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National Ordinance of the  
containing rules to ensure compliance with  
Recommendation 29 of the Financial Action Task  
Force on financial intelligence units (National  
Ordinance Financial Intelligence Unit)

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IN THE NAME OF THE KING!

THE GOVERNOR of Sint Maarten,

Having taken into consideration:

that the Interpretive Note to Recommendation 29, under 8 of the Financial Action Task Force provides that the Financial Intelligence Unit "should be operationally independent and autonomous";

that the Interpretive Note to Recommendation 29, under 10 provides that the Financial Intelligence Unit "should be provided with adequate financial, human and technical resources, in a manner that secures its autonomy and independence and allows it to conduct its mandate effectively";

that the Interpretive Note to Recommendation 29, under 12 provides that the Financial Intelligence Unit "should be able to obtain and deploy the resources needed to carry out its functions, on an individual or routine basis, free from any undue political, government or industry influence or interference, which might compromise its operational independence";

that to implement Recommendation 29 and based on the evaluation of Sint Maarten's financial system carried out by the Caribbean Financial Action Task Force in 2013, it is desirable to strengthen further the independent position of the Financial Intelligence Unit within government;

that it is essential to adopt rules by national ordinance regarding the establishment, structure, composition, duties and powers of the Financial Intelligence Unit, and its supervision;

Having heard the Council of Advice, and in consultation with Parliament, has adopted the national ordinance below:

Chapter I  
Definitions

## **Article 1**

In this national ordinance and the provisions based on it, the following terms are defined as follows:

- a. Bank: The Central Bank of Curaçao and Sint Maarten;
- b. service provider:
  - 1<sup>o</sup>. financial service provider: any person or entity that in a professional or commercial capacity provides services as referred to in article 2, under a of the National Ordinance to Combat Money Laundering and Terrorist Financing;
  - 2<sup>o</sup>. non-financial service provider: any person or entity that in a professional or commercial capacity provides services as referred to in article 2, under b of the National Ordinance to Combat Money Laundering and Terrorist Financing;
- c. director: the Director of the Financial Intelligence Unit;
- d. Egmont Group: the Egmont Group of Financial Intelligence Units, headquartered in Toronto, Ontario, Canada;
- e. Financial Action Task Force: the Financial Action Task Force, headquartered in Paris, France;
- f. the financing of terrorism: conduct deemed a criminal offence in articles 2:54 and 2:55 of the Criminal Code, as well as the financing of the proliferation of weapons of mass destruction;
- g. monetary transaction: a transaction, consisting of a:
  - 1<sup>o</sup>. cash transaction: a payment, including a payment with tax aspects, with the aid of cash or a similar means of payment, including credit cards or prepaid payment instruments (prepaid cards), debit cards, cheques, traveller's cheques, bank drafts or money orders; and
  - 2<sup>o</sup>. cashless transaction: a payment, including a payment with tax aspects, by means of the transfer of an amount of money to an account intended for cashless payments at a bank or an equivalent financial institution;
- h. National Ordinance: National Ordinance to Combat Money Laundering and Terrorist Financing;
- i. report: a report as referred to in a National Ordinance on reporting unusual transactions;
- j. National Ordinance on reporting unusual transactions: the National Ordinance to Combat Money Laundering and Terrorist Financing, the National Ordinance Reporting Cross-Border Cash Transports or the Sanctions National Ordinance;
- k. FIU: the Financial Intelligence Unit, as referred to in article 2;
- l. Minister: the Minister of Justice;
- m. unusual transaction: a transaction that is designated as such on the basis of article 24 of the National Ordinance to Combat Money Laundering and Terrorist Financing;
- n. personnel: the director and other employees of the FIU, unless indicated to the contrary;
- o. supervisor: an employee of the FIU who supervises the way in which a service provider implements the provisions of the National Ordinance to Combat Money Laundering and Terrorist Financing;
- p. money laundering: conduct deemed a criminal offence in Title XXXI of the Second Book of the Criminal Code.

Chapter II  
The Financial Intelligence Unit

§ 1. Establishment and role

**Article 2**

1. There is a centre for reporting unusual transactions, the "Meldpunt Ongebruikelijke Transacties Sint Maarten", under the Minister and headed by a Director.
2. The centre referred to in paragraph 1 is named in English: Financial Intelligence Unit Sint Maarten.
3. The director of the FIU shall carry out the tasks assigned to the FIU independently and exclusively and shall be responsible for the overall management of the organisation of the FIU.
4. The director of the FIU shall independently dispose of the financial resources allocated by the Minister in agreement with the Minister of Finance to enable the FIU to perform its duties.
5. The FIU is authorised, in order to promote compliance with the National Ordinances on reporting unusual transactions, to issue guidelines to service providers.
6. The FIU shall conduct its own house style as an autonomous, independent and recognisable entity within government.
7. The FIU shall independently manage its own ICT systems and may use governmental facilities in doing so.

**Article 3**

1. The FIU performs its duties and activities in the context of the prevention and combatting of money laundering and terrorist financing.
2. The FIU performs the following duties and activities:
  - a. the enforcement of the National Ordinances on reporting unusual transactions and monitoring the compliance of non-financial service providers with these National Ordinances;
  - b. collecting, recording, processing and analysing the data obtained by the FIU in order to add value to such data and to examine whether these data could be important in preventing and combatting money laundering, terrorist financing and the underlying crimes, pursuant to the National Ordinances on reporting unusual transactions;
  - c. providing data and information to authorities established in and outside Sint Maarten in accordance with the provisions set under or pursuant to a National Ordinance on reporting unusual transactions;
  - d. conducting an investigation of a service provider if a person is not entered in a register as referred to in article 4 and there is a suspicion that he or she may be involved in money laundering or terrorist financing;
  - e. conducting an investigation on its own initiative or at the request of a body or authority as referred to in article 7;
  - f. performing operational and strategic analyses of data and information and investigating developments in the areas of money laundering and terrorist financing and investigating improvements in the methods of preventing and combatting money laundering

- and terrorist financing as well as disseminating, on its own initiative or on request, the results of its analyses and investigations among the relevant competent authorities;
- g. providing information and training to the service providers, persons and authorities charged with monitoring compliance with a National Ordinance on reporting unusual transactions, to the Public Prosecutors Office and to the civil servants charged with detecting and investigating criminal offences as well as to the public regarding the manifestations and the prevention and combatting of money laundering and terrorist financing;
  - h. independently and autonomously maintaining contact with and participating in meetings of international and inter-governmental agencies in the area of the prevention and combatting of money laundering and terrorist financing;
  - i. the independent conclusion of covenants or administrative agreements relating to the exchange of data and information with foreign authorities that have similar duties to the FIU;
  - j. the independent liaising with the Egmont Group in the context of compliance with the Recommendations issued by these organisations;
  - k. identifying, assessing and fathoming the risks for Sint Maarten posed by money laundering and terrorist financing, as well as advising the Minister on any action to be taken and the application of a risk-based approach;
  - l. advising on and, on request, formulating national policy for the prevention and combatting of money laundering and terrorist financing that is based on the risk assessment referred to under l, and promoting the implementation of that policy and cooperation between supervisors, investigative authorities and other parties responsible for implementing that policy;
  - m. identifying and assessing the money laundering or terrorist financing risks that may arise in relation to:
    - 1<sup>o</sup>. the development of new products and new business practices, including new delivery mechanisms; and
    - 2<sup>o</sup>. the use of new or developing technologies for both new and pre-existing products;
  - n. issuing a report annually to the Minister on the activities that were carried out and the plans for the coming year; and
  - o. preparing national ordinances and other regulations on the prevention and combatting of money laundering and terrorist financing and the underlying crimes.
3. The FIU shall prepare a summary before 1 April each year concerning the numbers during the previous calendar year of the following:
- a. reports and official reports passed on to the FIU;
  - b. other reports pursuant to this National Ordinance or a National Ordinance on reporting unusual transactions;
  - c. false reports and declarations received in the context of the enforcement of this National Ordinance or a National Ordinance on reporting unusual transactions;
  - d. suspicious transactions passed on to the Public Prosecutors Office by the FIU;
  - e. criminal investigations pursuant to this National Ordinance or a National Ordinance on reporting unusual transactions; and

- f. international cooperation in the implementation of the legislation for the prevention and combatting of money laundering and terrorist financing.
- 4. The Minister shall send the summary referred to in paragraph 3 before 1 May each year to Parliament, and the FIU shall publish the summary on its website.
- 5. The FIU shall be authorised to use the services of other government agencies, against payment of the associated costs.

#### **Article 4**

- 1. The FIU shall keep and manage a register for the collection, processing and analysing of data and information obtained pursuant to the National Ordinances on reporting unusual transactions.
- 2. The FIU shall keep and manage a register for the collection, processing and analysing of data and information obtained by it in its role as supervisor.
- 3. The Minister shall establish a set of regulations in a ministerial regulation for the management of the registers referred to in paragraphs 1 and 2.
- 4. No data and information shall be provided from the registers unless this is provided for by rules set under or pursuant to a National Ordinance on reporting unusual transactions.

#### **Article 5**

- 1. In the interests of the proper performance of its tasks and work, the FIU is authorised to access all sources of information, relevant data or information held by or on behalf of other authorities, as well as data and information gathered in a commercial capacity, with the exception of state secrets and information held by the Security Service.
- 2. The data and information holders referred to in paragraph 1 are required to permit the FIU to consult the registers referred to in paragraph 1.
- 3. The FIU regularly consults the Bank and the Public Prosecutors Office concerning the implementation of the National Ordinances on reporting unusual transactions. The Bank and the Public Prosecutors Office shall, on their own initiative or on request, provide the FIU with data and information concerning money laundering and terrorist financing, insofar as this does not conflict with the tasks and work of these bodies.
- 4. The Security Service shall, on its own initiative or on request, provide the FIU with data and information concerning money laundering and terrorist financing, insofar as this does not conflict with the tasks and work of the Security Service.
- 5. The FIU may be assisted in exercising supervision or may have such supervision exercised fully or partly by an external expert or other experts to be designated by the FIU.
- 6. If the exercise of supervision or certain activities in relation to such supervision are assigned to an external expert or another expert by the FIU, such expert shall report his/its findings directly and in writing to the FIU and, after obtaining authorisation from the FIU, shall forward a copy of such findings to the service provider concerned.

7. A service provider shall be obliged, at the FIU's request, to designate a recognised expert who will report directly to the FIU on the service provider's internal organisation.
8. The FIU is also authorised to permit a foreign authority that is responsible for supervision of non-financial service providers or is recognised by the Egmont Group to conduct investigations of service providers established in Sint Maarten. The FIU will, where appropriate, set conditions in advance in an administrative agreement in respect of or give instructions for the performance of these supervisory activities. The officials of the foreign authority who conduct an investigation as referred to in the first sentence shall be obliged to follow strictly the instructions given by the FIU.

#### **Article 6**

1. Upon request or on its own initiative, the FIU is required to provide the following data to the authorities and civil servants charged with investigating and prosecuting criminal offences:
  - a. data which give rise to a reasonable suspicion that a particular person has committed money laundering or an underlying criminal offence or has financed terrorism;
  - b. data which can be reasonably presumed to be important in enabling the detection and investigation of money laundering or the underlying crimes, and terrorist financing;
  - c. data which can be reasonably presumed to be important in enabling the prevention or detection and investigation of future crimes which could underlie money laundering and terrorist financing and which, given their seriousness or frequency or the organised context in which they will be committed constitute a serious breach of legal order.
2. The provisions in paragraphs 1 and 2 do not apply to data that the FIU has obtained from another member of the Egmont Group.
3. The FIU is authorised to provide information concerning the disclosure behaviour of the disclosing institutions to persons and institutions which are charged with monitoring compliance with the National Ordinances on reporting unusual transactions and to the Bank.
4. The FIU and the personnel shall not be obliged to appear as a witness or expert at a hearing, with the exception of the member of the personnel who discovered the infringement concerned.
5. Information regarding the way in which the FIU arrived at a suspicion of a criminal offence is not a case document, as referred to in Chapter 4, Part I of Book 2 of the Code of Criminal Procedure.

#### **Article 7**

1. In a national decree containing general measures, rules shall be laid down concerning the provision of information from the register of the FIU as well as the conditions under which this can take place to government-designated police and non-police authorities inside or outside the Kingdom of the Netherlands whose duties are similar to those of the FIU and to authorities in the Kingdom of the Netherlands whose duties have issues in common with those of the FIU and to other interested parties.
2. The provision of information to authorities outside the Kingdom of the Netherlands shall only take place on the basis of a convention or

administrative agreement, unless it concerns an authority recognised by the Egmont Group as a member and that, pursuant to its national legislation, is not required to conclude an administrative agreement for the exchange of information with other authorities recognised as members by the Egmont Group.

## § 2. Organisation

### **Article 8**

1. The director shall conduct the general policy and administration of the FIU, and shall be accountable to the Minister for the execution thereof.
2. The director shall be charged with the management of the property entrusted to the FIU and shall be authorised to perform all acts of disposition in respect of such property.
3. The director shall represent the FIU at law and otherwise in this regard.

### **Article 9**

1. The director shall be appointed, suspended and dismissed by national decree.
2. The other personnel shall be appointed as civil servants or employed under an employment contract, with due regard for the size of the personnel and the job descriptions referred to in paragraph 5.
3. The size and the job descriptions of the personnel shall be determined by the Minister, with due regard for the budget and policy plan referred to in article 12, paragraph 1.
4. The remaining personnel shall come under the authority of the director and shall be accountable only to him or her regarding their work.
5. The director shall appoint two members of the remaining personnel to act as his or her first and second deputy. The appointment shall be notified to the Minister, for information.
6. If the director and his/her first deputy are both unable to perform their work for longer than one week simultaneously because they are absent or indisposed, the second deputy shall be temporarily charged with the management of the FIU. If this deputizing role lasts for longer than one month, the Minister shall make the necessary provisions to provide for the management of the FIU. The provisions that are made shall be notified to Parliament, for information.
7. The director shall, on request, provide the Minister with all the general, non-operational information required for the performance of his/her duties. The Minister may demand to inspect all the business information and documents if reasonably required for the fulfilment of his/her duties, with the exception of information from the register referred to in article 4 and other data that can be traced back to individual transactions.
8. The director shall, where necessary, indicate which data are confidential in nature when providing the data. This confidential nature may result from the type or nature of the data or the fact that natural persons or legal entities have provided such data to the FIU on condition that they will be treated as confidential.

### **Article 10**

1. The balance sheet, financial statements, budget and policy plan of the FIU shall be approved by Ministerial Order.
2. If the Minister has not approved a document referred to in paragraph 1 within two months of receiving it, the approval shall be deemed granted by law.

**Article 11**

SOAB (Stichting Overheidsaccountantsbureau), the government's auditor and advisory partner, shall audit the balance sheet and financial statements of the FIU and report on its audit to the Minister.

CHAPTER III Guidance Committee

**Article 12**

1. The FIU shall have a Guidance Committee whose task shall be to:
  - a. make its knowledge and expertise available to the FIU;
  - b. advise the Minister, on request or on its own initiative, on the structure and implementation of the reporting obligation;
2. The Guidance Committee shall comprise no more than 7 members to be drawn from the following bodies and sectors:
  - a. the ministry headed by the Minister;
  - b. the Bank;
  - c. other supervisory authorities;
  - d. the Public Prosecutors Office;
  - e. the Sint Maarten Police Force.

The Guidance Committee may invite representatives of the commercial and professional sectors that are covered by the reporting obligation to advise the Guidance Committee on the performance of the task referred to in paragraph 1, insofar as it concerns matters which relate to these commercial and professional sectors.

3. The members of the Guidance Committee shall be appointed and dismissed by the Minister on the recommendation of the bodies referred to in paragraph 2.
4. The representative of the Ministry of Justice shall act as chairperson of the Guidance Committee.
5. The Guidance Committee shall meet at least twice a year. The Guidance Committee shall otherwise determine its own procedures.
6. The Guidance Committee may in the interests of the proper performance of its tasks request statistical data and information from the FIU. The FIU shall provide such data and information.

Chapter IV  
Management and funds

**Article 13**

1. Before 1 August of each year the director shall submit a budget estimate of income and expenditure as well as a policy plan for the FIU for the following year to the Minister. The director shall also attach policy and financial forecasts concerning the work of the FIU for the next three years.

2. Before 1 June of each year the balance sheet and income statement for the previous financial year shall be compiled by the director and, after auditing by SOAB, be submitted to the Minister.
3. The FIU's financial year runs from the first of January to the following thirty-first of December, inclusive.
4. Before 1 June of each year the director shall report in writing to the Minister on the work performed, the policy conducted in general and the effectiveness and efficiency of the work and procedures of the FIU in particular during the previous year.
5. The documents prepared by the director referred to in this article shall be public unless the Minister decides otherwise, in full or in part.

#### **Article 14**

1. The costs of the FIU and the personnel as well as all other costs related to the performance of its statutory tasks shall be borne by the Country.
2. The Minister shall make available all financial resources as are included in the approved budget and policy plan, and shall transfer one quarter of the budget to the FIU's bank account on the first day of each quarter.
3. Before the end of the first month of each quarter, the Director shall provide the Minister with a statement of the income and expenditure of the FIU in the preceding quarter.

#### **Article 15**

The FIU shall use its funds solely for the purpose of bearing the costs of performing its statutory tasks.

### Chapter V Confidentiality

#### **Article 16**

1. Except to the extent that the need to disclose ensues from the objective of this National Ordinance, the following have a duty of confidentiality:
  - a. the Director and other employees of the FIU who, by application of this national ordinance or resolutions adopted pursuant to this national ordinance, perform or have performed any duty and have, therefore, taken cognisance, or could take cognisance, of data and information provided or received pursuant to this national ordinance; and
  - b. persons and bodies which, at the request of the FIU, provide data and information or grant access to registers or other information sources which are under their control;
2. A supervisor who, in the performance of his/her duties, discovers facts or offences which could be construed as money laundering or terrorist financing shall inform the FIU without delay, if necessary by way of derogation from the applicable statutory duty of confidentiality.
3. Using data and information obtained in the performance of the duties imposed on it pursuant to this national ordinance or the National Ordinance, the FIU may make announcements, provided they cannot be traced back to individual transactions. With written permission from the service provider to which it relates, the data or information in respect of the individual transactions may be published.

4. The FIU may, by way of derogation from the provisions in paragraph 1, forward a report based on data analyses to the public prosecutor if it has given rise to a suspicion of a criminal offence. In such case, the FIU may provide further information in the context of the detection or preliminary judicial investigation.

## Chapter VI Indemnity

### **Article 17**

Unless in the event of wilful misconduct or gross negligence, the director and other employees of the FIU shall not be liable for any loss or damage sustained by a client, intermediary or third party resulting from the lawful performance of tasks and work in the implementation of or pursuant to this national ordinance.

### **Article 18**

1. Actions performed by the Director and other employees of the FIU in the implementation of or pursuant to this national ordinance or the National Ordinance and reports based on data analyses cannot be used as evidence in charges of money laundering or terrorist financing.
2. Information, in whatsoever form, provided by a financial intelligence unit in another country cannot serve as evidence for a criminal conviction.

## Chapter VII Administrative sanctions

### **Article 19**

1. The National Ordinance Administrative Enforcement enters into force for the FIU, on the understanding that an administrative penalty as referred to in article 55 of that national ordinance shall amount to no more than ANG 4,000,000.
2. The FIU is authorised in any event to impose an astreinte, an enforcement action or an administrative penalty.

## Chapter VIII Detection

### **Article 20**

1. In addition to the officers referred to in article 184 of the Code of Criminal Procedure, the supervisors working at the FIU, designated for this purpose by national decree, are charged with detecting the offences made punishable in article 20. Such appointments will be announced in the National Gazette.
2. The public prosecutor shall inform the FIU in the event a criminal investigation is launched based on data as referred to in article 6.

## Chapter IX Penalty provision

**Article 21**

1. Each action in breach of the provisions under or pursuant to article 5, paragraph 2, or article 16, paragraph 1, shall, to the extent it was intentional, be punished by either a prison sentence not exceeding four years or a fine of the sixth category.
2. Each action in breach of the provisions under or pursuant to article 5, paragraph 2, or article 16, paragraph 1, shall, to the extent it was unintentional, be punished by either a prison sentence not exceeding one year or a fine of the sixth category.
3. If an action in breach of the provisions of article 16 results in a report or information becoming known to the person/entity to whom/which the report or information relates, the prison sentence for the infringement shall be increased by one half.
4. The offences deemed punishable in paragraph 1 shall be considered criminal offences. The offences deemed punishable in paragraph 2 shall be considered misdemeanours.

Chapter IX  
Amendments to other national ordinances

**Article 22**

Article 4 of the National Ordinance Reporting Cross-Border Cash Transports is amended as follows:

A

In paragraph 1, ", as referred to in article 2 of the National Ordinance Reporting Unusual Transactions," is to be deleted.

B

In paragraph 2, ", as referred to in paragraph 1," is to be deleted.

**Article 23**

In article 40, paragraph 6, and article 41, paragraph 4 of the National Ordinance Supervision of the Bank and Credit System, "the Office, as referred to in article 2 of the National Ordinance Reporting Unusual Transactions" is replaced by: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit.

**Article 24**

In article 78, paragraph 5, and article 78a, paragraph 4 of the National Ordinance Supervision of the Insurance Industry, "the Office, as referred to in article 2 of the National Ordinance Reporting Unusual Transactions" is replaced in each instance by: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit.

**Article 25**

In article 7, paragraph 4, and article 10, paragraph 5 of the National Ordinance Supervision of Stock Exchanges, "the Office, as referred to in article 2 of the National Ordinance Reporting Unusual Transactions" is

replaced in each instance by: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit.

#### **Article 26**

In article 25, paragraph 4, and article 28, paragraph 4 of the National Ordinance Supervision of Investment Institutions, “the Office, as referred to in article 2 of the National Ordinance Reporting Unusual Transactions” is replaced in each instance by: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit.

#### **Article 27**

In article 24, paragraph 5, and article 28, paragraph 4 of the National Ordinance Supervision of Trusts, “the Office, as referred to in article 2 of the National Ordinance Reporting Unusual Transactions” is replaced in each instance by: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit.

#### **Article 28**

In article 20, paragraph 5, and article 20a, paragraph 4 of the National Ordinance Supervision of the Insurance Broking Business, “the Office, as referred to in article 2 of the National Ordinance Reporting Unusual Transactions” is replaced in each instance by: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit.

#### **Article 29**

In article 18, paragraph 5, and article 19, paragraph 4 of the National Ordinance Supervision of Money Transfer Companies, “the Office, as referred to in article 2 of the National Ordinance Reporting Unusual Transactions” is replaced in each instance by: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit.

#### **Article 30**

Article 1, under f, of the National Ordinance Identification when rendering Financial Services will read:

f. FIU: the Financial Intelligence Unit, as referred to in article 2 of the National Ordinance Financial Intelligence Unit;

#### **Article 31**

1. The statutory basis of the National Decree containing general measures, implementing article 7, paragraph 1 of the National Ordinance Reporting Unusual Transactions shall be amended to article 7, paragraph 1 of the National Ordinance Financial Intelligence Unit.
2. The title of the National Decree containing general measures, implementing article 7, paragraph 1 of the National Ordinance Reporting Unusual Transactions is amended to: National Decree containing general measures, implementing article 7, paragraph 1 of the National Ordinance Financial Intelligence Unit.
3. The statutory basis of the Ministerial Regulation enacting Regulations for the Disclosure Register, referred to in article 4 of the National Ordinance Reporting Unusual Transactions is amended to article 4, paragraph 3 of the National Ordinance Financial Intelligence Unit.

4. The title of the ministerial regulation referred to in paragraph 3 is amended to: Ministerial Regulation enacting Regulations for the Disclosure Register, referred to in article 4, paragraph 3 of the National Ordinance Financial Intelligence Unit.

### **Article 32**

Article 17 of the Organisational Ordinance Justice will read:

The objective and mission of the Financial Intelligence Unit shall be laid down in accordance with the National Ordinance Financial Intelligence Unit.

## Chapter X Transitional and final provisions

### **Article 33**

If the draft National Ordinance Amending the Criminal Code (National Ordinance Enhanced Measures to Combat Terrorism and other Essential Revisions) submitted to Parliament has been or is approved and article ZM of such National Ordinance entered or enters into force before article 1 of this National Ordinance, then article 1, part f of this National Ordinance will read as follows:

- f. the financing of terrorism: conduct deemed a criminal offence in article 2:410 of the Criminal Code;.

### **Article 34**

If the draft National Ordinance to Combat Money Laundering and Terrorist Financing submitted to Parliament entered or enters into force before article 38 of this National Ordinance, then articles 30, 42 and 43 shall be deleted and article 38, part A of this National Ordinance will read as follows:

A

Article 2, paragraph 2 is amended as follows:

1<sup>o</sup> In part e, "and" at the end shall be replaced by a semi-colon.

2<sup>o</sup> In part f, the full stop at the end shall be replaced by a semi-colon, followed by: and,

3<sup>o</sup> After part f, a new part shall be added, reading:

g. for the purpose of implementing the National Ordinance Financial Intelligence Unit, the National Ordinance to Combat Money Laundering and Terrorist Financing and the National Ordinance Reporting Cross-Border Cash Transports.

### **Article 35**

1. As soon as it has been placed in the Official Publication, this National Ordinance shall come into force on the first day of the seventh week after its ratification.
2. By way of derogation from paragraph 1, this National Ordinance:
  - a. shall enter into force on the first day of the third week after the Constitutional Court's decision if the Ombudsman has brought a case as referred to in article 127, paragraph 3 of the Constitution;

or:

- b. shall not enter into force if the Constitutional Court rules that this National Ordinance is not compatible with the Constitution.

**Article 36**

This National Ordinance shall be entitled: National Ordinance Financial Intelligence Unit Sint Maarten.

This National Ordinance shall be published, along with the Explanatory Memorandum, in the Official Publication.

Issued in Philipsburg,

The Governor of Sint Maarten

The Minister of Justice