

# NEDERLANDSE ANTILLEN



Directie Justitiële Zaken

## General Information concerning on-line gaming / gambling

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For the performance of gaming activities from the Netherlands Antilles by means of utility-line services, a license pursuant to the National Ordinance Offshore Games of Hazard (Official Gazette 1993, no. 63) is required, to be granted by the Governor of the Netherlands Antilles. This information folder will furnish you with information on the terms and conditions to be met on applying for such a license, before the application can be dealt with. In addition, you will find other useful information.

### 1. The filing of applications

In order to be considered for a license pursuant to the National Ordinance offshore games of hazard, the following conditions shall be fulfilled:

- 1° a written application, addressed to the Governor on stamped paper, stating the island territories from which the applicant wishes to operate, such application to be submitted to the Department of Justice, Wilhelminaplein z/n, Curaçao, Netherlands Antilles;
- 2° the application shall be accompanied by:
  - a. certificate of registration with the Chamber of Commerce as a locally formed legal entity, be this offshore or onshore, whether or not enjoying a tax holiday; all this accompanied by a description of the objects according to the articles of incorporation;
  - b. full name and address of all the parties involved, their domiciles, nationality, passport number and if possible social security number, and other relevant data that shall be required for the purpose of screening these parties involved; by “parties involved” shall be understood:
    - (i) the shareholders of the legal entity and, insofar as corporate shareholders are involved, the ultimate individuals who hold shares via legal entities;
    - (ii) the managing directors of the legal entity, according to its articles of incorporation;
    - (iii) the parties in charge of the daily management of the legal entity;
    - (iv) all others who are involved in the legal entity as advisor, financier or otherwise and who, as such, can influence the operation of the legal entity;
  - c. a business plan containing an explanatory memorandum concerning the place where and the manner in which and the games of hazard that shall be offered and operated; the number of employees expected to be engaged, recruited from both the local market and abroad, the number of information providers the legal entity contemplates using and the number of employees to be recruited by the information providers for these activities; a view as to the contribution the legal entity believes it will be able to make towards the development of the Netherlands Antilles community;
  - d. a financial feasibility study for the first three years;
  - e. some two legal opinions addressed to the Minister of Justice, to be submitted by:

- 1° a member of the Order of Lawyers or a local civil-law notary, giving a reasoned statement to the effect that the proposed activities are not in contravention of the National Ordinance Penalizing Money-laundering (O.G. 1993, no. 52); and
- 2° a lawyer registered with the Federal Bar of the United States, giving a reasoned statement to the effect that the proposed activities are not in contravention of the federal laws of the United States concerning games of hazard.

(The costs attaching to the drawing up of these legal opinions shall be borne by the applicant.)

## **2. Handling of applications**

As regards the time for dealing with the applications for the granting of a license, the following procedure applies. Within five days from an application having been received, the Department of Justice will check whether the accompanying documents are complete. If necessary, the applicant shall supplement these appendices. From the moment the application is complete, the department will take six weeks to conduct an investigation. If at the end of the six weeks the investigation has been completed and has yielded no objections, the applicant shall be granted a five-year license. If after six weeks the investigation has not been completed but there appear to be no objections, a provisional license may be granted for a period of six months (provided the applicant himself is not to blame for the delay in the investigation). A number of conditions shall attach to this license, among others a NAf.60,000.- guarantee deposit. If it should appear at the conclusion of the investigation that there are no objections, the provisional license shall be converted into a five-year license, and the guarantee deposit returned. At the expiration of the five-year term, the license may be extended.

In order to prevent the possibility of the Central Government and the island authorities working at cross purposes, the license applications shall be sent, for their information, to the executive council(s) of the island territory (territories) from where the potential license holder wishes to offer his games of hazard.

## **3. Area of application and license fees**

The license shall be limited to the island territory (territories) designated in the application. Consequently, in order to be allowed to offer games of hazard from another island territory, the license must be adapted.

The license holder shall owe the Central Government a license fee of NAf.10,000.- per month during the first two years of the license. After that, the amount of the license fee shall be determined anew.

It has been agreed with the island territories that each island territory, from where games of hazard are being offered, shall be entitled to demand a contribution of up to 2% of the net gains from the activities to be performed by the license holder from that island territory.

The license holder shall be bound to submit to the Minister of Justice each year (a) a copy of his annual accounts and (b) written information concerning the financial arrangement with his information providers for that year.

A license shall expire if not accepted within thirty days from the date of determination, against payment of the amount due in pursuance of the Stamp Ordinance 1908 (O.G. 1908, no. 52). (License to be obtained at the Central Bureau for Registration and Public Records (["Centraal Bureau voor Registratuur en Archiefzaken"] – "CBRA", Fort Amsterdam in Curaçao); stamps

are to be purchased, affixed and stamped (cancelled) at the offices of the National Tax Collector).

#### **4. Residence permit for foreign entrepreneurs**

For the performance of gaming activities from the Netherlands Antilles by means of utility-line services, foreign entrepreneurs shall be required to dispose of a temporary residence permit, with permission to work. The temporary residence permit is granted by the Lt.-Governor of the island territory.

In this connection entrepreneur shall mean the party in respect of whom the National Ordinance on Admission and Expulsion (O.G. 1966, no. 17) shall apply, and who applies for a license for temporary residence in the Netherlands Antilles in order to be admitted to the Netherlands Antilles, with the evident intention of establishing himself in connection with the setting up or management of an enterprise, of which he is the owner or co-owner.

Immediately after an application has been submitted by an entrepreneur to obtain a license for temporary residence in the Netherlands Antilles, a permit for temporary residence shall be granted for the term of six months. The application shall be accompanied by a statement from a bank or credit institution, or by a notarial or similar deed, purporting to the set-up or management of an enterprise, from which it appears that the entrepreneur must be deemed capable of setting up or managing the enterprise contemplated. At the same time a writing shall be submitted, proving that the entrepreneur is of impeccable character.

At the expiration of the six-month temporary residence permit, the same shall be converted into a permit for the same duration or for a longer period of time in accordance with the application of the entrepreneur, unless the National Ordinance on Admission and Expulsion should oppose this.

#### **5. Other matters**

##### **Establishment permit**

The holder of a license pursuant to the National Ordinance Offshore Games of Hazard should also apply for an establishment permit and a related management permit, to be granted by the executive council of the island territory where he is established.

In order to come into consideration for an establishment permit casu quo management permit, the applicant shall fulfill the following conditions:

- 1° a written application on stamped paper addressed to the executive council of the island territory concerned, to be submitted to the Economic Affairs Bureau;
- 2° the application shall be accompanied by:
  - a. proof of the activities to be performed;
  - b. the address at which the legal entity is proposed to be established;
  - c. information on the financing of the legal entity, such to include the issued, or as the case may be, the authorized capital and the composition thereof;
  - d. personal data of the shareholder(s);
  - e. personal data of the managing director(s).

##### **Telecommunication facilities**

For the telecommunication facilities the license holder must depend on the supply by and contract with the long-distance concessionaire (Antelecom N.V.), and possibly the concessionaire for the local telecommunication (Telbo N.V. for Bonaire; Setel N.V. for Curaçao; Satel N.V. for Saba; Eutel N.V. for Sint Eustatius; and Telem N.V. for Sint Maarten).

Other information

The profit tax for offshore and tax holiday enterprises amounts to between 2 and 3% per annum pursuant to the National Ordinance on Profit Tax 1940 (O.G. 1965, no. 58) and the National Ordinance to Promote the Establishment of Businesses and the Construction of Hotels (O.G. 1953, no. 194).

For the aspects of banking, reference is made to the Bank van de Nederlandse Antillen [the Central Bank of the Netherlands Antilles].

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Need more information?

Should you require additional information, feel free to contact:

Department of Justice, Wilhelminaplein z/n,  
Curaçao, Netherlands Antilles

Ms Miloushka Racamy, LL.M. Telephone 463-0669, Fax 465-6826

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Willemstad, October 2002

No rights may be derived from this information. This information shall be adapted on a regular basis.

Directeur Directie Justitiële Zaken,

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Drs. A.M. Daal, MBA