

OFFICIAL TRANSLATION

I, undersigned, lic. Karel Thijs, LL.M., certify that I am a sworn translator with the Court of First Instance of Aruba, and that the following English text, comprising 47 (forty-seven) pages, is a true and accurate translation of the original document in Dutch.

YEAR 2024

[coat of arms of Curaçao]

No. 157

PUBLICATIEBLAD¹

NATIONAL ORDINANCE of the 20th of December 2024 Containing Rules concerning Games of Chance (National Ordinance on Games of Chance)

—————
In the name of the King!

—————
The Governor of Curaçao,

Having taken into consideration:

that, in view of social and technological developments, it is desirable to establish legislation that looks to modernize the organization of, or the provision of the opportunity to play, games of chance, and the supervision and enforcement of gaming rules, as well as to establish rules for the suppression and prevention of gambling addiction;

that it is desirable to establish, in phases, rules for all games of chance existing in Curaçao, and to particularly introduce, in the first phase, new rules for remote games of chance;

that, in this context, it is desirable to set up an independent administrative body as referred to in Article 111, first paragraph, of the Curaçao Constitution (in Dutch: *Staatsregeling*)², that will be in charge of the duties and powers established in this National Ordinance;

Having heard the Advisory Council, and in consultation with the Curaçao Parliament, has adopted the following National Ordinance:

—————
¹ *Publicatieblad* is the Dutch name of the Curaçao Law Gazette. (Translator's note.)

² Published in A.B. 2010, No. 86.

Beëdigd vertaler
Sworn translator Traductor jurado
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Chapter 1
General Provisions

§ 1 Definitions

Article 1.1

In this National Ordinance and any provisions based on it,

- a. “Curaçao Gaming Authority” means *Stichting Gaming Control Board* (Gaming Control Board Foundation), formed by notarial deed of April 19, 1999, either under this name or under any adjusted name in the event of amendment of its articles of association, hereinafter to be referred to as “CGA”;
- b. “Inspector of Taxes” means the Inspector of Taxes mentioned in Article 2, second paragraph, letter c, of the General National Ordinance on Domestic Taxes³;
- c. “Qualified Interest” means a direct or indirect interest of at least ten percent of the subscribed share capital, or a similar interest, or the ability to directly or indirectly exercise at least ten percent of the voting rights, or similar control;
- d. “Game of Chance” means any game in which one or more players, in exchange for the payment of money or monetary value, compete for prizes in the form of money or monetary value, and the outcome of which is determined either by chance only or by a combination of chance and players’ insight or skill, with no possibility for players to significantly influence the outcome, including sportsbetting and poker;
- e. “Remote Game of Chance” means a Game of Chance provided remotely by means of electronic communication devices, and played without physical contact with the party providing the game;
- f. “Gaming License” means a license for organizing, or providing the opportunity to play, a Game of Chance;
- g. “Critical Services and Goods” means gaming-related services or goods that are indispensable in determining the outcome of a Game of Chance, or that are so important that any deficiency in their provision or delivery may significantly affect the ability of a Gaming License holder to meet its obligations under this National Ordinance;
- h. “Vulnerable Person” means a person who:
 - i. is under eighteen years of age;
 - ii. has no, or insufficient, control over his or her gambling behavior, because of which he or she is, or threatens to become, addicted to one or more Games of Chance and, as a result, may cause harm to himself or herself or to other people;
 - iii. has been banned from playing any Game of Chance either by force or at his or her own request;
 - iv. has been declared bankrupt, or has otherwise lost the control or disposal of all or part of his or her property;
- i. “Supplier” means anybody who provides a gaming provider with legal, financial, or administrative services, management services, or gaming-related services or goods;
- j. “Supplier License” means a license for offering Critical Services or Goods;

³ Published in P.B. 2013, No. 53 (G.T.), as most recently amended by P.B. 2019, No. 92.

- k. “Minister” means the Minister of Finance;
- l. “Nonprofit Game” means a Game of Chance whose full net proceeds go to a societal, social, or non-commercial cause, including causes in the fields of religion, sports, the environment, charity, health, politics, culture, or education, as referred to in Article 4.1;
- m. “Nonprofit Organization” means any not-for-profit legal entity registered in Curaçao that pursues a societal, social, or non-commercial purpose and that is responsible for the Nonprofit Game;
- n. “Collector” means the Collector mentioned in Article 2, second paragraph, letter d, of the General National Ordinance on Domestic Taxes;
- o. “Violator” means anybody who commits, or acts as an accomplice to, a violation;
- p. “Key Person” means a natural person who, either by name or *de facto*, has indirect or direct control of, or significant influence on, a licensee’s management or assets, or the approval or implementation of a licensee’s operational policy;
- q. “Ultimate Beneficial Owner” means a natural person who is the ultimate owner, or has ultimate control, of a legal entity, by directly or indirectly holding more than ten percent of the shares, voting rights, or ownership interests in that legal entity.

§ 2 Forbidden Actions

Article 1.2

1. Without, or contrary to, a CGA-issued Gaming License, or without any other legal authority to do so, it is not allowed to organize, or provide the opportunity to play, any Game of Chance in or from Curaçao.
2. It is not allowed to act in violation of any of the terms, conditions, and restrictions attached to a Gaming License.
3. It is not allowed to transfer a Gaming License or to assign the use of a Gaming License to somebody else, under contract or otherwise, in any form.
4. The prohibition referred to in the first paragraph does not apply to opportunities that are not open to the public and are not given in the ordinary course of business.
5. It is not allowed to provide the opportunity to play a Nonprofit Game if notice of such game was not given to the CGA at least four weeks in advance.

Article 1.3

A player is not allowed:

- a. to play a Game of Chance where the player already knows the outcome of an event made dependent on that Game of Chance (sic);
- b. to play a Game of Chance where the player qualifies as a Key Person of the provider of that Game of Chance; or
- c. to sell, donate, rent out, lease, pawn, or pledge, under any title, any of the player’s claims against the holder of a Gaming License.

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Article 1.4

A Gaming License holder is not allowed:

- a. to offer Games of Chance whose outcome depends, in whole or in part, on actual events relating to a disaster or crisis as referred to in Article 1 of the National Ordinance on Disaster Relief⁴, the exploitation of human beings or abuse of human beings or animals, or other events in which the lives of human beings or animals are jeopardized;
- b. to offer Games of Chance which, through an image or object, are dishonorable as referred to in Article 2:194 of the Criminal Code, or are offensive as referred to in Title XV of the Criminal Code⁵;
- c. to provide players with any form of credit, or act as an intermediary in providing such credit;
- d. to give an underage person the opportunity to play Games of Chance; or
- e. to give a person other than an underage person, who must within reason be assumed to be a Vulnerable Person, the opportunity to play Games of Chance.

Article 1.5

1. Without, or contrary to, a CGA-issued Supplier License as required under this National Ordinance, it is not allowed to provide Critical Services or Goods in or from Curaçao.
2. It is not allowed to act in violation of any of the terms, conditions, and restrictions attached to a granted Supplier License.

Chapter 2 Gaming Licenses

Article 2.1

1. A Gaming License may be granted by the CGA, in response to a written application, to a corporation (in Dutch: *naamloze vennootschap*) or closed corporation (in Dutch: *besloten vennootschap*) organized and existing under the laws of Curaçao and, moreover, registered in Curaçao according to its articles of incorporation.
2. The CGA will prepare a template Gaming License application form.
3. When filing an application, a Gaming License applicant has an obligation to provide all information, in a timely and truthful manner, using the application form.
4. The legal entity on whose behalf an application is filed must be managed by at least one natural person who is either a Curaçao resident or a legal entity formed under Curaçao law that is registered in Curaçao according to its articles of incorporation and is managed by at least one natural person who is a Curaçao resident.
5. Unless otherwise noted in this National Ordinance, a Gaming License is granted for an indefinite time.
6. The template application form referred to in the second paragraph is available from the CGA and will be posted on the CGA's website.

⁴ Published in P.B. 2015, No. 51 (G.T.), as most recently amended by P.B. 2021, No. 106.

⁵ Published in P.B. 2011, No. 48.

Article 2.2

1. The CGA may deny a Gaming License if the CGA has grounds to believe that [issuing such license] may jeopardize the safe, responsible, transparent, verifiable, and reliable offering of Games of Chance.
2. In any case, no license will be issued if:
 - a. the identities, the existence, and the involvement of all Ultimate Beneficial Owners, all persons holding a Qualified Interest, and those who make, or have a say in, policy decisions and who are involved in the operation of the Game of Chance for which the Gaming License is applied for have not been ascertained;
 - b. in the eight years preceding the application, an Ultimate Beneficial Owner with an interest greater than 25%, or the holder of a Qualified Interest with an interest greater than 25%, or a person making, or having a say in, policy decisions, was convicted, irrevocably or otherwise, for any criminal offense committed with a view to obtaining an unlawful benefit, including, without limitation, theft (larceny), extortion, receiving stolen property, embezzlement, fraud, prejudicing creditors, money laundering, or terrorism financing;
 - c. the source of funds and the source of wealth used to finance the operation have not been adequately identified, or can be traced back, in whole or in part, to criminal activity;
 - d. any license fees owed in connection with the application have not been paid in full;
 - e. the Gaming License applicant owes any taxes or social security contributions to the Collector or the Social Insurance Bank that are outstanding, or has entered into a payment arrangement that is not being properly complied with, or has been granted a deferral of payment;
 - f. the applicant, or any person who makes, or has a say in, policy decisions, is, or used to be, involved in another operation whose Gaming License has been suspended or revoked;
 - g. the Gaming License applicant is unable to adequately prove that it has adequate liquid assets to immediately pay out to players any prizes that can reasonably be expected to be won;
 - h. the applicant does not have in place a policy for safeguarding the responsible offering of Games of Chance;
 - i. the applicant fails to provide a CGA-approved form of alternative dispute resolution where this is mandatory under this National Ordinance;
 - j. a Key Person involved in the operation is a Vulnerable Person; or
 - k. the applicant has not been registered in the goAML reporting system referred to in the National Decree on the goAML Reporting Portal⁶, to the extent applicable to the applicant.
3. The term “responsible offering of Games of Chance” as referred to in the first paragraph covers, at a minimum:
 - a. guaranteeing that players play in a safe and secure environment;

⁶ Published in P.B. 2020, No. 157.

- b. guaranteeing that Games of Chance are fair and clear to players;
- c. guaranteeing that no Vulnerable Persons can play Games of Chance;
- d. guaranteeing that players can limit or discontinue their playing of Games of Chance where such playing threatens to become an addiction for them.

Article 2.3

The CGA may suspend a Gaming License in whole or in part for up to three months on grounds of grave suspicions that there exists a ground to revoke the license under Article 2.4. This period may be extended by up to three months.

Article 2.4

1. The CGA may revoke a Gaming License if:
 - a. the Gaming License holder violates, or has violated, any of the obligations arising from or under this National Ordinance, not being a reason for revocation as mentioned in the second paragraph;
 - b. any condition attached to the license, or any restriction subject to which the license was issued, has been violated;
 - c. the CGA suspects, or has serious reasons to suspect, that the Gaming License holder, an Ultimate Beneficial Owner, a person holding a Qualified Interest, or any Key Person is suspected of violating a prohibition imposed in or under this National Ordinance, or of committing an act, directly related to the licensed activities, made punishable under any statutory regulations, Kingdom legislation with direct effects, treaty provisions with direct effects, or similar foreign legislation, including without limitation larceny (theft), receiving stolen property, money laundering, fraud, terrorism, or any other criminal offense that seriously shocked public legal order;
 - d. the Gaming License holder fails to meet its financial obligations to a player or under this National Ordinance;
 - e. the Gaming License holder fails to provide the CGA with timely and truthful information about any changes that may affect the status of the Gaming License;
 - f. the Gaming License holder improperly uses, or has improperly used, players' credits, including their winnings;
 - g. circumstances occur, or facts are revealed, which, if they had occurred or had been revealed prior to the time when the Gaming License was issued, would have caused the Gaming License to be denied;
 - h. a Gaming License holder who is required under this National Ordinance to provide a CGA-approved form of alternative dispute resolution no longer provides such alternative dispute resolution;
 - i. any of the rules provided in or under this National Ordinance, the National Ordinance on the Reporting of Unusual Transactions⁷, the National Ordinance on Identification

⁷ Published in P.B. 2017, No. 99.

- during the Provision of Services⁸, the Sanctions National Ordinance⁹, or the Kingdom Sanctions Act¹⁰, are not, or no longer, complied with; or
- j. based on an irrevocable decision of an authority in another country, the CGA is of the opinion that it has become sufficiently plausible that it is certain that the Gaming License holder is acting in violation of statutory gaming regulations of the country concerned.
2. The CGA will revoke a Gaming License if:
- a. a Gaming License holder violates the prohibition referred to in Article 1.2, third paragraph;
 - b. there are grounds to believe that the gaming provider jeopardizes the safe, responsible, transparent, verifiable, and reliable offering of Games of Chance;
 - c. a Gaming License holder is unable to adequately prove that it has adequate liquid assets to immediately pay out to players any prizes that can reasonably be expected to be won;
 - d. a Gaming License holder does not have in place, at a minimum, a policy for safeguarding the responsible offering of Games of Chance;
 - e. a Gaming License holder requests the revocation;
 - f. the objectives of the Gaming License holder's relevant business are no longer pursued;
 - g. the details or records provided upon application for the Gaming License prove so inaccurate or incomplete that the decision on the application would have been different if the right circumstances had been fully known at the time the application was reviewed;
 - h. a Gaming License holder did not operate, during a period of six consecutive calendar months, the Games of Chance for which a Gaming License was issued;
 - i. a Gaming License holder provides the CGA with reports or other details and records that are false or misleading;
 - j. a Gaming License holder has caused a tax [levied] under one of the tax ordinances mentioned in Article 1, first paragraph, of the General National Ordinance on Domestic Taxes not to be paid or not to be paid in full, or insufficient tax to be levied, or a tax payment not to be made or not to be made in due time;
 - k. a Gaming License holder has caused any action to be taken in violation of the provisions in or under the National Ordinance on the Reporting of Unusual Transactions, the National Ordinance on Identification during the Provision of Services, the Sanctions National Ordinance, or the Kingdom Sanctions Act;
 - l. a Gaming License holder or any Key Person has caused the commission of a violation of any prohibition provided in or under this National Ordinance, or the commission of theft (larceny), receiving stolen property, money laundering, fraud, or any other criminal offense that seriously shocked public legal order;
 - m. the Gaming License holder has been irrevocably convicted of violating a prohibition [imposed] in or under this National Ordinance, or an act or an act (sic), directly related to the licensed activities, made punishable under any statutory regulations, Kingdom legislation with direct effects, or treaty provisions with direct effects, including without

⁸ Published in P.B. 2017, No. 92.

⁹ Published in P.B. 2014, No. 55 (GT).

¹⁰ Published in P.B. 2016, No. 54.

- limitation larceny (theft), receiving stolen property, money laundering, terrorism, fraud, or any [other] criminal offense that seriously shocked public legal order.
3. The CGA may make a revocation subject to requirements that seek to safeguard the interests of players or any other interests that serve the safe, responsible, transparent, verifiable, and reliable offering of Games of Chance. The holder of a revoked Gaming License has an obligation to comply with such requirements.

Article 2.5

1. If the CGA intends to suspend or revoke all or part of a Gaming License, the CGA will give notice of this intention to the Gaming License holder. Articles 13.29 and 13.30 apply by analogy to the intended revocation of a license.
2. The Gaming License holder will be given the opportunity to present its viewpoint within two weeks after the notice of the intention referred to in the first paragraph.
3. The CGA will make a decision within six weeks after receiving the viewpoint referred to in the second paragraph, and, if no viewpoint was submitted, within six weeks after expiration of the time limit referred to in the second paragraph.
4. The suspension or revocation will be published in the register referred to in Article 3.1.
5. If, in connection with the decision referred to in the third paragraph, the CGA gives an instruction as referred to in Article 13.43, and this instruction is not followed by the deadline set for compliance, the CGA may still proceed to suspend all or part of the Gaming License, or to revoke the Gaming License.
6. The holder of a revoked Gaming License has an obligation to immediately discontinue the offering of Games of Chance, without prejudice to any requirements imposed by the CGA as part of the revocation. Any legal action already taken or yet to be taken will have no suspensive effect.

Article 2.6

1. The CGA may amend a Gaming License:
 - a. at a licensee's written request; or
 - b. *ex officio*, when circumstances occur as referred to in Article 2.4, first paragraph, letter a or b.
2. Article 2.5, first paragraph, first sentence, [and] second and third paragraphs, apply by analogy to the amendment of a license as referred to in the first paragraph, letter b.
3. In relation to a license amendment as referred to in the first paragraph, letter a, the CGA will make a decision within six weeks after receiving a complete request for amendment. This deadline may be extended by a period of up to six weeks.
4. Article 2.1, second and third paragraphs, and Article 2.2. apply by analogy to the amendment of a Gaming License as referred to in the first paragraph, letter a.
5. The amendment will be published in the register referred to in Article 3.1.

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Chapter 3 The Register

Article 3.1

1. The CGA will maintain a register of all Gaming Licenses, Supplier Licenses, and certificates.
2. In relation to the licenses and certificates referred to in the first paragraph, the register will mention:
 - a. the type of license or certificate, and the activities for which the license or certificate was issued;
 - b. the name of the licensee, or of the person to whom the certificate was issued;
 - c. the Chamber of Commerce and Industry registration number of the licensee, or of those to whom [the] certificate was issued;
 - d. the date on which the license or certificate was issued; and
 - e. the validity status of the license or certificate.
3. The register is free of charge, public, and accessible to anybody, and will be posted on the CGA's website.

Chapter 4 Nonprofit Games of Chance

Article 4.1

1. A Nonprofit Game is a goods lottery, bingo, or *bon ku ne*:
 - a. for which further rules are provided in or under a national ordinance;
 - b. that is organized by a Nonprofit Organization registered in Curaçao;
 - c. that is offered in Curaçao only; and
 - d. that
 - 1°. is organized by the same Nonprofit Organization not more than ten times a year, and does not yield, on each occasion, more than ANG 250,000.00 in turnover; or
 - 2°. is organized by the same Nonprofit Organization not more than five times a year, and does not yield, on each occasion, more than ANG 500,000.00.
2. At least one managing director of a Nonprofit Organization must be a Curaçao resident.
3. The game rules applicable to the Game of Chance, and the safety requirements for the location where the Game of Chance is physically offered, both as provided in or under a national ordinance, must be complied with.
4. Without prejudice to the first paragraph, letter d, game rules as referred to in the third paragraph that set maximum revenues or maximum bet amounts per player do not apply to Nonprofit Games.
5. Lottery drawings for the benefit of Nonprofit Games are held exclusively by institutions registered with the CGA that have paid the fee mentioned in the sixth paragraph.
6. The fee due for registering a Nonprofit Game as referred to in the fifth paragraph is ANG 100.00.

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7. A Nonprofit Organization will take measures to secure players' money and their winnings, and will keep, for each Nonprofit Game, records that match the nature and scope of the Game of Chance to be offered.
8. A Nonprofit Organization shall see to it that Nonprofit Games are fair and clear to players, and that no Nonprofit Games are played by Vulnerable Persons.
9. Notice as referred to in Article 1.2, fifth paragraph, will be given using a GCA-approved template document and will include supporting documentation.
10. To guarantee compliance with the requirements set out in this Article, and to prevent money laundering and terrorism financing and proliferation, the template referred to in the ninth paragraph will specify, at a minimum:
 - a. the Nonprofit Game offered;
 - b. the identities of the Nonprofit Organization's managing directors;
 - c. the source of funds used in connection with the Nonprofit Game to be offered;
 - d. the extent of the projected revenue from the Nonprofit Game to be offered;
 - e. the destination of the projected revenue from the Nonprofit Game to be offered;
 - f. the manner of compliance with the provisions of the third through seventh paragraphs of this Article.
11. The Nonprofit Organization shall send an income statement relating to the Nonprofit Game within six weeks after the end of the Nonprofit Game. The CGA may ask for further records and information with a view to guaranteeing compliance with the provisions laid down in this Article and to prevent money laundering and terrorism financing.
12. The template referred to in the ninth paragraph is available from the CGA and will be posted on the CGA's website.

Chapter 5 Remote Games of Chance

Article 5.1

1. A license may be granted in accordance with the provisions of this Chapter for organizing Remote Games of Chance.
2. The processing of a Gaming License application for Remote Games of Chance will take place in two phases. The first phase only involves assessing the integrity of at least those involved in the organization of the Games of Chance, the Ultimate Beneficial Owners, persons holding a Qualified Interest, and person[s] making, or having a say in, policy decisions, as well as assessing the applicant's financial condition and viability. The second phase involves [checking compliance with] the rules given in or under this National Ordinance, other than those mentioned in the preceding sentence, that must be met in order to obtain the Gaming License.
3. The CGA will determine what information and documentation the applicant needs to provide in each phase.
4. Within eight weeks after receiving all the information and documentation required for the first-phase review, the CGA will decide to either continue processing the application in the second phase or deny the license. This deadline may be extended by up to four weeks.

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5. If the CGA decides to continue processing the application in the second phase, all the information and documentation required for the second-phase review of the application will have to be submitted to the CGA within four weeks after the date of this decision.
6. The CGA will decide to either issue or deny the license, within eight weeks after receiving the complete application for the second-phase review. This deadline may be extended by up to four weeks.
7. In relation to both the first and the second phase, the CGA will determine, within two weeks after receiving the information and documentation submitted for those phases, whether or not this information and this documentation are complete. If [an] applicant fails to submit all required information and documentation within four weeks after being warned to do so, the application will be processed no further. The time limit set in the second sentence may be extended by up to four weeks.
8. Pending the second-phase investigation, the CGA may decide to grant a provisional Gaming License for a term of up to six months. This term may be extended by up to six months.
9. In any case, no provisional Gaming License will be granted if one or more of the cases mentioned in Article 2.2, second paragraph, exist(s).
10. The rules given in or under this National Ordinance that apply to a Gaming License also apply to a provisional Gaming License, unless otherwise noted in this National Ordinance.
11. Further rules relating to the application process may be established by means of a ministerial regulation with general effects.

Article 5.2

1. The applicant shall provide all information and submit all records required to review the application with a view to guaranteeing the safe, responsible, transparent, and reliable offering of Games of Chance.
2. The information and records referred to in the first paragraph may be requested by the CGA to gain insight into, among other things:
 - a. the applicant's registered office according to its articles of incorporation, and the applicant's reliability and suitability;
 - b. the ownership and control structure within the the group (sic) to which the applicant belongs;
 - c. the identities, reliability, and suitability of the applicant's Key Persons;
 - d. the identities and reliability of the applicant's Qualified Interest holders and Ultimate Beneficial Owners;
 - e. the liquidity and solvency of the applicant's business;
 - f. the purposes of the applicant's business, and the acceptability and viability of those purposes;
 - g. the suitability, acceptability, and reliability of the Games of Chance to be offered;
 - h. the reliability, integrity, verifiability, and suitability of the applicant's business operations and the means and procedures used for offering the Games of Chance;
 - i. the reliability and suitability of persons whose services the applicant wishes to seek in connection with the Games of Chance to be offered;
 - j. the applied registered domain name or software applications on which the Games of Chance are offered;

- k. the suitability and transparency of measures put in place by the applicant to guarantee the responsible offering of Games of Chance;
 - l. the remote gaming system, and all software used to operate remote games;
 - m. the suitability of measures put in place by the applicant to prevent fraud with, or misuse of, games offered, or other forms of criminal activity.
3. The applicant shall use a form whose template will be provided by the CGA.
 4. The template referred to in the third paragraph is available from the CGA and will be posted on the CGA's website.

Article 5.3

1. A player of a Game of Chance may file a complaint with the licensee, free of charge, within six months after an incident occurred relating to the player's playing of a Game of Chance.
2. Within one week after receiving a complaint as referred to in the first paragraph, the licensee shall make sure that a written acknowledgment of receipt of the complaint form is received by the complainant, accompanied by an explanation of the way the complaint will be handled.
3. The complaint referred to in the first paragraph will be modeled on a template provided by the licensee, which shall conform to the guidelines of the CGA and shall:
 - a. contain the complainant's name, address, and place of residence;
 - b. be dated;
 - c. be written in one of the official languages, [i.e.] English, Dutch, or Papiamentu;
 - d. include a description of the behavior complained about.
4. Within four weeks after receiving the complaint, the licensee shall notify the complainant referred to in the first paragraph:
 - a. if a decision was made not to process the complaint, of the reason for not processing the complaint;
 - b. if a decision was made to process the complaint, of the final ruling on the complaint referred to in the first paragraph, including supporting particulars, recorded in writing by the licensee.
5. The time limit referred to in the fourth paragraph may be extended once, in writing, by four weeks.
6. The licensee shall offer its players at any time the opportunity to use alternative dispute resolution.
7. The alternative dispute resolution referred to in the sixth paragraph will be offered at the expense of the licensee.
8. By means of a ministerial regulation with general effects, further rules may be established concerning the complaints and the alternative dispute resolution referred to in this Article.

Article 5.4

1. A licensee shall have in place a policy to prevent Vulnerable Persons from playing Games of Chance, including, at a minimum:
 - a. general information about gaming addiction made available to gamblers;
 - b. Vulnerable Person identification procedures;
 - c. measures in place to prevent excessive gaming or the threat of excessive gaming;

- d. the possibilities provided to gamblers to exclude themselves from playing Games of Chance.
2. A player who voluntarily labels him/herself as a person experiencing problematic gambling behavior and who requests a licensee in writing to be excluded from playing Games of Chance will be so excluded by the holder of a license issued under Article 5.1, first paragraph, for a period of at least twelve months as of the date of the request. During the time of exclusion, such a request will be irrevocable.
3. Further rules concerning the substance of the policy referred to in the first paragraph and the exclusion of Vulnerable Persons from playing Games of Chance may be established by means of a ministerial regulation with general effects.

Article 5.5

The holder of a license issued under Article 5.1, first paragraph, shall provide a clause to the effect that the gaming agreement entered into between the license holder and the gambler is subject to Curaçao law, and that any disputes relating to said gaming agreement will be brought before the Curaçao courts.

Article 5.6

1. The holder of a license issued under Article 5.1, first paragraph, shall see to it that its marketing and advertising activities, including the offering of bonuses:
 - a. do not encourage excessive gaming;
 - b. are not misleading;
 - c. do not target Vulnerable Persons.
2. Further rules concerning the marketing and advertising activities aimed at guaranteeing the responsible offering of Games of Chance may be established in or under a national decree containing general measures.
3. The rules referred to in the second paragraph may govern, among other things:
 - a. the substance of recruitment and advertising activities;
 - b. the groups targeted by such activities;
 - c. the quantity, duration, and point in time, and
 - d. the manner in which and the place where recruitment and advertising activities are carried out;
 - e. responsible gaming.

Article 5.7

1. There is a guarantee fund, which holders of a license as referred to in Article 5.1, first paragraph, are required to join, against payment of a premium, to guarantee the payout of prizes won to players of Remote Games of Chance.

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2. The provisions laid down in or under the 2010 Accountability National Ordinance¹¹ concerning the budget and the account apply by analogy to the management of the guarantee fund.
3. The amounts of the premiums as referred to in the first paragraph will be indexed annually on the basis of an actuarial report by means of a ministerial regulation with general effects.
4. The fund will be managed by a legal entity to be designated by national decree.
5. Further rules concerning the guarantee fund referred to in the first paragraph may be established by national decree containing general measures.

Article 5.8

The CGA may make a Gaming License as referred to in Article 5.1, first paragraph, subject to rules and restrictions that may reasonably contribute to the safe, responsible, transparent, and reliable offering of Games of Chance, and that may govern, among other things:

- a. changes in the ownership and control structure of the applicant and the business group to which the applicant belongs;
- b. the approval of Key Persons;
- c. the safeguarding of fair and reliable gaming procedures and the prevention of gaming-related forms of crime such as fraud, misuse, and match fixing;
- d. the approval of equipment, software programs, and locations used for offering the Games of Chance;
- e. the identification, verification, and acceptance of gamblers;
- f. the determination of prizes, and the manner of betting and paying out credits to players;
- g. the separation and reservation of player credits, or the safeguarding of those credits, and the payout of credits to players;
- h. minimum and maximum bet amounts per person and per play, and any other conditions for playing;
- i. the license holder's articles of incorporation and bylaws;
- j. the license holder's solvency and liquidity;
- k. the substance of the general terms and conditions to be applied by the license holder;
- l. the outsourcing of activities;
- m. relationships with Suppliers.

Article 5.9

1. The holder of a license issued under Article 5.1, first paragraph, must at all times maintain an operations manual containing information about the manner and degree of compliance with the provisions laid down in or under this National Ordinance, and the rules and restrictions attached to the Gaming License, including, at a minimum:
 - a. a description of the Games of Chance offered as part of the license holder's operations, payment possibilities, bet amounts, payouts, software, and outcome-determining elements;
 - b. a description of periodically used test methods for quality monitoring;

¹¹ Published in A.B. 2010, No. 87, Annex b.

- c. the way of storing players' personal data and other details;
 - d. a description of visual elements shown to players as part of the operation through the gaming website or other software application;
 - e. a description of technical measures put in place to prevent the admission of natural persons who are banned under the National Ordinance from playing the Games of Chance offered as part of the operation;
 - f. a diagram of the technical infrastructure, along with a description of restoration possibilities in the event of a technical emergency situation arising in relation to the operation;
 - g. a description of how the principles of responsible gaming have been implemented in the operation, subject to the provisions laid down in Article 2.2, third paragraph, Article 5.4, and Article 5.6;
 - h. the most recent text of the general terms and conditions used by the operation;
 - i. a description of how the licensee settles disputes with players, subject to the provisions laid down in Article 5.3;
 - j. the digital records kept of specific critical information about players, their gaming transactions, and their financial transactions, which must be kept available to the CGA at all times on a server of a Tier-IV certified data center registered in Curaçao.
2. The CGA may approve one or more templates that must be used for the operations manual as referred to in the first paragraph.
 3. The holder of a license issued under Article 5.1, first paragraph, shall allow the operations manual to be inspected within five working days after receiving a first request filed to this end by the CGA.
 4. The holder of a license issued under Article 5.1, first paragraph, shall provide permanent education to persons working in the field of Games of Chance with the licensee. This permanent education will be provided on an annual basis and will focus on, among other topics, mental well-being, anti-bribery, crime prevention, responsible gaming, anti-money laundering, communication with players, and responsible advertising, and will be provided depending on the sort of role that is representative of the level of knowledge and experience that can be expected in that role.
 5. The templates referred to in the second paragraph are available from the CGA and will be posted on the CGA's website.
 6. Further rules concerning the substance of the operations manual may be established by means of a ministerial regulation with general effects.

Article 5.10

1. The holder of a license issued under Article 5.1, first paragraph, is required to provide the CGA with any information, details, and reports which the CGA may consider necessary for overseeing compliance with the provisions laid down in or under this National Ordinance.
2. To obtain the information, details, and reports as referred to in the first paragraph, the CGA may make use of a central control database to be managed by the CGA.
3. The reports will at a minimum include reports on amendments, incidents, gambler transactions, and complaints.

4. In the amendment reports, the holder of a license shall report on any changes that occurred in the past period in the operations manual as referred to in Article 5.9, first paragraph, accompanied by a new version of this operations manual. Amendment reports must be submitted to the CGA twice a year, not later than June 15 and January 15.
5. In the incident reports, the licensee shall at a minimum report on the following issues:
 - a. any gaming security breaches that (may) have compromised personal information of gamblers or game details, along with measures taken in response;
 - b. failure or loss of, or damage to, all or part of the equipment or software that (may have) resulted in the loss of all or part of the Remote Games of Chance offered, along with measures taken in response;
 - c. gaming-related (attempted) fraud or other forms of criminal behavior of players, along with measures taken in response;
 - d. any other behaviors or events that may pose a serious threat to the responsible, reliable, and verifiable organization of the Games of Chance offered, or that may undermine the public trust in the responsible, reliable, and verifiable organization of the licensed Games of Chance.
6. Incident reports must be filed with the CGA within twenty-four hours of an incident.
7. Gambler transaction reports must at a minimum include the total amount, the nature of the crediting and debiting of any gaming account, and, where applicable, the nature of the payment instrument used, and, where applicable, a unique identifier, not directly traceable to the identity of the gambler, of the payment account debited or credited, respectively, for each registered domain name or software application.
8. The CGA may provide a template for the reports referred to in this Article.
9. To safeguard the safe, responsible, transparent, and reliable offering of Games of Chance, the CGA may establish further rules for reports to be filed, concerning:
 - a. the types;
 - b. the substance; and
 - c. the form and filing frequency of, and the periods covered by, the reports.
10. The template referred to in the eighth paragraph is available from the CGA and will be posted on the CGA's website.

Article 5.11

1. The holder of a license issued under Article 5.1, first paragraph, shall keep records on the Games of Chance offered.
2. The licensee shall keep the records referred to in the first paragraph in such a way that the licensee's rights and obligations, and the rights of the gambler, are shown clearly at all times, and the licensee can meet, within a reasonable period, any requests from the CGA to provide data required to oversee compliance with the provisions laid down in or under this National Ordinance.
3. The licensee is required to submit its annual financial statements to the CGA by June 30 of the next calendar year.
4. Where considered necessary by the CGA, the licensee will have an obligation to provide the CGA with interim financial reports.

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5. Further rules concerning record-keeping may be established by means of a ministerial regulation with general effects. Among other things, such rules may specify the data to be included in those records, and the periods which those data must be retained for.

Article 5.12

1. The holder of a license issued under Article 5.1, first paragraph, is required:
 - a. during the first four years following the entry into force of this National Ordinance, to provide a permanent and full-time job, under an employment relationship or otherwise, to at least one Key Person, other than the license holder's managing director, who appears in the Curaçao Population Register;
 - b. as of the fifth year following the entry into force of this National Ordinance, to provide permanent and full-time jobs, under an employment relationship or otherwise, to at least three Key Persons, other than the license holder's managing director, who appear in the Curaçao Population Register; and
 - c. to have at its disposal immovable property, or part of immovable property, located in Curaçao, housing the license holder's own business space equipped with the usual facilities for carrying out exclusively the business activities under the license holder's Gaming License.
2. Requirements to be met by the immovable property referred to in the first paragraph, letter c, may be established by means of a ministerial regulation with general effects.
3. Positions of Key Persons which, by their nature, are considered incompatible with each other cannot be held simultaneously by the same person. Further rules concerning positions that are incompatible with those of Key Persons may be established by means of a ministerial regulation with general effects.
4. The first paragraph of this Article does not apply to a licensee who:
 - a. was incorporated not earlier than one year immediately prior to the filing of the license application;
 - b. has no Ultimate Beneficial Owner who is also an Ultimate Beneficial Owner or, in the two years immediately prior to the filing of the license application, was also an Ultimate Beneficial Owner, of any other local or foreign provider of Remote Games of Chance or gaming-related services or goods;
 - c. generated less than ANG 20,000,000.00 in total gross gaming revenues in the calendar year immediately prior to the filing of the license application;
 - d. generates less than ANG 20,000,000.00 per year in total gross gaming revenues in the first three fiscal years following issuance of the license, in which case the licensee will have to comply with the first paragraph of this Article as of the fourth fiscal year following issuance of the license; and
 - e. submits, every six months, a statement by an independent financial expert confirming that the licensee has not yet reached the gross gaming revenues referred to under letter d.
5. The term "gross gaming revenues" is understood as the value of the bet amounts received in the period concerned minus prizes made available in the same period.

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6. By virtue of special circumstances, the Minister may grant an exemption from the obligation to comply with the provision laid down in the first paragraph of this Article, for a period of up to two years. Special circumstances include in any case a situation where the availability of Key Persons or business space in the local market is limited.
7. The conditions for the exemption referred to in the sixth paragraph will be established by national decree containing general measures.

Article 5.13

1. A corporation (in Dutch: *naamloze vennootschap*) or closed corporation (in Dutch: *besloten vennootschap*) organized and existing under the laws of Curaçao and, moreover, registered in Curaçao according to its articles of incorporation may be granted a Supplier License to provide Critical Services or Goods in or from Curaçao.
2. Article 2.1, third [paragraph], Article 2.2, first paragraph, second paragraph, letters a, b, c, d, e, [and] f, Article 2.3, Article 2.4, first paragraph, letters a, b, c, e, g, [and] i, second paragraph, letters a, b, e, f, g, i, j, k, [and] l, Article 5.1, second through eleventh paragraphs, Article 5.10, first, second, eighth, and ninth paragraphs, Article 5.11, and Article 5.12, first, second, and sixth paragraphs, apply by analogy.

Article 5.14

1. A person applying for a license as referred to in Article 5.13, first paragraph, shall provide all information and submit all records which the CGA considers necessary to review the application with a view to guaranteeing the safe, responsible, transparent, verifiable, and reliable offering of Games of Chance.
2. A person applying for a license has an obligation to provide, upon filing the application, in a timely and truthful manner, all information which the CGA considers necessary to ascertain, among other things:
 - a. the applicant's registered office according to its articles of incorporation;
 - b. the ownership and control structure of the business group to which the applicant belongs;
 - c. the identities, reliability, and suitability of the applicant's Key Persons;
 - d. the identities and reliability of the applicant's Ultimate Beneficial Owners;
 - e. the liquidity and solvency of the applicant's business;
 - f. the purposes of the applicant's business, and the acceptability and viability of those purposes;
 - g. the reliability, verifiability, and suitability of the applicant's business operations and the means and procedures used for providing the applicant's services or supplying goods.
3. The CGA will decide within eight weeks after receiving the application. This time limit may be extended by up to eight weeks.
4. The applicant shall use a form whose template will be provided by the CGA.
5. The template referred to in the third (sic) paragraph is available from the CGA and will be posted on the CGA's website.

Article 5.15

The CGA may make a Supplier License subject to rules and restrictions that may reasonably contribute to the safe, responsible, transparent, and reliable offering of Games of Chance, and that may govern, among other things:

- a. changes in the ownership and control structure of the applicant and the business group to which the applicant belongs;
- b. the approval of Key Persons;
- c. equipment and software programs used for providing services or supplying goods;
- d. the safeguarding of fair and reliable gaming procedures, and the prevention of gaming-related forms of crime such as fraud, misuse, and match fixing;
- e. the number, types, and approval procedures of the games to be offered, as well as any other activities to be permitted;
- f. the license holder's accounting records, administrative organization, and internal auditing;
- g. the license holder's articles of incorporation and bylaws[.]

Article 5.16

1. The CGA shall maintain a public register of Suppliers providing Critical Services or Goods to holders of a Gaming License for Remote Games of Chance.
2. The CGA shall record and cancel entries in said register in such a way that the register allows verifying as of what time the registered Suppliers have been carrying out what activities, as well as the status of their registered office.
3. The CGA shall immediately register Suppliers who present themselves for registration.
4. A licensee is not allowed to buy Critical Services or Goods from unregistered Suppliers.
5. The first, second, eighth, and ninth paragraphs of Articles (sic) 5.10 apply by analogy.

Article 5.17

1. In response to an application, the CGA may issue a certificate, for a period of up to three years, to natural persons or legal entities offering gaming-related services or goods to holders of a license as referred to in Article 5.1, first paragraph. After expiration of this time limit, a new application may be filed.
2. The term "gaming-related services or goods" as used in the first paragraph does not include Critical Services, Critical Goods, or services provided by liberal professions, including attorneys at law.
3. An applicant will be eligible for a certificate as referred to in the first paragraph if the applicant has made plausible, in writing, that the applicant has the knowledge, experience, and qualities required to offer services or goods for which a certificate is requested.
4. The CGA will provide a template application form for the certificate, which will be available from the CGA and will be posted on the CGA's website.
5. The CGA will make a decision within six weeks after receiving the application. This time limit may be extended by up to six weeks.

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6. As a departure from Article 7, second paragraph, letter j, of the National Ordinance on Administrative Justice, it is possible to file an appeal with the Court against a decision as referred to in the first paragraph.
7. If the certificate holder no longer meets the conditions set out in the third paragraph, the CGA will revoke the certificate, and the related entry will be removed from the register referred to in Article 3.1.
8. A certificate may likewise be revoked in the event of:
 - a. bankruptcy;
 - b. a moratorium on payments;
 - c. irrevocable conviction for gaming-related criminal offenses;
 - d. violation of other gaming-related statutory regulations[;]
 - e. at the certificate holder's request; or
 - f. at the death of a natural person who is also the certificate holder.

Article 5.18

1. The fee due for processing an application for a license as referred to in Article 5.1, first paragraph, is EUR 4,592, to which EUR 150 will be added for each of the applicant's Ultimate Beneficial Owners, EUR 150 will be added for each holder of a Qualified Interest, and EUR 2,551 will be added for each of the applicant's listed Ultimate Beneficial Owners.
2. The fee due for processing an application for a license as referred to in Article 5.13, first paragraph, is EUR 4,592, to which EUR 150 will be added for each of the applicant's Ultimate Beneficial Owners, EUR 128 will be added for each holder of a Qualified Interest, and EUR 2,551 will be added for each of the applicant's listed Ultimate Beneficial Owners.
3. The fee due for processing an application for a certificate under Article 5.17 is EUR 383.
4. The fee due for processing an application from a Gaming License holder or Supplier for permission to extend or replace the Games of Chance they are allowed to offer is EUR 13 per game.
5. The fee due for processing an application from a licensee for permission to use a registered domain name or software application on which Games of Chance are offered is EUR 250 per registered domain name or software application.
6. The fee due for processing an application from a licensee to change a holder of a Qualified Interest in the licensee is EUR 128 for each holder of a Qualified Interest.
7. The fee due for processing an application from a licensee for permission to add an Ultimate Beneficial Owner or change an existing Ultimate Beneficial Owner of the licensee is EUR 128 per Ultimate Beneficial Owner.
8. Following a review of costs, the amounts listed in this Article may be modified by national decree containing [general] measures.
9. The amounts mentioned in this Article may be modified by national decree containing general measures.

Article 5.19

1. Licenses are subject to payment of a license fee.
2. The license fee is composed of:

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- a. a flat fee owed to the CGA to cover the estimated costs associated with continuous monitoring by the CGA;
 - b. a flat fee owed to the National Treasury for holding the license.
3. The fee owed by the holder of a license as referred to in Article 5.1, first paragraph, referred to in the second paragraph, letter *a*, is EUR 22,960 per year.
4. The fee owed by the holder of a license as referred to in Article 5.1, first paragraph, referred to in the second paragraph, letter *b*, is EUR 24,490 per year.
5. The fee owed by the holder of a license as referred to in Article 5.13, first paragraph, referred to in the second paragraph, letter *a*, is EUR 24,490 per year.
6. The amounts mentioned in this Article may be modified by national decree containing general measures.
7. In the event of application of the eighth paragraph, the amounts mentioned in this Article will be adjusted by ministerial regulation with general effects to developments in family consumption price index figures, as of the first day of any calendar year.
8. The amounts mentioned in this Article may be adjusted on the basis of the increase shown in the family consumption price index figure for the preceding month of August in relation to the price index figure for the month of August of the previous year.

Chapter 6 License Fees and Amounts Owed

Article 6.1

1. License fees and amounts owed will be paid electronically in accordance with this National Ordinance.
2. An application as referred to in Article 5.18 will be processed after the fees due for processing the application in question have been paid.
3. The license fee referred to in Article 5.19 must be paid within a period of fourteen days following notice from the CGA that the license application has been granted, prorated over the days remaining in the year in which the license was granted, and subsequently by January 15 of each following year.
4. Rules concerning the electronic payment of license fees and amounts due as referred to in the first paragraph may be established by means of a ministerial regulation with general effects.

Article 6.2

1. The license fees and amounts due under Article 4.1, sixth paragraph, Article 5.18, and Article 5.19, third paragraph and fifth paragraph, will be collected by the CGA.
2. The license fees referred to in Article 5.19, fourth paragraph, will be collected by the Collector.
3. Article 5, Article 6, first, second, and fourth paragraphs, Article 7, points 1° and 2°, Article 9, Article 10, Article 11, first and second paragraphs, and Article 12 of the 1954 Collection Ordinance, as well as the rules set out in the National Ordinance of the 31st of December 1942 on the collection of direct taxes 1943, as well as the rules of the National Ordinance of

the 31st of December 1942 regulating the collection of taxes, contributions, and fees by means of distress warrants, and the judicial procedures in matters of taxes, contributions, and fees, except for the phrase “in accordance with a form established by national decree”, in the opening lines of Article 2, and except for Article 2, first paragraph, letter *a*, [and] third paragraph, Article 8, and Article 9, apply by analogy to the collection of the license fees and amounts owed as referred to in the first [paragraph].

4. The license fees referred to in the second paragraph will be collected in accordance with the rules of the 1954 Collection Ordinance, as well as the rules laid down in the National Ordinance of the 31st of December 1942 on the collection of direct taxes 1943¹², as well as the rules laid down in the National Ordinance of the 31st of December 1942 regulating the collection of taxes, contributions, and fees by means of distress warrants, and the judicial procedures in matters of taxes, contributions, and fees¹³.

Article 6.3

1. Immediately following the collection of the amounts referred to in Article 6.2:
 - a. a percentage of three percent of the total of amounts collected will be deposited into a Sports Fund as referred to in Article 1, first paragraph, of the National Ordinance on the Curaçao Sports Fund¹⁴, managed by the Ministry of Education, Science, Culture, and Sports,
 - b. a percentage of two percent of the total of amounts collected will be deposited into a fund for the protection of Vulnerable Persons, managed by the Ministry of Social Development, Labor, and Well-Being;
 - c. a percentage of one percent of the total of amounts collected will be deposited into a fund as referred to in Chapter 18, Annex I, of the 2010 Accountability Ordinance, and charged to item number 78, “Other Expenses on Health, the Environment, and Nature”, as referred to in Annex II to the 2010 Accountability Ordinance, for the benefit of foundations for the prevention of gambling addiction;
 - d. a percentage of five percent of the total of amounts collected will be deposited into an Old-Age Fund, as referred to in Article 24 of the National Ordinance on General Old-Age Insurance¹⁵, as well as deposited into a Widows’ and Orphans’ Fund, as referred to in Article 27 of the National Ordinance on General Widows’ and Orphans’ Insurance¹⁶, with a view to raising the old-age pension referred to in Article 7 of the National Ordinance on General Old-Age Insurance, and, respectively, raising the widows’ and orphans’ pension referred to in Articles 11 and 12 of the National Ordinance on General Widows’ and Orphans’ Insurance.

¹² Published in P.B. 1942, No. 248.

¹³ Published in P.B. 1958, No. 164

¹⁴ Published in P.B. 2021, No. 120 (GT).

¹⁵ Published in P.B. 2014, No. 56 (GT).

¹⁶ Published in P.B. 2014, No. 57 (GT).

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2. The fund for the protection of Vulnerable Persons will be set up in accordance with the Sports Fund referred to in the first paragraph. The Minister [of] Social Development, Labor, and Well-Being will decide who will sit on the board managing the fund referred to in the first paragraph.
3. The payments referred to in the fourth paragraph in favor of the Sports Fund may mainly be used to cover expenses for funding social sporting events.
4. Expenditures from the contributions for Vulnerable Persons may mainly be used to cover expenses for funding initiatives and programs that promote responsible gaming and prevent gambling addiction.

Chapter 7
Lotteries
(Reserved)

Chapter 8
National Lottery
(Reserved)

Chapter 9
Casino Games
(Reserved)

Chapter 10
Horse Races
(Reserved)

Chapter 11
Other Games of Chance
(Reserved)

Chapter 12
The Gaming Authority

§1 Duties and Powers

Article 12.1

1. The CGA is set up as an independent administrative body as referred to in Article 111, first paragraph, of the Curaçao Constitution (in Dutch: *Staatsregeling*), and is in charge of implementing the rules established in or under this National Ordinance, as well as carrying out the gaming-related duties assigned to this independent administrative body in or under other national ordinances.
2. In relation to the performance and exercise of its duties and powers, and in relation to the duties and powers of the persons referred to in Article 13.1, first paragraph, the CGA will see to:

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- a. the timely preparation and implementation of resolutions;
 - b. the quality of the procedures used for such preparation and implementation;
 - c. the careful treatment of persons and institutions that come into contact with the CGA;
 - d. the careful processing of applications, notices of objection, and complaints received.
3. After hearing representative organizations, the CGA will design policies relating to the performance of the duties imposed in or under this National Ordinance. These policies will be published in the *Landscourant* (National Gazette) and posted on the CGA's website.
4. The term "representative organization" as used in the third paragraph refers to a CGA-designated special-interest group. After designating an organization a representative organization, the CGA will send a written notice of such designation to the Minister as soon as practicable.
5. The policies will include rules for the prevention of money laundering and terrorism financing, as well as rules concerning the technical and organizational nature of the gaming activities, taking into account the opinions, recommendations, and standards of international or intergovernmental organizations.

§2 Set-up and Composition

Article 12.2

The CGA's articles of incorporation will be prepared with due regard for this National Ordinance and the National Ordinance on Corporate Governance¹⁷.

§3 Board of Management

Article 12.3

1. The CGA is headed by a Board of Management.
2. The Board of Management represents the CGA at law and otherwise[.]
3. The Board of Management answers to the Supervisory Board.

Article 12.4

The Board of Management will be composed of at least one and not more than three members, including the Chairperson. In the event the board of management is composed of more than one natural person, the Supervisory Board will appoint one of the members of the Board of Management as Chairperson of the Board of Management.

Article 12.5

1. Members of the Board of Management will be appointed on nomination by the Minister, after hearing the Corporate Governance adviser, by national decree prepared on the basis of a recommendation by the Supervisory Board. For each position, three people will be

¹⁷ Published in P.B. 2014, No. 3 (GT).

nominated, each of whom will preferably have a recognized reputation and affinity with the gaming sector.

2. Members of the Board of Management must be independent and must meet the requirements in terms of expertise and integrity as set out in the profiles referred to in the third paragraph.
3. The Supervisory Board will define the profiles referred to in the second paragraph. The profiles will be published in the *Landscourant* (National Gazette).
4. Members of the Board of Management will be appointed for a term of 6 years. Upon stepping down, they will be eligible for immediate, consecutive reappointment once, it being understood that an appointment will end early when a member is dismissed early or reaches pensionable age, or so much sooner as may be agreed with the member concerned.
5. Article 4, fourth paragraph, Article 9, and Article 10 of the National Ordinance on Corporate Governance apply by analogy to the consultation with the Corporate Governance adviser referred to in the first paragraph.
6. On the recommendation of the Supervisory Board, members of the Board of Management may be suspended, or receive early dismissal, by means of a reasoned national decree.
7. In the event of a member's regular resignation, the nomination referred to in the first paragraph will be made not later than three months before that member's resignation, and the appointment referred to in the first paragraph will be made within three months after that nomination.
8. In the event of an extraordinary resignation as referred to in the seventh paragraph, the nomination and the appointment referred to in the first paragraph will be made within three months after the resignation.
9. The Board of Management will, after consulting with the Supervisory Board, adopt a set of bylaws governing the performance of the duties of the Board of Management.

Article 12.6

The following are incompatible with Board of Management membership:

- a. any financial or other interest in an institution or company with activities or interests in the gaming sector that could raise doubts about its impartiality;
- b. employment in a body of the Country or in a legal entity on which the Country has decisive financial or other influence;
- c. being a member of the Curaçao Parliament;
- d. the position of Governor;
- e. the position of deputy Governor;
- f. being a member of the Advisory Council;
- g. being a member of the General Accounting Office;
- h. being a member of the Social and Economic Council;
- i. the position of Ombudsman;
- j. the position of Minister;
- k. the position of Secretary or Assistant Secretary to the Council of Ministers;
- l. the position of Minister Plenipotentiary;
- m. the position of:
 - 1° President, member, or deputy member of the Common Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius, and Saba;

- 2° substitute judge in the first instance;
- 3° Procurator General;
- 4° Attorney General;
- 5° Chief Prosecutor;
- 6° Clerk of the Common Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius, and Saba;
- 7° Prosecutor.

Article 12.7

1. A member to be nominated shall make a written statement to the Supervisory Board concerning his or her business interests and any other assets and side jobs.
2. After being appointed, a member shall file a written statement with the Supervisory Board before acquiring any new business interests or other assets or accepting any side jobs.
3. The second paragraph applies by analogy to interests derived from an inheritance, donation, or any other source of income.

Article 12.8

1. Without prejudice to Article 126, the Supervisory Board shall, after hearing the member, decide in relation to the statement referred to in Article 12.7, second paragraph, which business interests and other assets, as well as side jobs, are undesirable with a view to guaranteeing the proper performance of the duties as a member of the Board of Management, or the preservation of impartiality and independence, or trust in that impartiality and independence.
2. About the decision to be taken, referred to in the first paragraph, the Supervisory Board shall seek the advice of the Corporate Governance adviser as referred to in Article 1 of the National Ordinance on Corporate Governance¹⁸. Article 4, fourth paragraph, and Article 9 of the National Ordinance on Corporate Governance apply by analogy to the consultation with the Corporate Governance adviser referred to in Article 1 of the National Ordinance on Corporate Governance.
3. Where the Supervisory Board is of the opinion that there is an undesirable conflict of interests or side jobs as referred to in the first paragraph, the member will be required to take the necessary steps in his or her wealth management, or to refrain from accepting the side job in question. The preceding sentence applies by analogy to a member's spouse or partner.
4. Within thirty days after the steps referred to in the third paragraph were taken, the member shall file a new written statement as referred to in Article 12.7, first paragraph, with the Supervisory Board. Article 12.7, second through fourth paragraphs, and the first through third paragraphs of this Article apply by analogy.

¹⁸ Published in P.B. 2014, No. 3 (G.T.).

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Article 12.9

1. The Supervisory Board shall retain the statement referred to in Article 12.7, first paragraph, for two years, to be counted as of the date when the membership ended.
2. The Supervisory Board shall destroy the statement referred to in Article 12.7, first paragraph, after expiration of the retention period specified in the first paragraph.

Article 12.10

1. The Board of Management shall periodically, but not less than once every six months, consult with the Minister about the CGA's gaming policy. The Minister may invite the Supervisory Board to these consultations.
2. The CGA will annually prepare a report for the Minister on the policies pursued by the CGA in the past year and the CGA's financial affairs, and shall also send this report to the Curaçao Parliament for its information. The report will be published the *Landscourant* (National Gazette) and posted on the CGA's website.

§4 Supervisory Board

Article 12.11

1. There is a Supervisory Board, composed of at least three and not more than five members, including the Chairperson.
2. The Supervisory Board shall oversee the actions of the Board of Management and provide the Board of Management with advice on those actions.

Article 12.12

1. Members of the Supervisory Board will be appointed by national decree, after being nominated by the Minister.
2. Appointments will be for a four-year term. Upon stepping down, each member will be eligible for immediate, consecutive reappointment once.
3. In the event one or more members of the Supervisory Board is/are absent or unable to act in that capacity, the remaining members will remain in charge of exercising the CGA's supervisory duties.
4. In special cases, members of the Supervisory Board may be subjected to suspension or early dismissal by means of a reasoned national decree.
5. Suspended or resigning members shall refrain from participating in the selection of nominees for their replacement.
6. In the event of a member's regular resignation, the nomination referred to in the first paragraph will be made not later than three months before that member's resignation, and the appointment referred to in the first paragraph will be made within three months after that nomination.

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7. In the event of an extraordinary resignation as referred to in the fifth paragraph, the nomination and the appointment referred to in the third paragraph will be made within three months after the resignation.
8. Members of the Supervisory Board must have the expertise, integrity, and independence required in the profiles as included in the bylaws referred to in the ninth paragraph.
9. The Supervisory Board will, in consultation with the Minister, adopt a set of bylaws governing its profiles and the performance of its duties. These bylaws will be published in the *Landscourant* (National Gazette) and posted on the CGA's website.

Article 12.13

1. Members of the Supervisory Board will receive a fixed remuneration, defined by national decree.
2. The expenses arising from the preceding paragraph will be charged to the CGA's budget.

Article 12.14

1. Representatives of persons, enterprises, or institutions that are subject to supervision by the CGA or persons considered equivalent to the CGA cannot simultaneously sit on the Supervisory Board or the Board of Management.
2. Two Supervisory Directors, Supervisory Directors and members of the Board of Management, two members of the Board of Management, as well as the Minister and members of the Board of Management or Supervisory Board must not be related by consanguinity or marriage up to the second degree.

Article 12.15

1. A person to be nominated as member of the Supervisory Board shall make a written statement to the Minister concerning his or her business interests and any other assets and positions and jobs.
2. Articles 12.7, second paragraph, through 12.9 apply by analogy to work done by Supervisory Directors.

§5 Financial Matters

Article 12.16

1. Costs incurred to perform the CGA's duties in relation to Remote Games of Chance will be covered by the revenues from license fees and from the amounts owed referred to in Article 6.2, first paragraph.
2. If, during a year, discrepancies arise, or threaten to arise, between the CGA's actual and budgeted operating results in relation to Remote Games of Chance, the CGA's Board of Management shall notify this to the Minister without undue delay, mentioning the cause of the discrepancies.

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3. The extent of the discrepancies referred to in the second paragraph must be reported to the Minister within six weeks after the end of the fiscal year in which they arose.
4. In the event of an actual positive operating result as referred to in the second paragraph, the CGA shall transfer 90% of the surplus to the National Treasury within 6 months after the end of the fiscal year in which the surplus occurred. If the CGA has built up a general reserve fund of ANG 10,000,000.00, the CGA shall, as a departure from the previous sentence, transfer 100% of the surplus to the National Treasury. Following approval by the Minister, and after hearing the Supervisory Board, the CGA will be authorized to create earmarked reserves or cause them to be modified. As a departure from the first sentence, the CGA shall transfer 100% of the surplus to the National Treasury if the CGA has built up the fully approved earmarked reserves.
5. In the event of an actual negative operating result as referred to in the second paragraph, the deficit will, following the approval of the Council of Ministers and on the recommendation of the Minister, be charged to a positive budget of the Country.
6. The approval referred to in the fifth paragraph, and the clearing of the deficit by the Country, will take place within 6 months after the end of the fiscal year in which the deficit arose.

§ 6 Complaints against the CGA

Article 12.17

1. Anybody may complain about the manner in which, during the implementation of this National Ordinance, the CGA behaved toward them on a specific occasion, by filing, either in writing or electronically, a CGA-provided template complaint form.
2. Within two weeks after receiving a complaint as referred to in the first paragraph, the CGA will see to it that the complainant receives confirmation, either in writing or electronically, that the complaint has been received, together with an explanation of how the complaint will be handled. Copies will be sent to all persons to whom the complaint as referred to in the first paragraph relates.
3. The complaint form referred to in the first paragraph must:
 - a. contain the name and address of the complainant;
 - b. be dated;
 - c. be written in English, Dutch, or Papiamentu;
 - d. use the template referred to in the first paragraph;
 - e. include a description of the behavior complained about;
 - f. be signed by the complainant.
4. The CGA will have no obligation to process the complaint referred to in the first paragraph if the complaint relates to behavior:
 - a. other than the behavior referred to in the first paragraph; or
 - b. where the complainant's interest in processing, or the weight of the behavior, is evidently negligible; or
 - c. for which no complaint form was completed based on the template referred to in the first paragraph, or the complaint form fails to meet all the requirements listed in the third paragraph; or

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- d. about which a previous complaint was filed that was processed subject to this Article;
or
 - e. that occurred more than one year prior to the filing of the complaint; or
 - f. against which the complainant could have filed an objection; or
 - g. which, through the taking of legal action, is or was subjected to the judgment of a judicial body other than an administrative court; or
 - h. regarding which a criminal investigation by order of the Prosecutor, or prosecution, is ongoing, or if the behavior is part of an investigation or prosecution of a criminal offense and a criminal investigation by order of the Prosecutor, or prosecution, is ongoing in relation to that offense.
5. Within two months after receiving the complaint, the CGA will notify the complainant referred to in the first paragraph:
- a. if a decision was made not to process the complaint, of the reason for not having the complaint processed;
 - b. if a decision was made to process the complaint, of the final ruling, recorded in writing, on the complaint referred to in the first paragraph.
6. The CGA may extend the deadline referred to in the fifth paragraph, once, by one month, subject to notification, either in writing or electronic, to the complainant [and] to all persons to whom the complaint referred to in the first paragraph is related.
7. A decision about the processing of a complaint as referred to in the fifth and sixth paragraphs can be neither objected to nor appealed.
8. As soon as the CGA has addressed the complaint to the satisfaction of the complainant referred to in the first paragraph, the requirement to continue applying this Article will expire.
9. The template complaint form referred to in the first paragraph is available from the CGA and will be posted on the CGA's website.

§7 Liability of the CGA

Article 12.18

1. The CGA, the members of the Supervisory Board, the members of the Board of Management, and its personnel are not liable for damage caused during the regular exercise of the duties and powers [conferred] to them to be exercised (sic) in or under this National Ordinance and other statutory regulations, except where such damage is the result of intent or deliberate recklessness.
2. The limitation of liability referred to in the first paragraph also applies to third parties exercising duties and powers on behalf of, or on instructions from, the CGA or the bodies and persons mentioned in the first paragraph.

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Chapter 13
Oversight and Enforcement

§1. Oversight

Article 13.1

1. The task of overseeing compliance with the rules laid down in or under this National Ordinance lies with the CGA, or with the persons designated by the CGA.
2. Exclusively to the extent reasonably necessary to fulfill their duties, the oversight officials referred to in the first paragraph may:
 - a. ask for any data or information;
 - b. demand permission to inspect any business books and records and other data carriers, and copy them or temporarily take them away for this purpose;
 - c. subject objects to inspection and examination, and temporarily take them away for this purpose;
 - d. enter any places, except for residences without the occupant's express consent, accompanied by any persons they may designate;
 - e. examine vessels, stationary vehicles, and their cargo.
3. If necessary, access to a place as referred to in the third paragraph, letters d and e, will be gained with the help of the police.
4. Entry into residences or into vessel sections meant to be used for habitation as referred to in the third paragraph, letter e, is subject by analogy to Title X of the Third Book of the Code of Criminal Procedure, except for Article 155, fourth paragraph, Article 156, second paragraph, Article 157, second and third paragraphs, Article 158, first paragraph, last phrase, and Article 160, first paragraph, and with the understanding that the authorization will be granted by the Procurator General.
5. Everybody is required to provide the oversight officials referred to in the first paragraph with any assistance they may demand under the second paragraph.
6. During the performance of their duties, the oversight officials referred to in the first paragraph will carry a CGA-provided ID on them, which they will show immediately when asked. The ID will contain a photo of the oversight official and will mention, at a minimum, the official's name and capacity.
7. To promote effective oversight, the CGA may adopt protocols of cooperation with national or international institutions, such as *Stichting Overheids Belastingaccountantsbureau*¹⁹ or gaming authorities of other countries.

Article 13.2

1. As a departure from Article 14.1, the CGA may disclose confidential data or information gained during the performance of a duty assigned under this National Ordinance to:

¹⁹ Which translates as "Public Tax Auditors Office Foundation". (Translator's note.)

- a. another oversight authority, or a foreign oversight body;
 - b. the Tax Inspectorate and the Prosecutor's Office, to the extent such disclosure is necessary for these bodies to perform public-law duties and exercise public-law powers.
2. The authority referred to in the first paragraph will not be used if:
 - a. the purpose for which the data or information will be used is insufficiently specific;
 - b. the intended use of the data or information does not fit within the framework of Games of Chance oversight;
 - c. the disclosure of such data or information is incompatible with public order or Curaçao law;
 - d. no adequate safeguards are in place to guarantee the confidentiality of the data or information;
 - e. the disclosure of such data or information is, or may become, within reason, incompatible with the interests which this National Ordinance seeks to protect;
 - f. no adequate safeguards are in place to prevent the data or information from being used for a purpose other than that for which they are disclosed.
3. Any data or information as referred to in the first paragraph that were obtained from a foreign oversight body will not be disclosed by the CGA to other foreign oversight bodies, unless the body from which the data or information were obtained has consented to their being used for a purpose other than that for which the data or information were disclosed.
4. If a foreign body asks the person who disclosed data or information under the third paragraph for permission to use such data or information for a purpose other than that for which the data or information were disclosed, the CGA will grant such permission only where:
 - a. the intended use is not contrary to the second paragraph, letters a through e;
 - b. the foreign body in question could gain access to these data or this information from Curaçao for such other purpose in a way other than provided in this National Ordinance, subject to the relevant procedures.
5. As a departure from Article 50 of the General National Ordinance on Domestic Taxes, the Inspector of Taxes may exchange with the CGA data and information that [are necessary] to perform the duties assigned under this National Ordinance.

Article 13.3

1. The CGA may ask for data and information, or launch or cause the launching of an investigation into a licensee or into anybody who can reasonably be assumed to have data or information that may be relevant to the performance of the duties assigned in or under this National Ordinance.
2. Anybody who has been asked to disclose data or information as referred to in the first [paragraph] will have an obligation to disclose them within a reasonable period.
3. Anybody subjected to an investigation as referred to in the first paragraph will have an obligation to provide any assistance that may be required for the adequate conduct of such investigation.
4. The CGA may allow an official from a requesting authority as referred to in Article 13.2, first paragraph, to participate in meeting a request as referred to in the second paragraph.

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5. A ministerial regulation with general effects may be issued to establish further rules concerning protocols of cooperation with national and international institutions as referred to in Article 13.1, seventh paragraph, or a body as referred to in the fourth paragraph, the duration of those protocols of cooperation, the fees of these institutions and bodies, the resolution of disputes, and applicable law, so as to safeguard the independence and impartiality of these institutions and bodies.

§2 Remedial Sanctions

Title 1. Corrective Order Subject to a Noncompliance Penalty

Article 13.4

A “corrective order subject to a noncompliance penalty” (in Dutch: *last onder dwangsom*) is a remedial sanction consisting of:

- a. a written order to remedy all or part of a violation; and
- b. the requirement to pay a sum of money in the absence of compliance, or timely compliance, with the order referred to under letter *a*.

Article 13.5

1. When the CGA is authorized to impose a corrective order subject to administrative coercion (in Dutch: *last onder bestuursdwang*), the CGA may, instead, impose upon the Violator a corrective order subject to a noncompliance penalty.
2. A corrective order subject to a noncompliance penalty will not be chosen when this is incompatible with the interest which the rule concerned seeks to protect.

Article 13.6

1. The CGA may impose a corrective order subject to a noncompliance penalty in the event of violation of any of the rules provided in or under Article 1.2, first, second, [and] third paragraphs and fifth paragraph, Article 1.3, Article 1.4, Article 1.5, Article 2.1, third paragraph and fourth paragraph, Article 2.4, first paragraph, letters d, e, f, and h, second paragraph, letters b, c, g, and i, and third paragraph, Article 2.5, sixth paragraph, Article 4.1, second paragraph, third paragraph, and fifth through eleventh paragraphs, 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 5.8, Article 5.9, first paragraph, third paragraph, and fourth paragraph, Article 5.10, first paragraph and third through seventh paragraphs, Article 5.11, first through fourth paragraphs, Article 5.12, first through third paragraphs, Article 5.16, fourth paragraph, Article 13.1, fifth paragraph, and Article 13.3, second and third paragraphs.
2. No corrective order subject to a noncompliance penalty will be imposed if this is incompatible with the interest which the rule concerned seeks to protect.



Article 13.7

1. If a petition for administrative enforcement relates to behavior with regard to which a corrective order subject to a noncompliance penalty has already been imposed, and the deadline mentioned in the order for carrying out the order has not yet expired, the CGA will notify the petitioner accordingly as soon as possible.
2. The CGA will mention in such notice that the petitioner will be informed of whether the order was met by the Violator and, if not, whether the CGA then intends to impose a corrective order subject to administrative coercion (in Dutch: *last onder bestuursdwang*), or collect the noncompliance penalty.

Article 13.8

1. The CGA will set the noncompliance penalty at:
 - a. a lump sum;
 - b. an amount per time unit in which the order was not carried out; or
 - c. an amount for each violation of the order.
2. When imposing a noncompliance penalty as referred to in the first paragraph, letter b or c, the CGA will also set an amount above which no more noncompliance penalty is forfeited for said order.
3. The amounts to be set by the CGA will be in reasonable proportion to the weight of the violated interest and to the intended effect of the noncompliance penalty.

Article 13.9

A decision to impose a corrective order subject to a noncompliance penalty must include:

- a. a description of the violation;
- b. the rule violated;
- c. the corrective measures to be taken;
- d. the amount referred to in Article 13.8; and
- e. the time during which the order can be carried out without forfeiture of the noncompliance penalty.

Article 13.10

The CGA, having imposed a corrective order subject to a noncompliance penalty, may, at the Violator's request, in the event of permanent or temporary complete or partial impossibility for the Violator to comply with the Violator's obligations arising from the order:

- a. revoke the order;
- b. suspend the term of the order for a specific amount of time; or
- c. reduce the noncompliance penalty.

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Article 13.11

1. The CGA will decide, in writing, on the collection of a noncompliance penalty if all or part of the order is found not to have been carried out in a timely fashion.
2. The written decision, and a copy of the report in which the noncompliance was recorded, will be sent to the Violator without undue delay.
3. The decision will mention the amount forfeited. If the order was carried out in part, the amount forfeited may be less than the amount stated in the order.
4. The authority to collect a forfeited noncompliance penalty expires five years after the day when the decision referred to in the first paragraph was sent.

Article 13.12

1. If a decision to revoke or modify a corrective order subject to a noncompliance penalty results in the impossibility to maintain a decision already issued to collect such noncompliance penalty, this decision will expire.
2. The CGA may issue a new collection decision that is in agreement with the modified corrective order subject to a noncompliance penalty.

Article 13.13

1. A forfeited noncompliance penalty must be paid within eight weeks after it was forfeited by operation of law.
2. The Violator will be in default (in Dutch: *verzuim*) if the Violator fails to pay within the time limit set in the first paragraph, and will owe to the CGA, as of that date, the legal interest referred to in Article 120 of Book 6 of the Civil Code²⁰.
3. In the absence of payment of the amount of the noncompliance penalty, the CGA will send the Violator, without undue delay, a demand letter warning the Violator that the Violator must correct the nonpayment within a period of two weeks after the date of sending of the demand letter.
4. The demand letter will include a warning to the effect that the outstanding amount, plus the legal interest due on it, will be collected by means of a distress warrant, to the extent the full amount was not paid within the time limit set in the third paragraph, and that all costs associated with the collection and the warning will be recovered from the Violator.
5. The CGA will determine the amount of legal interest due in a written decision.
6. The demand letter referred to in the third paragraph can be neither objected to nor appealed.

Article 13.14

1. In the absence of payment following the sending of the demand letter referred to in Article 13.13, third paragraph, the CGA will cause the amount of the noncompliance penalty, plus the legal interest and the costs associated with the demand letter and collection, to be collected by the Collector.

²⁰ Published in P.B. 2000, No. 115, as most recently amended by P.B. 2011, No. 68

2. The Collector will collect the noncompliance penalty subject to the rules of the National Ordinance Containing Provisions relating to the Collection of Taxes by means of Distress Warrants, and to the Judicial Procedures in Matters of Taxes, Contributions, and Fees 1943²¹.

Article 13.15

A noncompliance penalty forfeited by a natural person expires at this person's death, to the extent the amount of the noncompliance penalty has been neither paid nor collected.

Article 13.16

1. In the event of an irrevocable finding that a wrongful decision was made that a noncompliance penalty was forfeited, the CGA will owe to the Violator, for the time between the payment and the reimbursement, legal interest as referred to in Article 120 of Book 6 of the Civil Code on the excess amount paid by the Violator.
2. No legal interest will be due to the extent the wrong decision was the result of inaccurate or incomplete information provided by the interested party, or the provision of inaccurate or incomplete information can be attributed to the interested party.

Title 2. Corrective Order Subject to Administrative Coercion

Article 13.17

1. A "corrective order subject to administrative coercion" (in Dutch: *last onder bestuursdwang*) is a remedial sanction consisting of:
 - a. a written order given to the addressee to correct all or part of a violation; and
 - b. the authority of the CGA to carry out the order through actual action, if the order is not carried out, or is not carried out in due time.
2. This Section does not apply to action taken to immediately maintain public order.

Article 13.18

The CGA may impose a corrective order subject to administrative coercion in connection with the violation of rules provided in or under Article 1.2, first [paragraph], second paragraph, and fifth paragraph, Article 1.5, Article 2.5, sixth paragraph, and Article 4.1, third paragraph.

Article 13.19

1. A decision to impose a corrective order subject to administrative coercion includes:
 - a. a description of the violation;
 - b. the rule violated;
 - c. the corrective measures to be taken;

²¹ Published in P.B. 1942, No. 246.

- d. the time limit within which the corrective measures must be taken to prevent administrative coercion being used; and
 - e. the degree to which the cost of possible administrative coercion used will be charged to the party to which the order is addressed.
- 2. Notice of the decision to impose a corrective order subject to administrative coercion will be given to the Violator and to the parties entitled to use the property affected by the order.
 - 3. Article 13.10 applies by analogy.

Article 13.20

- 1. The CGA will issue a written decision concerning application of administrative coercion announced, as soon as it is evident that all or part of a corrective order was not carried out in due time.
- 2. The written decision, and a copy of the report in which the noncompliance was recorded, will be sent without undue delay to the Violator and to the parties entitled to use the property affected by the order.

Article 13.21

- 1. The cost of using administrative coercion will be charged to the Violator, unless this cost should within reason not be charged, or not be charged completely, to the Violator.
- 2. The cost of administrative coercion includes the costs associated with the preparation of the administrative coercion, to the extent incurred after expiration of the time limit within which the order should have been carried out. These costs will also be due where, as a result of correction of the failure to carry out the order, no administrative coercion was used.

Article 13.22

- 1. To use administrative coercion, the CGA-designated persons may enter any place, to the extent this is reasonably necessary to fulfill their duties.
- 2. If the use of administrative coercion requires entry into a residence, or a section of a vessel meant to be used for habitation, the CGA will see to it that the persons involved carry with them a warrant from an investigating judge (in Dutch: *rechter-commissaris*).

Article 13.23

- 1. When using administrative coercion, the CGA may cause buildings, premises, and anything in or on them to be sealed off.
- 2. When using the authority referred to in the first paragraph, the CGA may call in the help of the police where necessary.

Article 13.24

- 1. To the extent reasonably required for using administrative coercion, the CGA may cause items of property to be removed and stored.

2. The CGA will prepare a report of the removal and storage within seven working days. A copy of this report will be provided to the person who had the property under his or her control, within three working days after the report was prepared.
3. The CGA is liable for the careful retention of stored property, and will return such property to its owner.
4. The CGA may postpone this return until the costs owed under Article 13.21 have been paid.
5. If the owner is not also the Violator, the CGA may postpone the return until the retention costs have been paid.

Article 13.25

1. If a removed and stored item cannot be returned within thirteen weeks after it was removed, the CGA will hand the item over to the Minister.
2. The Minister may publicly sell the item mentioned in the preceding paragraph.
3. The Minister may sell a stored item earlier if the costs due under Article 13.21, plus the estimated costs of the retention and sale, threaten to become disproportionately high in proportion to the item's value.
4. A sale as referred to in the third paragraph will not, however, take place earlier than after two weeks have elapsed since the copy of the retention and storage report was handed over, unless the items to be sold are hazardous substances or items subject to earlier decay.
5. The proceeds from the sale of the items mentioned in this Article will go to the National Treasury.
6. For three years after the time of the sale of a stored item, the person who was the owner at that time will be entitled to the proceeds from the sale, subject to deduction of the costs due under Article 13.21, the retention costs, and the costs associated with the sale. After expiration of this time, any remaining credit balance will go to the National Treasury.
7. If, in the CGA's opinion, selling the property is impossible, or if no buyer turned up at the public sale, the CGA may transfer the ownership of the item to a third party free of charge, or destroy the item.

Article 13.26

1. If the CGA considers imposing a corrective order subject to administrative coercion, [the CGA] may, in cases where a violation may pose such a risk to persons or property that the CGA's immediate action is required, decide to use administrative coercion immediately after the decision referred to in Article 13.19, first paragraph, was sent to the addressee of the corrective order, without a prior corrective order.
2. If the situation is of such urgency that it is impossible to wait for a written decision as referred to in Article 13.19, first paragraph, the CGA may use administrative coercion immediately.
3. Following application of the second paragraph, the CGA will send the Violator the written decision referred to in Article 13.19, first paragraph, with the understanding that the decision will include no corrective order and will state the reasons for the immediate use of administrative coercion, while sending a copy of the decision to the persons having the right of use of the property in relation to which the administrative coercion was used.

4. Article 13.19 will then apply by analogy, except for the provisions laid down in the first paragraph, letters d and e, and the third paragraph.

Article 13.27

1. The CGA will determine, in a written decision, the amount of the costs associated with the use of the administrative coercion, and will send this decision to the Violator in writing.
2. An objection, first appeal, or second appeal challenging a corrective order subject to administrative coercion extends in scope to a decision to use administrative coercion, or a decision defining the costs associated with the administrative coercion, to the extent such decision is challenged by the interested party.

Article 13.28

Article 13.11, fourth paragraph, [and] Articles 13.13 through 13.16 apply by analogy to the payment and collection of the costs associated with the use of administrative coercion.

§3 Punitive Sanctions

Title 1. Administrative Fine

Article 13.29

1. When it intends to impose an administrative fine, the CGA will send the Violator, without undue delay, a copy of the report in which the violation was identified, together with a statement announcing that the Violator may submit its viewpoint on the contents of the copy, in writing, to the CGA, within a time limit set by the CGA. The copy does not mention the name of the oversight official.
2. If requested by the Violator, the CGA will see to it that the essence of the information referred to in the first paragraph is communicated to the Violator orally in either Dutch, English, or Papiamentu, as the Violator may choose.
3. The Violator is under no obligation to make any statements in relation to the violation.
4. Articles 251 and 253 of the Code of Criminal Procedure apply by analogy.

Article 13.30

1. If the Violator uses the opportunity to submit its viewpoint on a violation in writing to the CGA, the Violator will previously be informed that the Violator is under no obligation to answer any additional questions which the CGA may want to ask the Violator about the violation in response to said viewpoint. The Violator is under no obligation to make any statements about the violation.
2. Articles 251 and 253 of the Code of Criminal Procedure apply by analogy.

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Article 13.31

1. The authority to impose an administrative fine expires two years after the time when the violation was found.
2. If an objection or appeal is filed against an imposed administrative fine, the expiration time will be suspended until a final ruling on the objection or appeal has been delivered.

Article 13.32

1. An “administrative fine” is a punitive sanction where an unconditional obligation is imposed to pay a sum of money.
2. The CGA may impose an administrative fine in the event of violation of any of the rules provided in or under Article 1.2, first, second, [and] third paragraphs, and fifth paragraph, Article 1.3, Article 1.4, Article 1.5, Article 2.1, third paragraph and fourth paragraph, Article 2.4, first paragraph, letters d, e, f, and h, second paragraph, letters b, c, g, and i, and third paragraph, Article 2.5, sixth paragraph, Article 4.1, second paragraph, third paragraph, and fifth through eleventh paragraphs, 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 5.8, Article 5.9, first paragraph, third paragraph, and fourth paragraph, Article 5.10, first paragraph and third through seventh paragraphs, Article 5.11, first through fourth paragraphs, Article 5.12, first through third paragraphs, Article 5.16, fourth paragraph, Article 6.1, third paragraph, Article 13.1, fifth paragraph, and Article 13.3, second and third paragraphs.

Article 13.33

1. The CGA will impose no administrative fine to the extent the Violator cannot be blamed for the violation.
2. The CGA will impose no administrative fine if the Violator has died.
3. The CGA will impose no administrative fine if an earlier administrative fine was imposed upon the Violator for the same violation, or the time referred to in Article 13.29, first paragraph, has not expired.
4. The CGA will impose no administrative fine if a ground for justification of the violation exists.

Article 13.34

1. The CGA will impose no administrative fine if criminal prosecution has been brought against the Violator for the same behavior, and the judicial investigation has started.
2. If the violation also constitutes a criminal offense, the CGA will submit it to the prosecutor, unless an agreement has been made with the Prosecutor’s Office that such submission may be refrained from.
3. For a violation that must be submitted to the prosecutor, the CGA will impose an administrative fine only if:

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- a. the prosecutor has informed the CGA that the prosecutor has decided not to bring criminal prosecution against the Violator; or
 - b. the CGA has received no response from the prosecutor within thirteen weeks.
4. An administrative fine imposed for behavior that also constitutes a criminal offense will expire if a court orders the prosecution of the Violator for this offense.

Article 13.35

1. If the Violator has submitted the viewpoint referred to in Article 13.29, the CGA will give written notice, within six weeks after receiving the Violator's viewpoint, confirming that:
 - a. the CGA will impose an administrative fine; or
 - b. the violation, if it also constitutes a criminal offense, will still be submitted to the prosecutor.
2. If no viewpoint is submitted, the time limit referred to in the first paragraph will start to run as of the last day on which the viewpoint could have been submitted.
3. The time limit referred to in the first and second paragraphs may be extended by the CGA by up to six weeks.
4. If a violation was submitted to the prosecutor, the time limit referred to in the first, second, and third paragraphs will be suspended as of the day of the submission until the day when the CGA recovers its authority to impose an administrative fine.

Article 13.36

1. A decision to impose an administrative fine must mention:
 - a. the Violator's name;
 - b. the rule violated;
 - c. a description of the violation;
 - d. the point in time when, and an indication of the place where, the violation was detected; and
 - e. the amount of the fine.
2. The decision will be sent to the Violator by letter.

Article 13.37

1. An administrative fine will not exceed the amount of a sixth-category fine imposed under criminal law as referred to in Article 1:54, fourth paragraph, of the Criminal Code.
2. The CGA will adjust an administrative fine to the seriousness of the violation and the degree of the Violator's blame for this violation. In doing so, the CGA will take into account the circumstances under which the violation was committed.
3. Article 1:1, second paragraph, of the Criminal Code applies by analogy.

Article 13.38

Articles 13.13 through 13.16 apply by analogy to an imposed administrative fine.



Article 13.39

An imposed administrative fine will expire if it has not become irrevocable by the time of the Violator's death. An irrevocable administrative fine will expire to the extent it has not been paid by that time.

Title 2. Penalty Provisions

Article 13.40

1. An action in violation of any of the rules provided in or under Article 1.2, first, second, third, and fifth paragraphs, Article 1.3, Article 1.4, Article 1.5, Article 2.4, third paragraph, Article 2.5, sixth paragraph, Article 4.1, seventh paragraph, tenth paragraph, and eleventh paragraph, and Article 5.16, fourth paragraph, will be punished by detention of up to one year and a fifth-category fine, or either of these punishments.
2. Any deliberate action in violation of the rules mentioned in the first paragraph will be punished by imprisonment for up to four years and a sixth-category fine, or either of these punishments.
3. The actions made punishable in the first paragraph are infractions, and the actions made punishable in the second paragraph are criminal offenses.

Article 13.41

In the event of concurrence of administrative enforcement and criminal law enforcement, a decision will be made in consultation with the Prosecutor's Office.

Article 13.42

1. The criminal investigation of the actions made punishable under this National Ordinance is entrusted, besides to the persons referred to in Article 184 of the Code of Criminal Procedure, to the persons designated for this purpose by national decree.
2. The designation referred to in the first paragraph will be published in the *Landscourant* (National Gazette).
3. When investigating an action made punishable under this National Ordinance, the persons designated under the first paragraph may enter any place, to the extent this is reasonably necessary to fulfill their duties. They may be accompanied by specific persons they designate. Articles 155 through 163 of the Code of Criminal Procedure fully apply to the entry into residences.
4. In or by virtue of a national decree containing general measures, rules may be established concerning the requirements to be met by the persons designated under the first paragraph.

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§4 Instruction

Article 13.43

1. The CGA may give a Violator acting in violation of the rules provided in or under this National Ordinance an instruction to either take necessary steps within a time limit to be set by the CGA or follow a particular line of conduct in relation to specified items.
2. The day on which the instruction referred to in the first paragraph was sent or handed over will be considered the day on which the instruction was given. The decision will include the statement referred to in Article 56, fourth paragraph, of the National Ordinance on Administrative Justice²². A notice of objection will not suspend the effects of the decision referred to in the first paragraph.
3. The Violator is required to follow the instruction referred to in the first paragraph by the time limit set for doing so.
4. If the CGA is of the opinion that the instruction has not been followed, or has not been adequately followed, by the time limit referred to in the first paragraph, the CGA may send the Violator a written warning to the effect that the instruction will be made public. This will be done by publishing the instruction in one or more newspapers chosen by the CGA, and posting it on the CGA's website.
5. If, following the publication, the Violator corrects the noncompliance with the instruction, or if the CGA withdraws the instruction, this will be made public through a similar publication as referred to in the fourth paragraph.
6. The costs associated with the publication referred to in the fourth and fifth paragraphs will be determined in a written decision. They will be charged to the Violator and may be collected by the CGA by means of a distress warrant. Article 13.11, second paragraph, Article 13.14, first paragraph, and Article 10.16, first and second paragraphs, apply.

Chapter 14 Other Provisions

Article 14.1

1. Anybody involved in the implementation of this National Ordinance who, during this involvement, gains access to information whose confidential nature he or she is familiar with or is within reason required to assume, and who is not already under an obligation to keep such information secret by virtue of an office, profession, or legal rule, has an obligation to keep such information secret, except where any legal rule compels him or her to disclose such information, or the need for disclosure arises from his or her duties.
2. The first paragraph does not apply to the punishable actions described in Articles 198 and 200 of the Code of Criminal Procedure.
3. The first paragraph does not apply where an obligation to disclose information exists by virtue of treaty law.

²² Published in P.B. 2001, No. 79.

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4. Anybody who deliberately violates the duty of confidentiality imposed upon him or her under the first paragraph will be punished by up to two years in prison or a fifth-category fine, or both.
5. Anybody whose negligence is to be blamed for a violation of confidentiality will be punished by up to six months in prison or a fourth-category fine.
6. Prosecution for violation of confidentiality will only be brought in response to a complaint filed by the person in relation to whom confidentiality was violated.

Article 14.2

1. The Minister may, for specific cases or groups of cases, remedy any significant unfair effects which the implementation of this National Ordinance may have.
2. The CGA will be in charge of implementing the Minister's decision.

Chapter 15 Transitional and Final Provisions

Article 15.1

1. Persons who, at the time of entry into force of this National Ordinance, hold a license as referred to in Article 1 of the National Ordinance on Offshore Hazard Games, and offer the licensed activities as part of their own operations, will be issued, by operation of law, a provisional license for a term of up to six months, with the understanding that Article 5.12 will only be applicable to them as of the sixth month after the introduction of this National Ordinance. The term of the provisional license may be extended by up to six months. As a departure from Article 5.1, sixth paragraph, the decision deadline for the second-phase review is six months. This deadline may be extended by up to six months.
2. The 1909 Lottery Ordinance²³ and the 1988 National Ordinance on Hazard Games II²⁴ are, subject to the provision laid down in Article 4.1, third paragraph, applicable to any goods lottery, bingo, or *bon ku ne* that fails to meet the condition stated in Article 4.1, first paragraph, letter d, following the entry into force of this National Ordinance.
3. Any pending license applications that were filed in accordance with the provisions laid down in or under the National Ordinance on Offshore Hazard Games prior to the entry into force of this National Ordinance will be handled in accordance with the rules applicable under the National Ordinance on Offshore Hazard Games.
4. Legal entities whose application as referred to in the third paragraph has been granted will be issued, by operation of law, a provisional license for a term of up to six months, with the understanding that Article 5.12 will only be applicable to them as of the sixth month after the introduction of this National Ordinance. The term of the provisional license may be extended by up to six months. As a departure from Article 5.1, sixth paragraph, the decision deadline for the second-phase review is six months. This deadline may be extended by up to six months.

²³ Published in P.B. 1965, No. 85 (G.T.).

²⁴ Published in A.B. 1988, No. 66.



5. Persons whose application is being processed under the third paragraph may continue their operation of Games of Chance in Curaçao in accordance with the applicable rules provided in or under the National Ordinance on Offshore Hazard Games, until a decision is made on the application.

Article 15.2

1. Persons who, immediately prior to the entry into force of this National Ordinance, are employed by *Stichting Gaming Control Board* (Gaming Control Board Foundation) under an employment contract will preserve their current position, employment conditions, and accumulated rights when this National Ordinance enters into force.
2. *Stichting Gaming Control Board*, formed by notarial deed of April 19, 1999, is designated, at the time of entry into force of this National Ordinance, as the Curaçao Gaming Authority, or CGA, under its then-existing name.
3. Members of the Board of Management and members of the Supervisory Board of *Stichting Gaming Control Board* who are in office immediately prior to the time of entry into force of this National Ordinance are considered to have been appointed, as of that time, as members of the CGA's Board of Management or Supervisory Board, respectively, for the terms of office that apply under this National Ordinance.

Article 15.3

Article 1807 of Book 7A of the Civil Code does not apply to claims of players against Gaming License holders.

Article 15.4

Article 15.4 will henceforth read as follows:

The National Ordinance on Identification during the Provision of Services is amended as follows:

- a. Article 1, first paragraph, letter b, point 11°, will henceforth read:
 - 11° a. organizing, or providing the opportunity for, hazard games, casinos, and lotteries;
 - b. organizing, or providing the opportunity for, Remote Games of Chance as referred to in the National Ordinance on Games of Chance;
 - c. providing Critical Services or Goods under a license as referred to in Article 1.5, first paragraph, of the National Ordinance on Games of Chance.
- b. The period at the end of Article 2b, letter c, is replaced with a semicolon, and a new letter, d, is added, which reads:
 - d. providing a service as referred to in Article 1, first paragraph, letter b, point 11°, under a and b, allowed to have this verification conducted when it makes, in or from Curaçao, an incidental transaction, or two or more related transactions, with a value or equivalent value equal to or higher than ANG 4,000.00, or when it makes, in the context of a business relationship, one or more transactions with a value or equivalent value equal to or higher than ANG 4,000.00, provided that it guarantees that no new transactions will be made as long as such verification has not been completed. The amounts

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mentioned in the preceding sentence may be adjusted by national decree containing general measures.”

- c. In Article 2e, first paragraph, letter *a*, after “National Ordinance on the Insurance Brokerage Business”, the following is inserted: ; or a corporation or closed corporation holding a license as referred to in Article 1.2, first paragraph, or Article 1.5, first paragraph, of the National Ordinance on Games of Chance.

Article 15.5

The National Ordinance on the Reporting of Unusual Transactions is amended as follows:

Article 1, first paragraph, letter *a*, point 11°, will henceforth read:

- 11°: a. organizing, or providing the opportunity for, hazard games, casinos, and lotteries;
b. organizing, or providing the opportunity for, Remote Games of Chance as referred to in the National Ordinance on Games of Chance;
c. providing Critical Services or Goods under a license as referred to in Article 1.5, first paragraph, of the National Ordinance on Games of Chance.

Article 15.6

The 1999 National Ordinance on Sales Tax is amended as follows:

- a. In Article 7, first paragraph, letter *x*, “casino games” is replaced with: Games of Chance as referred to in the National Ordinance on Games of Chance.
b. The period at the end of Article 7, first paragraph, letter *ab*, is replaced with a semicolon, and a new letter, *ac*, is added, which reads:
ac. the supply of Critical Services or Goods as referred to in Article 1.1, letter *g*, of the National Ordinance on Games of Chance.
b. (sic) Article 13 is repealed.

Article 15.7

Where any national ordinance or any other statutory regulations, or any decree that is not of a regulatory nature, refer to “Stichting Gaming Control Board”, “Gaming Control Board”, or “GCB”, this should be read, instead, as “Curaçao Gaming Authority” or “CGA”.

Article 15.8

1. Three years after the entry into force of this National Ordinance, the Minister shall send Parliament a report on the evaluation of the effectiveness and the effects of this National Ordinance in practice, particularly in relation to:
a. the independence and effectiveness of the Curaçao Gaming Authority;
b. the functioning of the certification system for service providers;
c. the impact of the substance requirements on the attractiveness of Curaçao as a jurisdiction for online gaming;
d. the efficiency of the fee structure for licenses and other services; and
e. the effectiveness of the safeguards for personal data protection.

2. The Minister will involve the relevant stakeholders in the evaluation, including the CGA (Curaçao Gaming Authority), representatives of the gaming industry, data protection experts, and social organizations.

Article 15.9

The National Ordinance on Offshore Hazard Games²⁵ is repealed, but remains applicable to the operation of Games of Chance as referred to in Article 15.1, fifth paragraph, until the time when the applications referred to in Article 15.1, third paragraph, have been granted or denied.

Article 15.10

1. This National Ordinance will enter into force as of the day following the date of publication.
2. As a departure from the first paragraph, Article 15.6, letters *a* and *c*, will enter into force at a time to be decided by national decree.
3. As a departure from the first paragraph, Article 1.5 and Article 5.16, fourth paragraph, will enter into force two years after the entry into force of this National Ordinance.

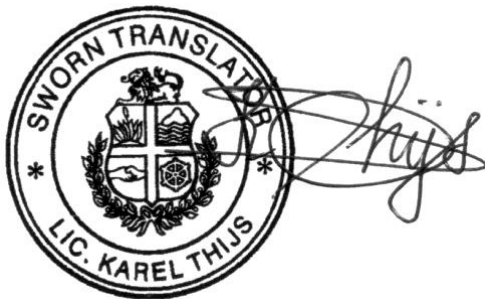
Article 15.11

This National Ordinance will be cited as: National Ordinance on Games of Chance.

Given in Willemstad, December 20, 2024
L.A. GEORGE-WOUT

The Minister of Finance,
J.F.A. SILVANIA

Issued the 23rd of December 2024
The Minister of General Affairs,
G.S. PISAS



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²⁵ Published in P.B. 1993, No. 63.