prevent fraud or abuse of the games offered or other forms of crime.

3. The applicant shall use a form, the model of which shall be established by the CGA.

4. The model referred to in the third paragraph shall be available from the CGA and shall be published on the website of the CGA.

Article 5.3

1. A participant in a game of chance may complain to the licensee free of charge within six months of the occurrence of an incident in the context of his participation in a game of chance.

2. Within one week of receiving a complaint as referred to in subsection 1, the licensee shall ensure written confirmation of receipt of the complaint to the complainant, including an explanation of the manner of handling.

3. The complaint referred to in subsection 1 shall be drawn up on the basis of the model complaint letter made available by the licensee, which has been adopted in accordance with guidelines issued by the CGA and shall

a. contains the name, address and place of residence of the complainant;

b. contains the date;

c. is in one of the official languages English, Dutch or Papiamentu;

d. contains a description of the conduct against which the complaint is directed.

4. The licensee shall notify the complainant referred to in the first paragraph within four weeks after receipt of the complaint:

a. in case the complaint is not taken into consideration, the reason for not taking the complaint into consideration;

b. if the complaint is taken up, the licensee's reasoned final assessment of the complaint referred to in subsection 1 in writing.

5. The period referred to in the fourth subsection may be extended once in writing by four weeks.

6. The licensee shall at all times offer its participants the possibility of alternative dispute resolution.

7. The alternative dispute resolution referred to in subsection 6 shall be offered at the expense of the licensee.

8. Further rules may be set by ministerial regulation having general effect with regard to the complaints and alternative dispute resolution referred to in this article.

Article 5.4

1. The licensee shall implement a policy to prevent vulnerable persons from participating in games of chance, including at least:

a. the general information on gambling addiction made available to players;

b. the manner in which vulnerable persons are identified;

c. the measures used to prevent unlawful participation or the threat thereof;

d. the possibilities for players to exclude themselves from participating in games of chance.

2. A participant who voluntarily identifies himself as experiencing problematic gambling behavior and who requests the licensee in writing to be excluded from participation in games of chance shall be denied such participation by the holder of a license granted pursuant to Article 5.1(1) for a period of at least twelve months from the date of the request. Such a request shall be irrevocable during the period of exclusion.

3. By ministerial regulation with general effect, further rules may be laid down regarding the content of the policy referred to in the first paragraph and the exclusion of vulnerable persons from participating in games of chance.

Article 5.5

The holder of a license granted pursuant to Article 5.1, subsection 1, stipulates that the gaming agreement concluded between him and the player shall be governed by the laws of Cura ao, and that disputes regarding such gaming agreement shall be submitted to the courts of Cura ao.

Article 5.6

1. The holder of a license granted pursuant to article 5.1, subsection 1, shall ensure that its marketing and advertising activities, including the offering of bonuses:

a. do not encourage immoderate participation;

b. are not misleading;

c. are not directed at vulnerable persons.

2. By or pursuant to a national decree containing general measures, further rules may be laid down with regard to marketing and advertising activities aimed at ensuring a responsible offer of games of chance.

3. The rules referred to in paragraph 2 may concern, among other things:

a. the content of recruitment and advertising activities;

b. the target groups at which such activities are aimed;

c. the quantity, duration and time; and

d. the manner in which and the place where recruitment and advertising activities are carried out.

Article 5.7

1. There is a guarantee fund to which holders of a license as referred to in Article 5.1, subsection 1, must subscribe in return for payment of a premium, in order to insure payment of prizes won to participants in remote games of chance.

2. The provisions given by or pursuant to the National Ordinance on Accounts 201011 regarding the budget and the account shall apply mutatis mutandis to the management of the guarantee fund.

3. The amount of the premiums as referred to in the first paragraph shall be indexed annually by ministerial regulation with general effect on the basis of an actuarial report.

4. The fund shall be managed by a legal entity to be designated by national decree.

5. Further rules concerning the guarantee fund referred to in paragraph 1 may be laid down by national decree containing general measures.

Article 5.8

The CGA may attach conditions and restrictions to a gambling license as referred to in article 5.1, first paragraph, which may reasonably contribute to a safe, responsible, transparent and reliable offer of games of chance, which may, among other things, concern:

a. changes in the ownership and control structure of the applicant and the group to which the applicant belongs;

b. approval of key persons;

c. ensuring fair and reliable gaming and preventing gaming-related crime such as fraud, abuse and match-fixing;

d. approval of equipment, software and locations used for providing the games of chance;

e. the identification, verification and acceptance of players;

f. the determination of prizes and the manner of wagering and distribution of credits to participants;

g. the segregation and reservation of players' funds or the insurance of such funds, and the distribution of funds to players;

h. minimum and maximum wagers per person and per opportunity to play, as well as other conditions to be imposed on participation;

i. the statutes and regulations of the permit holder;

j. the solvency and liquidity of the holder of the license;

11 A.B. 2010, no. 87, Appendix b.

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k. the content of the general conditions to be applied by the holder of the permit;

I. outsourcing of activities;

m. relations with suppliers.

Article 5.9

1. The holder of a license granted pursuant to Article 5.1, subsection 1, shall at all times keep an operational manual, which contains information on the manner and degree of compliance with the provisions laid down by or pursuant to this National Ordinance as well as the regulations and limitations attached to the gaming license, including in any case:

a. a description of the games of chance offered within the framework of its operation, the payment methods, wagers, benefits, software, as well as outcome determining elements;

b. a description of the testing methods used periodically for quality control purposes;

c. the method of storage of personal and other data of participants;

d. a description of visual elements shown to the participant as part of the exploitation via the game website or other software application;

e. a description of technical measures taken in order to prevent the admission of natural persons who are not allowed to participate in the games of chance offered at exploitation pursuant to the National Ordinance;

f. a schematic representation of the technical infrastructure, as well as a description of possibilities for recovery in case of a technical emergency with regard to the operation;

g. a description of the manner in which the principles of responsible gaming are implemented in the operation, with due observance of the provisions of Articles 2.2(3), 5.4 and 5.6;

h. the most recent text of the general terms and conditions used by the exploitation;

i. a description of how the licensee settles disputes with participants, subject to the provisions of Article 5.3.

2. The CGA may establish one or more models to be used for the operating instructions referred to in the first paragraph.

3. The holder of a license granted pursuant to Article 5.1(1) shall grant access to the operational operating instructions, within five working days of receiving an initial request to that effect from the CGA.

4. The holder of a license granted pursuant to Article 5.1(1) shall provide continuing education for persons employed, in the field of gaming, with the licensee. Continuing education shall be provided on an annual basis and shall focus, among other things, on mental well-being, anti-bribery, crime prevention, responsible gambling,anti-money laundering communication with players and responsible advertising, and shall be provided depending on the type of position representative of the level of knowledge and experience expected of that position.

5. The models referred to in the second paragraph shall be available from the CGA and shall be published on the CGA website.

6. By ministerial regulation with general effect, further rules may be set regarding the content of the operational instructions for use.

Article 5.10

1. The holder of a permit granted pursuant to Article 5.1, first paragraph, shall be required to submit to the CGA any information, intelligence and reports that the CGA deems necessary for monitoring compliance with the provisions in or pursuant to this National Ordinance.

2. To obtain information, intelligence and reports as referred to in the first paragraph, the CGA may make use of a central monitoring database to be managed by the CGA.

3. In any event, the reports shall consist of incident r;i.pportage, a complaint report.

a change report, player transactions and a

4. In the change report, the holder of a license shall report on all changes over the past period to the operating instructions referred to in Article 5.9, subsection 1, accompanied by a new version thereof. The change report client shall be submitted to the CGA twice annually by June 15 and January 15.

5. In the incident report, the licensee shall report on at least the following topics:

a. breach of the security of the games of chance offering as a result of which personal information of players or game data have (potentially) been compromised, as well as the measures taken as a result;

b. failure, loss of or damage to part or all of the equipment or software as a result of which the remote gaming offer is (possibly) completely or partially lost, as well as the measures taken as a result;

c. gambling-related (attempted) fraud or other forms of criminal behavior by participants, as well as the measures taken as a result;

d. other conduct and events that may pose a serious danger to the responsible, reliable and verifiable organization of the games of chance offered or that may damage confidence in the responsible, reliable and verifiable organization of the licensed games of chance.

6. The incident report client shall be submitted to the CGA within twenty-four hours of an incident.

7. The reporting on player transactions shall include at least the total amount, the nature of credits and debits to each gaming account, as well as, where applicable, the nature of the payment instrument used and, where applicable, a unique indication of the debited and credited payment account per Uniform Resource Locators or software applications, which cannot be directly traced back to the identity of the player.

8. The CGA may establish a template for the reports referred to in this Article.

9. In order to guarantee a safe, responsible, transparent and reliable provision of games of chance, the CGA may lay down further regulations with regard to reports regarding:

a. the types; b.the content;and

c. the form, periodicity and term to which the reports relate.

10. The model referred to in the eighth paragraph shall be available from the CGA and shall be published on the website of the CGA.

Article 5.11

1. The holder of a license granted pursuant to Article 5.1(1) shall keep records with regard to the games of chance offered.

2. The licensee shall keep the records referred to in the first paragraph in such a manner that its rights and obligations and the rights of the player are clearly evident at all times and that it can respond within a reasonable period of time to requests from the CGA regarding the necessary data for the purpose of monitoring compliance with the provisions under or pursuant to this National Ordinance.

3. The licensee shall be obliged to submit <liens annual accounts to the CGA no later than June 30 of the following calendar year.

4. If in the opinion of the CGA there is reason to do so, the permit holder shall be obliged to provide the CGA with interim financial reports.

5. Further rules may be set by ministerial regulation with general effect with regard to the administration. These may concern, among other things, the data to be included and the periods during which such data must be kept.

Article 5.12

1. The holder of a license granted pursuant to Article 5.1, subsection 1, shall:

a. during the first four years after this National Ordinance takes effect, provide permanent, full-time employment, whether employed or otherwise, to at least one key person registered in the population register of Curai;ao, other than <liens driver;

b. from the fifth year after this National Ordinance comes into force, at least three key persons registered in the population register of Cura<;ao, not being

<liens director, will provide permanent full-time employment, whether employed or not; and

c. has a real estate located on Cura<;ao, or a part of a real estate at its disposal, in which it has its own business premises equipped with usual facilities for the performance of exclusively the business activities under <liens gaming license;

d. has a server on Cura<;ao available for storing critical data and reports as specified by the CGA.

2. By ministerial regulation with general effect, requirements may be set to which an immovable property as referred to in paragraph 1(c) must comply.

3. Functions of key persons considered incompatible by their nature may not be held by the same person at the same time. By ministerial regulation with general effect, further rules may be laid down regarding the functions that are incompatible with those of key persons.

4. Paragraph 1 of this article shall not apply to the licensee who:

a. has been established not earlier than one year immediately preceding the submission of the application for a license;

b. does not have a beneficial owner who is, or has been, in the two years immediately preceding the submission of the license application, the beneficial owner of any other local or foreign provider of remote gaming or gaming-related services or goods;

c. in the calendar year immediately preceding the submission of the license application generated total gross gaming revenue of less than NA£20,000,000;

d. in the first three fiscal years following the issuance of the license, generated a total gross gaming revenue of less clan NA£ 20,000,000.00 per year, in which case the licensee shall comply with subsection 1 of this section as of the fourth fiscal year following the issuance of the license; and

e. within one month after the end of each quarter, submit a statement from an independent financial expert confirming that the licensee has not yet reached the gross gaming revenue referred to in subsection d.

5. Gross gaming revenue shall mean the value of the wagers received in the relevant period, less the prizes made available in the same period.

6. In connection with special circumstances, the Minister may grant an exemption from the obligation to comply with the provisions of subsection 1 of this section for a period not exceeding two years. Special circumstances include in any case the situation in which the availability of key persons or business premises on the local market is limited.

Article 5.13

1. A public or private limited company incorporated under the laws of Cura<;:ao and also having its registered office in Cura<;:ao may be granted a supplier license to provide critical services or goods in or from Cura<;:ao.

2. Article 2.2, first paragraph, second paragraph, subparagraphs a, b, c, d, e, f, Article 2.3, Article 2.4, first paragraph, subparagraphs a, b, c, e, g, i, second paragraph, subparagraphs a, b, e, f, g, i, j, k, 1, Article 5.10, first, second, eighth and ninth paragraphs, Article 5.11 and Article 5.12, first, second and sixth paragraphs shall apply mutatis mutandis.

Article 5.14

1. The applicant for a license as referred to in Article 5.13(1) shall provide all information and submit all documents which, in the opinion of the CGA, are necessary for assessing the application in order to ensure a safe, responsible, transparent, verifiable and reliable gaming offer.

2. The applicant for a license shall be obliged to submit with the application, in a timely and truthful manner, all information which, in the opinion of the CGA, is necessary for the determination of, inter alia:

a. the applicant's registered office;

b. the ownership and control structure of the group to which the applicant belongs;

c. the identity, reliability and suitability of its key persons;

d. the identity and reliability of <liens ultimate stakeholders;

e. the liquidity and solvency of <liens company;

f. the objectives of <liens company and the acceptability and feasibility of these objectives;

g. the reliability, accountability and suitability of <liens business operations and the means and methods used to provide <liens services or goods.

3. The CGA shall decide within eight weeks of receiving the application. This period may be extended for a period not exceeding eight weeks.

4. The applicant shall use a form, the model of which shall be established by the CGA.

5. The model referred to in the third paragraph shall be available from the CGA and shall be published on the website of the CGA.

Article 5.15

The CGA may attach regulations and restrictions to a supplier's license that may reasonably contribute to a safe, responsible, transparent and reliable provision of games of chance, which may include:

a. changes in the ownership and control structure of the applicant and the group to which the applicant belongs;

b. approval of key persons;

c. equipment and software used to provide services or goods;

d. ensuring fair and reliable gaming and preventing gaming-related crimes such as fraud, abuse and match-fixing;

e. the number, type and method of approval of the games to be offered, as well as the other activities to be permitted;

f. the accounts, administrative organization and internal controls of the licensee;

g. the statutes and regulations of the holder of the license;

Article 5.16

1. The CGA shall maintain a public register of suppliers who provide critical services or goods to remote gaming license holders.

2. The CGA shall carry out the registration and deletion therein in such a manner that it is possible to ascertain from the register as of what time, what activities the registered suppliers perform, as well as the state of the registered office.

3. The CGA shall without delay ensure the registration of suppliers who apply for registration.

4. A licensee shall not be permitted to purchase critical services or goods from suppliers who are not registered.

5. Articles 5.10(1), (2), (8) and (9) shall apply mutatis mutandis.

Article 5.17

1. The CGA may grant accreditations to legal entities located in Cura";ao and in any case that provide the following services to holders of a license referred to in Article 5.1, paragraph 1:

a. publicizing a game of chance with a commercial purpose;

b. promoting the participation of persons in games of chance;

c. any administrative or financial services by, but not limited to, accountants and tax advisors;

d. any legal services by, but not limited to, lawyers;

e. any service regulated under the National Ordinance on the Supervision of Trusts12;

f. services for providing training or courses to persons performing work related to gaming;

g. payment services;

h. communication services specifically related to exploitation;

1. consultancy and technical support services aimed at monitoring and maintaining the technical infrastructure of exploitations;

j. services containing advice and support in dealing with participants, such as, but not limited to addiction counseling;

k. services such as, but not limited to, consultancy aimed at detecting or combating money laundering or the financing of terrorism;

1. services related to digital units with their own intrinsic value, which are exchangeable by means of cryptography;

m. acting as intermediaries on behalf of persons providing services within the meaning of this paragraph, for the commercial purpose of recommending, controlling, certifying, or coordinating such persons and services to operators, whether or not on behalf of one or more operators;

n. services related to the alternative, extrajudicial adjudication of disputes.

2. An applicant is eligible for accreditation for the provision of services referred to in the first paragraph, provided that:

a. the identity of the natural persons providing the services, or if a legal person provides the services, the identity of the natural persons who are members of the management of the service provider has been sufficiently established; and

b. it has been made plausible that the persons referred to in subsection a are of irreproachable conduct.

12 P.B. 2019, no. 93 (G.T.).

States of Cura<;:ao, session year 2023 - 2024 - ,no. 2 20-42

3. For an accreditation for the provision of services as referred to in subsection (1)(f), (g), (k), (1) and (n), it shall also apply that it must have been made plausible that the applicant sufficiently possesses the necessary knowledge, experience and other qualities for the provision of the service or services for which it seeks accreditation.

4. The CGA shall establish a model application form for accreditation.

5. The CGA shall decide within six weeks of receiving the application. This period may be extended for a period not exceeding six weeks.

6. Article 5.12, paragraphs one and two, shall apply mutatis mutandis to those to whom an accreditation as referred to in paragraph one has been granted.

7. The CGA may revoke the accreditation if circumstances arise or facts become known on the basis of which, if they had occurred or been known before the accreditation was granted, the accreditation would have been refused.

8. The CGA may establish further criteria and regulations regarding the necessary knowledge, experience, other qualities and reporting for the provision of the service or services for which they seek accreditation.

9. The model application form referred to in the fourth paragraph is available from the CGA and is published on the website of the CGA.

Article 5.18

1. The fee payable for processing an application for accreditation as referred to in Article 5.1(1) shall be NA£9,000, plus NA£250 per each beneficial owner of the applicant, NA£250 per holder of a qualifying holding and NA£5,000 per each listed beneficial owner of the applicant.

2. The fee payable for processing an application for the granting of a license as referred to in Article 5.13(1) shall be NA£9,000, plus NA£250 per each beneficial owner of the applicant, NA£250 per holder of a qualifying holding and NA£5,000 per each listed beneficial owner of the applicant.

3. The fee payable for processing an application for accreditation under Article 5.17(2) is NA£750. The fee payable for processing an application for accreditation pursuant to Article 5.17(2) and (3) shall be NA£ 2,500.

4. The fee payable for the processing of an application by a gaming licensee or supplier to expand or replace the permitted range of games of chance is NA£ 25 per game.

5. The fee payable for processing an application by a licensee to use a Uniform Resource Locators or software application on which games of chance are offered is NA£100 per Uniform Resource Locators or software application.

6 The fee payable for processing an application by a licensee to change a holder of a qualifying interest in the licensee shall be NA£250 per holder of qualifying interest.

7. The fee payable for processing an application by a licensee to add or change a beneficial interest holder in the licensee shall be NA£250 per beneficial interest holder.

8. After evaluation of the costs, the amounts referred to in this article may be amended by national decree containing measures.

9. The amounts mentioned in this article may be amended by national decree containing general measures.

Article 5.19

1. A permit fee shall be levied on the permit.

2. The permit fee consists of:

a. a fixed fee payable to the 's Landskas to cover the estimated costs of the ongoing supervision of the CGA;

b. a fixed fee payable to the Exchequer for holding the permit.

3. The fee payable by the holder of a permit as referred to in Article 5.1, subsection 1, referred to in subsection 2(a) shall be NA£ 45,000.00 per year.

4. The fee to be paid by the holder of a permit as referred to in Article 5.1, Paragraph 1, referred to in Paragraph 2(b), shall be NA£ 48,000 per year, to be paid in monthly instalments of NAf 4,000 per month.

5. The fee payable by the holder of a permit as referred to in Article 5.13, Paragraph 1, referred to in Paragraph 2(a), amounts to NA£ 48,000 per year.

6. The amounts referred to in this article may be amended by national decree containing general measures.

Chapter6 Licensing fees and amounts due

Article 6.1.

1. Payment of the permit fee and amounts due shall be made electronically in accordance with this National Ordinance.

2. Payment of the license fee and amounts due shall be made within a period of fifteen days after expiry of the period to which it relates.

Article 6.2

The collection of the permit fee and amounts due pursuant to this National Ordinance shall be performed by the Collector in accordance with the regulations of the 1954 Collection Ordinance13, as well as the regulations included in the

13 P.B. 2023, no. 43 (G.T.).

Landsverordening van de 31st december 1942 houdende regeling van de invordering van belastingen, bijdragen en vergoedingen door middel van dwangschriften alsmede van de rechtspleging inzake van belastingen, bijdragen en vergoedingen 14.

Article 6.3

1. Immediately after the recovery referred to in Article 6.2, paragraph 1, a percentage of three percent, of the total amounts recovered, shall be reduced by the amounts referred to in Articles 5.18, paragraph 1, paragraph 2, paragraph 3, paragraph 4, paragraph 5, paragraph 6 and paragraph 7, and 5. 19, third paragraph and fifth paragraph, deposited in a Sports Fund as referred to in Article 1, first paragraph, Landsverordening Sportfonds Cura<;ao15, administered by the Ministry of Education, Science, Culture and Sports, and a percentage of two percent of the collected amount, less the amounts referred to in Articles 5.18, first paragraph, second paragraph, third paragraph, fourth paragraph, fifth paragraph, sixth paragraph and seventh paragraph and 5.19, third paragraph and fifth paragraph, deposited in a Fund for the Protection of Vulnerable Persons, which is administered by the Ministry of Social Development, Labor and Welfare.

2. The fund for the protection of vulnerable persons shall be set up in accordance with the Sports Fund referred to in Paragraph 1. The Minister of Social Development, Labor and Welfare shall determine who will be part of the board of the fund referred to in the first paragraph.

3. The payments referred to in subsection 4 for the benefit of the Sports Fund may primarily cover expenses for the purpose of financing social sports matters.

4. Expenditures from the contribution for vulnerable persons, may primarily serve to finance initiatives and programs to promote responsible gambling and combat gambling addiction.

Chapter 7 Lotteries (Reserved)

Chapter8 Land Lottery (Reserved)

Chapter 9 Casino games (Reserved)

14 P.B. 1958, no. 164 (G.T.).

1s P.B. 2021, no. 120 (G.T.).

Chapter 10 Horse racing (Reserved).

Chapter 11 Other games of chance (Reserved).

Chapter 12

The gaming authority

§1 Duties and powers Article 12.1.

1. The CGA is established as an independent administrative body as referred to in Article 111, first paragraph, of the State Regulation of Cura<;ao, and has the task of implementing the rules laid down by or pursuant to this National Ordinance, as well as tasks regarding games of chance assigned to this independent administrative body by or pursuant to other national ordinances.

2. With regard to the performance of its duties and powers, as well as with regard to the duties and powers of the persons referred to in article 13.1, first paragraph, the CGA shall ensure:

a. timely preparation and implementation of decisions;

b. the quality of the procedures used in the process;

c. the careful treatment of persons and institutions that come into contact with the CGA;

d. the careful handling of applications, objections and complaints received.

3. The CGA, having heard the representative organizations, shall draw up policy rules regarding the performance of the duties imposed by or pursuant to this National Ordinance. The policy rules shall be published in the Landscourant and on the website of the CGA.

4. A representative organization as referred to in the third paragraph shall mean one or more associations established in Cura<;ao designated by the CGA that represent the interests of the majority of the gaming licensees, the supplier licensees, as well as the participants in games of chance.

5. The policy rules shall include rules to prevent money laundering and terrorist financing, as well as rules regarding the technical and organizational nature of gaming activities taking into account advice, recommendations and standards of international or intergovernmental organizations.

§2 Financial matters Article 12.2

1. Every year before April 1, the CGA shall send to the Minister, <lien's draft budget with explanatory notes for the following year, as well as a multi-year forecast covering a period of at least three years, which shall be updated annually.

2. The budget of the CGA shall require the approval of the Minister.

3. Approval may be withheld for conflict with law or the public interest.

4. The costs incurred for the performance of the duties of the CGA, included in the budget referred to in the first paragraph, shall, to the extent that they are not reimbursed by or pursuant to a national ordinance or national decree containing general measures, be charged to the budget of the Country.

5. Approval, as referred to in the second paragraph, shall take place before January 1 of the year to which the budget relates.

6. If the Minister withholds his approval of the draft budget, he shall notify the Board of Directors thereof, stating the reasons, within eight weeks of receipt of the budget.

7. If, in accordance with the provisions of the sixth paragraph, the Minister withholds his approval and the budget is not approved before January 1, the CGA shall be authorized to make expenditures in accordance with the last adopted budget up to a maximum of 90% of the expenditures estimated therein.

8. If the provisions of the sixth paragraph are applied, the Board of Directors, after consultation with the Minister, shall adjust the budget and submit the adjusted budget to the Minister for approval before October 1 of that year.

9. If during the year significant differences arise or threaten to arise between actual and budgeted income and expenses or income and expenses, the board of directors shall immediately notify the minister thereof, stating the cause of the differences.

§ 3 Complaints against CGA Article 12.3

1. Any person may complain about the manner in which the CGA, in the implementation of this National Ordinance, has behaved towards him in a particular matter by submitting in writing or electronically a model complaint letter made available by the CGA.

2. Within two weeks after the receipt of a complaint, as referred to in the first paragraph, the CGA shall ensure confirmation, in writing or electronically, of receipt of the complaint to the complainant with an explanation of the manner of handling. Copies shall be sent to all persons affected by the complaint referred to in the first paragraph.

3. The notice of complaint referred to in subsection 1:

a. shall contain the name and address of the complainant;

b. contains the date;

c. is drawn up in English , Dutch or Papiamentu;

d. has been drawn up on the basis of the model referred to in the first paragraph;

e. shall contain a description of the conduct against which the complaint is directed;

f. will be signed by the complainant.

4. The CGA shall not be obliged to deal with the complaint referred to in the first paragraph if the complaint concerns conduct

a. which is different from that referred to in the first paragraph; or

b. in which the complainant's interest in treatment or the weight of the conduct is manifestly negligible; or

c. for which no complaint has been drawn up based on the model referred to in the first paragraph, or does not meet all the requirements referred to in the third paragraph; or

d. about which a complaint has previously been filed that was handled in compliance with this article; or

e. which took place more than one year before the complaint was filed; or

f. which could have been objected to by the complainant; or

g. which is or has been subjected to the judgment of a judicial authority other than an administrative court by the institution of a procedure; or

h. in respect of which a criminal investigation by order of the public prosecutor or prosecution is in progress, or if the conduct forms part of the investigation or prosecution of a criminal offense in respect of which a criminal investigation by order of the public prosecutor or prosecution is in progress.

5. The CGA shall notify the complainant referred to in the first paragraph within two months of receiving the complaint:

a. in the case of not taking the complaint into consideration, the reason for not taking the complaint into consideration;

b. in case the complaint is taken up, the written final judgment, about the complaint, referred to in the first paragraph.

6. The CGA may extend the period referred to in the fifth paragraph once by one month, with communication in writing or electronically to the complainant, to all persons affected by the complaint referred to in the first paragraph.

7. No objection or appeal may be lodged against a decision concerning the handling of a complaint as referred to in the fifth and sixth paragraphs.

8. As soon as the CGA has satisfied the complainant, referred to in the first paragraph, the obligation to continue to apply this article lapses.

9. The model complaint notice referred to in the first paragraph is available from the CGA and is published on the website of the CGA.

Chapter 13 Supervision and Enforcement

§1. Supervision Article 13.1

1. The CGA or persons appointed by the CGA shall be responsible for the supervision of compliance with the provisions laid down by or pursuant to this National Ordinance.

2. The supervisor referred to in the first paragraph shall only be authorized to the extent reasonably necessary for the fulfillment of the task:

a. request all data and information;

b. to demand inspection of all business books and records and other information carriers and to take copies thereof or temporarily take them away for that purpose;

c. subject objects to inspection and examination and temporarily remove them for that purpose;

d. to enter all places except dwellings without the express permission of the occupant, accompanied by persons designated by them;

e. to examine vessels, stationary vehicles and their cargoes.

3. If necessary, access to a place referred to in the third paragraph, part den e, shall be provided with the aid of the strong arm.

4. With the exception of sections 155(4), 156(2), 157(2) and (3), 158(1), last sentence, and 160(1), Title X of the Third Book of the Code of Criminal Procedure shall apply mutatis mutandis to the entry of dwellings or of parts of vessels intended for use as dwellings as referred to in subsection 3(e), and provided that the authorization shall be granted by the Attorney General.

5. Any person shall be obliged to give to the supervisors referred to in subsection 1 any cooperation demanded pursuant to subsection 2.

6. When carrying out their duties, the supervisors referred to in subsection 1 shall carry proof of identity to be provided by the CGA, which they shall show immediately upon request. The proof of identity shall include a photograph of the supervisor and shall at least state his/her name and capacity.

7. In order to promote effective supervision, the CGA may establish cooperation protocols with national or international institutions, such as the Government Tax Accounting Office Foundation or gaming authorities of other countries.

Article 13.2

1. Notwithstanding article 14.1, the CGA shall be authorized to provide confidential data or information obtained in the performance of a task assigned pursuant to this National Ordinance to:

a. another supervisory authority or a foreign supervisory institution;

b. the Inspectorate of Taxes and the Public Prosecution Service to the extent necessary for the performance of public law duties and powers of these bodies.

2. The power referred to in subsection 1 shall not be used if:

a. the purpose for which the data and information will be used is insufficiently determined;

b. the intended use of the data or information does not fit within the framework of the supervision of games of chance;

c. the provision of such data or information is not compatible with public order or the right of Cura<;ao;

d. the confidentiality of the data or information is not sufficiently guaranteed;

e. the provision of the data and information is or could reasonably be in conflict with the interests that this National Ordinance aims to protect;

f. there is insufficient guarantee that the data or information will not be used for a purpose other than that for which it is provided.

3. With regard to the data and information referred to in the first paragraph that have been obtained from a foreign supervisory institution, the CGA shall not provide them to other foreign supervisory institutions unless the institution from which the data or information have been obtained has agreed to the use for a purpose other than that for which the data or information have been provided.

4. If a foreign institution requests the person who provided data or information pursuant to subsection 3 to be allowed to use such data or information for a purpose other than that for which it was provided, CGA shall comply with such a request only to the extent that:

a. the intended use does not violate subsection (2)(a) through (e);

b. that foreign institution could obtain the data or information for that other purpose from Cura<;:ao with due observance of the applicable procedures for that other purpose.

5. Notwithstanding article 50 of the General National Ordinance Landsbelastingen, the Inspector of Taxes shall be authorized to exchange with CGA data and information, which are necessary for the performance of duties in accordance with this National Ordinance.

Article 13.3

1. The CGA may demand data and information, carry out an investigation or cause an investigation to be carried out with a permit holder, or with any person reasonably suspected of having data or information, which may be of importance for the execution of the tasks assigned by or pursuant to this National Ordinance.

2. Those to whom data or information as referred to in the first paragraph have been requested shall be obliged to provide such data or information within a reasonable period of time.

3. The person who is the subject of an investigation as referred to in the first paragraph shall be under the obligation to render all cooperation that is required for an adequate execution of such investigation.

4. The CGA may allow an officer of a requesting authority referred to in article 13.2, paragraph 1, to participate in the execution of a request referred to in paragraph 2.

§2 Reinstatement sanctions

Title 1. Order under penalty Article 13.4.

The order under penalty is the remedial sanction that includes:

a. a written order to remedy a violation in whole or in part; and

b. the obligation to pay a sum of money if the order referred to in subsection a is not carried out or not carried out in time.

Article 13.5

l. The CGA authorized to impose an order under administrative order may instead impose an order under penalty payment on the violator.

2. An order under penalty shall not be chosen, if the interest of the regulation concerned intended to protect precludes it.

Article 13.6

1. The CGA shall be authorized to impose an order for incremental penalty payments for violation by or pursuant to Article 1.2, first, second, third and fifth paragraphs, Article 1.3, Article 1.4, Article 1.5, Article 1.6, Article 2. 1, third paragraph and fourth paragraph, Article 2.4, first paragraph, subparagraphs d, e, fen h, second paragraph, subparagraphs b, c, g, and i, and third paragraph, Article 2.5, sixth paragraph, Article 4.1, second paragraph, third paragraph and fifth paragraph through eleventh paragraph, Article 5. 3, first paragraph, second paragraph, third paragraph, fourth paragraph, sixth and seventh paragraphs, Article 5.4, first and second paragraphs, Article 5.5, Article 5.6, first paragraph, Article 5.7, first paragraph, Article 5.9, first paragraph, third paragraph and fourth paragraph, Article 5. 10, first paragraph and third to seventh paragraphs, Article 5.11, first to fourth paragraphs, Article 5.12, first to third paragraphs, Article 5.16, fourth paragraph, Article 13.1, fifth paragraph, and Article 13.3, second and third paragraphs.

2. No order under penalty shall be imposed if the interest which the regulation concerned is intended to protect opposes it.

Article 13.7

1. If a request for administrative enforcement relates to conduct in respect of which an order for incremental penalty payment has already been imposed, and the period for carrying out the order stated in the order has not yet expired, the CGA shall notify the applicant thereof as soon as possible.

2. In doing so, the CGA shall state that the applicant will be notified whether the order has been executed by the violator and, if not, whether the CGA then intends to impose an order for administrative coercion or to recover the penalty payment.

Article 13.8

1. The CGA shall set the penalty payment at:

(a) a lump sum amount;

b. an amount per unit of time during which the charge has not been carried out; or,

c. an amount per violation of the charge.

2. The CGA shall, in the case of a penalty referred to in subsection (1)(b) or (c), also set an amount above which no further penalty shall be forfeited for that charge.

3. The amounts to be determined by the CGA shall be in reasonable proportion to the gravity of the interest violated and to the intended effect of the penalty payment.

Article 13.9

An order imposing an order for a penalty payment shall state:

a. a description of the violation;

b. the regulation violated;

c. the remedial measures to be taken;

d. the amount referred to in Article 13.8; and,

e. the period during which the order may be carried out without forfeiting the penalty.

Article 13.10

The CGA which has imposed an order subject to a periodic penalty may, at the request of the violator, in the event of permanent or temporary total or partial impossibility for the violator to fulfill <liens obligations arising from the order:

a. revoke the charge;

b. suspend its duration for a specified period; or,

c. reduce the penalty payment.

Article 13.11

1. The CGA shall decide by order on the recovery of a penalty payment if it has been found that the charge has not been carried out in time, in whole or in part.

2. The decision and a copy of the report in which the non-compliance has been found shall be sent to the violator without delay.

3. The order shall state the amount forfeited. If the order has been partially carried out, the amount forfeited may be less than the amount stated in the order.

4. The authority to recover a forfeited penalty shall expire five years after the day on which the order referred to in the first paragraph was sent.

Article 13.12

1. If it follows from a decision to revoke or amend an order subject to a periodic penalty payment that a decision already made to recover that periodic penalty payment cannot stand, that decision shall lapse.

2. The CGA is authorized to issue a new order for recovery, which shall be in accordance with the amended order for periodic penalty payment.

Article 13.13

1. A forfeited penalty shall be paid within eight weeks after the penalty has been forfeited by operation of law.

2. The offender shall be in default if he has not paid within the period stipulated in the first paragraph, and from that date shall owe the CGA the statutory interest referred to in Article 120 of Baek 6 of the Civil Code16.

3. In the event of failure to pay the amount of the penalty payment, the CGA shall immediately send the offender a reminder that he must still fulfill his payment obligation client within a period of two weeks from the date of dispatch of the reminder.

16 P.B. 2000, no. 115 as last amended by P.B. 2011, no. 68

4. The reminder shall contain the notification that the amount owed, increased by the statutory interest due thereon, shall be collected by means of a writ of execution, insofar as it has not been paid in full within the period stipulated in the third paragraph, and that the collection costs and dunning charges shall be recovered from the offender.

5. The CGA shall determine the amount of statutory interest due by order.

6. No objection or appeal may be lodged against the notice referred to in the third paragraph.

Article 13.14

1. If payment is not made after the notice referred to in Article 13.13(3) has been sent, the CGA shall cause the amount of the penalty payment, increased by the statutory interest and the costs related to the notice and collection, to be collected by the Recipient.

2. The Ontvanger shall collect the penalty payment with the application of the regulations of the National Ordinance containing provisions of the collection of taxes by means of penalty notices, as well as of the administration of justice regarding tax contributions and fees 194317.

Article 13.15

A penalty forfeited by an individual shall expire upon his death, to the extent that the amount of the penalty has not been paid or collected.

Article 13.16

1. If it has been irrevocably determined that a penalty payment was wrongly decided to be forfeited, the CGA shall owe statutory interest as referred to in Article 120 of Book 6 of the Civil Code to the offender on the amount overpaid by the offender over the period between payment and repayment.

2. Statutory interest shall not be due insofar as the incorrect decision is the result of incorrect or incomplete information provided by the interested party, or insofar as it is attributable to the interested party that incorrect or incomplete information was provided.

Title 2. Administrative Enforcement Order Article 13.17

1. The order under administrative coercion is the remedial sanction that entails:

a. a written order to the addressee of an order to remedy all or part of a violation; and,

b. the power of the CGA to enforce the order by actual action if the order is not carried out or not carried out in a timely manner.

2. This section shall not apply to action for the immediate maintenance of public order.

17 P.B. 1942, no. 246.

Section 13.18

The CGA is authorized to impose an order for administrative coercion with regard to the violation of regulations laid down in or pursuant to Article 1.2, first, second and fifth paragraphs, Article 1.5, Article 1.6, Article 2.5, sixth paragraph and Article 4.1, third paragraph.

Article 13.19

1. A decision to impose an administrative order shall state:

a. a description of the violation;

b. the regulation violated;

c. the remedial measures to be taken;

d. the period within which the remedial measures must be carried out in order to prevent administrative coercion; and,

e. the extent to which the costs of any administrative coercion applied will be charged to the addressee of the charge.

2. The decision to impose an administrative enforcement order shall be announced to the violator and to the persons entitled to the use of the property to which the order relates.

3. Article 13.10 shall apply mutatis mutandis.

Article 13.20

1. The CGA shall decide by order on the application of the announced administrative coercion as soon as it has become apparent that the order has not been carried out in time, in whole or in part.

2. The order and a copy of the report establishing non-compliance shall be sent without delay to the violator and to the persons entitled to the use of the property to which the order relates.

Article 13.21

1. The application of administrative coercion shall be at the expense of the violator, unless such costs should not reasonably be borne, or should not be borne entirely, by the violator.

2. The costs of administrative coercion shall also include the costs of preparation for administrative coercion, to the extent that they were incurred after the expiration of the period within which the order should have been carried out. These costs are also due to the extent that no administrative coercion was applied as a result of the subsequent enforcement of the order.

Article 13.22

1. In order to apply administrative coercion, persons designated by the CGA shall have access to any place to the extent reasonably necessary for the performance of their duties.

2. If for the application of administrative coercion it is necessary to enter a dwelling or a part of a vessel intended for dwelling, the CGA shall ensure

that the persons involved are in possession of an authorization to do so from a supervisory judge.

Article 13.23

1. When applying administrative coercion, the CGA is authorized to have buildings, land and everything therein or thereon sealed.

2. When applying the power referred to in the first paragraph, the CGA may, if necessary, call in the assistance of the strong arm in doing so.

Article 13.24

1. Insofar as the application of administrative coercion reasonably requires it, the CGA may have items taken away and stored.

2. The CGA shall make a report of the taking away and storage within seven working days. A copy of the report shall be given to the person who had custody of the goods within three working days of its preparation.

3. The CGA shall be liable for the careful custody of stored items and shall return these items to the person entitled to them.

4. The CGA may suspend restitution until the costs due under Article 13.21 have been paid.

5. If the person entitled is not also the offender, the CGA may suspend restitution until the costs of safekeeping have been paid.

Article 13.25

1. If a conveyed and stored object cannot be returned within thirteen weeks after it has been conveyed, the CGA shall transfer the object to the Minister.

2. The Minister is authorized to sell the item referred to in the previous paragraph publicly.

3. The Minister is authorized to sell a stored thing earlier if the costs payable under section 13.21, plus the estimated costs of preservation and sale are likely to become disproportionately high in relation to the value of the thing.

4. However, a sale as referred to in the third paragraph shall not take place until two weeks have elapsed since the copy of the report of transport and storage was provided, unless it concerns dangerous substances or previously perishable goods.

5. The proceeds from the sale of the items referred to in this article shall accrue to the State Treasury.

6. For three years after the time of the sale of a stored item, the person who was the owner at that time shall be entitled to the proceeds of the sale less the costs due under Article 13.21, the costs of safekeeping and the costs of the sale. After the expiration of this period, any surplus balance shall accrue to the State Treasury.

7. If, in the opinion of the CGA, sale is not possible, or if no buyer has come forward at the public sale, the CGA is authorized to transfer ownership or destroy the property to a third party for no consideration.

Article 13.26

1. If the CGA considers imposing an order for administrative coercion, in cases where a violation may cause such danger to persons or property that immediate action on its part is necessary, the CGA may decide to apply administrative coercion without a prior order immediately after the order referred to in Article 13.19, paragraph 1, has been sent to the addressee of the order.

2. If the situation is so urgent that a decision as referred to in Article 13.19, first paragraph, cannot be awaited, the CGA shall be authorized to apply administrative coercion immediately.

3. After application of the second paragraph, the CGA shall send the violator the order referred to in Article 13.19, first paragraph, on the understanding that no charge shall be included and the reasons for the immediate application of administrative coercion shall be included therein, and shall send a copy thereof to the persons entitled to the use of the property in respect of which the administrative coercion has been applied.

4. Article 13.19, except for the provisions of paragraph 1, subsection den e, and paragraph 3, shall then apply mutatis mutandis.

Article 13.27

1. The CGA shall decide by order the amount of the costs associated with the execution of the administrative order and shall send this decision in writing to the violator.

2. The objection, appeal or higher appeal against the administrative coercion order shall include a decision to apply administrative coercion or a decision to determine the costs of the administrative coercion, insofar as the interested party disputes this decision.

Article 13.28

Articles 13.11, fourth paragraph, 13.13 through 13.16 shall apply mutatis mutandis to the payment and collection of costs associated with the exercise of administrative coercion.

§3 Punitive sanctions

Title 1. Administrative fine Article 13.29

1. The CGA intending to impose an administrative fine shall promptly send a copy of the report in which the violation was found to the violator, accompanied by the notification that he may submit his views in writing regarding the content of the copy to the CGA within a period determined by the CGA. The copy shall lack the name of the supervisor.

2. At the offender's request, the CGA shall ensure that the essence of the information referred to in the first paragraph is communicated orally to the offender in, at the offender's choice, Dutch, English or Papiamentu.

3. The violator is not obliged to make any statements regarding the violation.

Article 13.30

1. If the violator makes use of the possibility to present the viewpoint regarding a violation in writing to the CGA, if the CGA wishes to ask the violator further questions regarding the violation as a result of his viewpoint, the violator shall be informed in advance that he is not obliged to answer. The offender shall not be obliged to make statements regarding the violation.

2. Articles 251 and 253 of the Code of Criminal Procedure shall apply mutatis mutandis.

Article 13.31

1. The authority to impose an administrative fine shall expire two years from the time it has been established that the violation occurred.

2. If an objection or appeal is lodged against an imposed administrative fine, the expiry period shall be suspended until the objection or appeal has been irrevocably decided.

Article 13.32

1. The administrative fine is the punitive sanction consisting of an unconditional obligation to pay a sum of money.

2. The CGA is authorized to impose an administrative fine for the violation, by or pursuant to Article 1.2, first, second, third and fifth paragraphs, Article 1.3, Article 1.4, Article 1.5, Article 1.6, Article 2. 1, third paragraph and fourth paragraph, Article 2.4, first paragraph, subparagraphs d, e, f and h, second paragraph, subparagraphs b, c, g, and i, and third paragraph, Article 2.5, sixth paragraph, Article 4.1, second paragraph, third paragraph and fifth paragraph to eleventh paragraph, , Article 5. 3, first paragraph, second paragraph, third paragraph, fourth paragraph, sixth and seventh paragraphs, Article 5.4, first and second paragraphs, Article 5.5, Article 5.6, first paragraph, Article 5.7, first paragraph, Article 5.9, first paragraph, third paragraph and fourth paragraph, Article 5. 10, first paragraph and third to seventh paragraphs, Article 5.11, first to fourth paragraphs, Article 5.12, first to third paragraphs, Article 5.16, fourth paragraph, Article 13.1, fifth paragraph, and Article 13.3, second and third paragraphs.

Article 13.33

1. The CGA shall not impose an administrative fine to the extent that the violation cannot be imputed to the violator.

2. The CGA shall not impose an administrative fine if the violator has died.

3. The CGA shall not impose an administrative fine if an administrative fine has previously been imposed on the violator for the same violation, or if the period referred to in Article 13.29, paragraph 1, has not yet expired.

4. The CGA shall not impose an administrative fine if there is a justification for the violation.

Article 13.34

1. The CGA shall not impose an administrative fine if criminal proceedings have been instituted against the violator for the same conduct and the investigation in court has commenced.

2. If the violation is also a criminal offense, it shall be submitted by the CGA to the Public Prosecutor, unless it has been agreed with the Public Prosecutor that this may be waived.

3. For a violation to be submitted to the public prosecutor, the CGA shall impose an administrative fine only if:

a. the public prosecutor has notified the CGA to waive criminal proceedings in respect of the offender; or,

b. the CGA has not received a response from the prosecutor within thirteen weeks.

4. An administrative fine imposed for conduct that is also a criminal offense shall lapse if the court orders the prosecution of the offender for that offense.

Article 13.35

1. In the event that the offender has put forward the views referred to in Article 13.29, the CGA shall, within six weeks of receiving the offender's views, notify the CGA in writing whether:

a. it will impose an administrative fine; or,

b. the violation, if it is also a criminal offense, will still be submitted to the public prosecutor.

ln the absence of a view, the term referred to in the first paragraph shall apply from the day on which the view could have been submitted at the latest.

3. The term referred to in the first and second paragraphs may be extended by the CGA by up to six weeks.

4. If the violation has been submitted to the public prosecutor, the period referred to in the first, second and third paragraphs shall be suspended from the day of the submission until the day on which the CGA regains the authority to impose an administrative fine.

Article 13.36

1. The order imposing an administrative fine shall state:

a. the name of the offender;

b. the regulation violated;

c. a description of the violation;

d. the time when, and an indication of the place where the violation was observed; and

e. the amount of the fine.

2. The decision shall be sent to the violator by letter.

Article 13.37

1. An administrative fine shall not exceed the amount, belonging to a criminal fine of the sixth category mentioned in Article 1:54, fourth paragraph, of the Penal Code.

2. The CGA shall adjust the administrative fine to the emst of the violation and the extent to which it can be blamed on the violator. In doing so, the CGA shall take into account the circumstances under which the violation was committed.

3. Article 1:1, second paragraph, of the Penal Code shall apply mutatis mutandis.

Article 13.38

Articles 13.13 through 13.16 shall apply mutatis mutandis to an administrative fine imposed.

Article 13.39

An imposed administrative fine shall expire if it is not irrevocable at the time of the offender's death. An irrevocable administrative fine shall expire to the extent that it has not yet been paid at that time.

Title 2. Penalty provisions

Article 13.40.

1. Acting in violation of any regulation given in or pursuant to the Articles 1.2, first, second, third and fifth paragraphs, Article 1.3, Article 1.4, Article 1.5, Article 1.6, Article 2.4, third paragraph, Article 2.5, sixth paragraph, Article 4.1, seventh paragraph, tenth and eleventh paragraph, and Article 5.16, fourth paragraph, shall be punishable by imprisonment for a term not exceeding one year and by a fine of the fifth category or by either of these penalties.

2. Intentional violation of the regulations referred to in the first paragraph shall be punishable by imprisonment for a term not exceeding four years and a fine of the sixth category or by either penalty.

3. The offenses punishable under the first paragraph are misdemeanors and the offenses punishable under the second paragraph are felonies.

Article 13.41

In the event of concurrence between administrative enforcement and criminal enforcement, coordination shall take place with the Public Prosecution Service.

Article 13.42

1. In addition to the persons referred to in Article 184 of the Code of Criminal Procedure, the persons appointed for this purpose by national decree shall be charged with investigating the offenses punishable by this National Ordinance.

2. The designation referred to in the first paragraph shall be published in the National Gazette.

3. When investigating an offence made punishable by this National Ordinance, the persons referred to in the first paragraph shall have access to any place insofar as this is reasonably necessary for the performance of their task. They are authorized to be accompanied by certain persons designated by them. Articles 155 through 163 of the Code of Criminal Procedure shall apply in full to entry into homes.

4. By or pursuant to a national decree containing general measures, rules may be laid down concerning the requirements to be met by the persons appointed pursuant to the first paragraph.

§4 Designation

Article 13.43

1. The CGA shall be authorized to give an instruction to the offender acting in violation of the provisions in or pursuant to this National Ordinance to take the necessary measures within a term to be set by the CGA or to follow a certain course of action with regard to specifically stated points.

2. The day on which the designation referred to in the first paragraph was sent or issued shall be considered the day on which the designation was given. The order shall mention the notice referred to in article 56, fourth paragraph, of the National Ordinance on Administrative Jurisdiction18. A notice of objection shall not suspend the effect of the order referred to in the first paragraph.

3. The offender shall be obliged to comply with the instruction, referred to in the first paragraph, within the term set for such purpose.

4. If, in the opinion of the CGA, no or insufficient compliance is made with the designation within the period referred to in the first paragraph, the CGA may notify the violator in writing that the designation will be published. Such publication shall be effected by notification of the designation in one or more daily newspapers of the CGA's choice and on the CGA's website.

5. If the violator still complies with the designation after the publication or if the CGA withdraws the designation, publication shall take place in accordance with the publication referred to in the fourth paragraph.

6. The costs of the publication, referred to in the fourth and fifth paragraphs, shall be determined by order. They shall be charged to the offender and may be collected by the CGA by means of a writ of execution. Article 13.11, second paragraph, Article 13.14, first paragraph, and Article 10.16, first and second paragraphs, shall apply.

Chapter 14 Other Provisions

Section 14.1

1, P.B. 2001, no. 79.

1. Any person who is involved in the implementation of this National Ordinance and in doing so gets access to data of which he knows or should reasonably suspect the confidential nature, and who is not already under an obligation of secrecy in relation to such data by virtue of office, profession or statutory provision, shall be bound to secrecy of such data except in so far as any statutory provision obliges him to disclose such data or the necessity to disclose such data arises from his duties.

2. The first paragraph shall not apply with respect to the offenses described in Articles 198 and 200 of the Code of Criminal Procedure.

3. Paragraph 1 shall not apply if there is a treaty obligation to provide information.

4. The person who intentionally violates the obligation of secrecy imposed upon him pursuant to the first paragraph shall be punished with imprisonment of not more than two years or a fine of the fifth category or with both punishments.

5. Whoever is guilty of breach of secrecy shall be punished with imprisonment of not more than six months or a fine of the fourth category.

6. Prosecution for breach of secrecy shall be instituted only on the complaint of the person in respect of whom secrecy has been breached.

Article 14.2

1. The Minister shall be authorized in certain cases or groups of cases to remedy prevailing inequities that may arise in the application of this National Ordinance.

2. The CGA is charged with the implementation of the Minister's decision.

Chapter 15 Transitional and final provisions

Article 15.1

1. Persons who at the time this National Ordinance enters into force have a permit as referred to in article 1 of the National Ordinance on Outdoor Hazardous Games and offer the licensed activities as part of their own operation, will be granted a provisional authorization by operation of law for a maximum period of six months, on the understanding that article 5.12 shall only apply to them as of the sixth month after the introduction of this National Ordinance. The duration of the temporary permit may be extended by up to six months. Contrary to Article 5.1, paragraph 6, the decision period for the purpose of the assessment in the second phase is equal to six months. This period may be extended by up to six months.

2. The Lottery Ordinance 190919 and the State Ordinance on Hazard Games II 198820 apply to a goods lottery, subject to the provisions of Article 4.1, third paragraph,

1, P.B. 1965, no. 85 (G.T.).

20 A.B. 1988, no. 66.

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bingo or bon ku ne, which after the entry into force of this National Ordinance, does not meet the condition mentioned in Article 4.1, paragraph 1, subsection d.

3. The pending applications for a permit that have been submitted in accordance with the provisions in or pursuant to the National Ordinance on Outdoor Hazardous Games prior to the coming into force of this National Ordinance shall be dealt with in accordance with what applies in this regard based on the National Ordinance on Outdoor Hazardous Games.

Article 15.2

The persons employed by the Gaming Control Board immediately prior to this National Ordinance coming into force shall retain their then existing position, conditions of employment and accrued rights upon this National Ordinance coming into force.

Article 15.3

Article 1807 of Book 7A, Civil Code does not apply to claims by participants against gaming licensees.

Article 15.4

The National Ordinance on Identification in Service Provision21 shall be amended as follows:

a. Article 1, first paragraph, subsection b, under 11°, will read: 11° offering:

a. the opportunity to participate in games of chance; or

b. critical services or goods as referred to in the National Ordinance on Games of Chance.

b. Replacing the period at the end of Article 2b, item c, by a semicolon, a new item d shall be added, reading:

d. which performs a service as referred to in article 1, first paragraph, subsection b, under 11°, under a, is permitted to have the verification take place when it performs in or from Cura ao an occasional transaction, or two or more transactions between them with a value or countervalue equal to or greater than NA£ 4,000, or performs in the framework of a business relationship one or more transactions with a value or countervalue equal to or greater than NA£ 4,000, provided that it ensures that no new transactions are performed until the verification is completed. The amounts mentioned in the preceding sentence may be adjusted by national decree containing general measures."

c. In article 2e, first paragraph, opening words, "article 2, first paragraph, fourth paragraph, opening words, and parts a, b, and d" shall be replaced by: article 2, first paragraph, third paragraph, opening words, and parts a, b, and d, and fourth paragraph.

d. In Article 2e, first paragraph, subsection a, after "insurance brokerage business" the following shall be inserted: ; or a public or private limited company that has a license as referred to in Articles 1.2, first paragraph or 1.5, first paragraph, National Gaming Ordinance.

21 P.B. 2017, no. 92 (G.T.).

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f. Article 3, paragraph 1, shall read:

1. If the client is a natural person, identity shall be established by means of one of the following documents, valid in the country of issue:

a. a driver's license;

b. an identity card;

c. a travel document or passport;

d. another document to be designated by the Minister.

If the natural person is not physically present for identification, identification and verification shall be carried out taking into account the specific risks associated with business relations or transactions without personal contact. The Supervisor shall establish regulations in this regard for the benefit of service providers under its supervision pursuant to this National Ordinance, taking into account the risks associated with the type of client, business relationship, service, product or transaction provided and geographical risk factors. A service provider is required to fully implement the regulations and guidelines issued by the Supervisor.

g. Article 3, paragraph 7 is deleted.

Article 15.5

The National Ordinance Reporting Unusual Transactions22 is amended as follows: Article 1, section b, under 11°, shall read:

11° offering:

a. the opportunity to participate in games of chance; or

b. critical services or goods as referred to in the National Ordinance on games of chance.

Article 15.6

The 1999 National Sales Tax Ordinance shall be amended as follows:

a. In Article 7, first paragraph, item x, "casino games" shall be replaced by: games of chance as referred to in the National Ordinance on Games of Chance.

b. Replacing the dot at the end of Section 7, subsection 1, item ab, with a semicolon, a new item ac shall be added, reading:

ac. the provision of critical services or goods as referred to in Article 1.1, subsection g, of the National Ordinance on Games of Chance, as well as the provision of payment services as referred to in Article 5.17, first paragraph, subsection g, of the National Ordinance on Games of Chance to the holder of a gaming license or the holder of a supplier's license as referred to in the National Ordinance on Games of Chance.

c. Article 13 lapses.

Article 15.7

The CGA shall send a report on the effectiveness and effects of this National Ordinance to the Minister within three years of this National Ordinance entering into force.

22 P.B. 2017, no. 99 (G.T.).

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Article 15.8

The Landsverordening buitengaatse hazardspel23 shall be repealed.

Article 15.9

1. This National Ordinance shall take effect the day after the date of publication .

2. Contrary to the first paragraph, articles 1.5, 5.16, fourth paragraph and 15.6, parts a enc, shall take effect at a time to be determined by national decree.

Article 15.10

This National Ordinance shall be cited as: National Ordinance on Gaming.

Given at Willemstad,

The Minister of Finance,

Issued the

The Minister of General Affairs,

23 P.B. 1993, no. 63.

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