



## OFFICIAL GAZETTE

**NATIONAL DECREE of December 22, 2009 containing general measures for the implementation of Article 20 of the Trade Register Ordinance (2009 Trade Register Decree)**

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IN THE NAME OF THE QUEEN!

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THE GOVERNOR GENERAL of the Netherlands Antilles,

Having taken into consideration:

that the implementation of Article 20 of the Trade Register Ordinance<sup>1</sup> requires that regulations be established regarding the establishment and the monitoring of the trade register, the statements for the registration, the registration itself, the deletion, the addition and the alteration of any data entered, the accessibility of the trade register and the issuance of copies and extracts of any entries made;

Having heard the Advisory Council, has decreed:

### **Definitions**

#### Article 1

In this national decree is understood to mean by personal data:

The surname and first names, the specification of gender, the residential address, the date, the place and, if that place is located outside of the Netherlands Antilles, the country of birth, the nationality, as well as the signature and the initials of the individual.

### **The statement for registration**

#### Article 2

1. In order to give the required statements for registration in the trade register, forms shall be used, which shall be decided on by the Chamber and which are available at no charge.

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<sup>1</sup> (P.B. 2009, No. 51)

2. The Secretary may determine that a statement may be done in another manner than is stipulated in the first paragraph.
3. Upon request, the Secretary shall issue to the interested party a confirmation of the statement, indicating the date that this has taken place.

#### Article 3

1. In the event the Secretary is not convinced that the statement comes from the person responsible for giving the statement, he may refuse to deal with the statement. In such case, he may request for additional evidence of the authorisation.
2. An authorisation to give the statements for registration in the trade register should be authentic or authenticated by a locally authorised official.
3. If, in his opinion the evidence provided is not sufficient to assess the authority to give the statement by the person whom the statement comes from, the Secretary has the power to refuse the statement.

#### Article 4

1. After accepting the statement that needs to be dealt with, the Secretary shall summarily investigate whether it is correct. To that end, the Secretary may request additional evidence of the data provided.
2. If the Secretary is of the opinion that the statement is not correct, he shall advise the party concerned to alter or to withdraw the statement. To that end, he shall immediately place the statement at the disposal of the party concerned and shall give the instructions he deems useful in the interest of the trade register.

#### Article 5

1. If the Secretary is of the opinion that the statement is correct, he shall proceed to enter it.
2. Similarly, the Secretary shall proceed to register the entry, if, according to him, after applying Article 4, paragraph 2, the new statement indicates that the party concerned complied with the instructions given.
3. If, by virtue of the first paragraph of Article 18 of the Trade Register Ordinance, the Chamber has petitioned the Court with to order the deletion, addition or alteration of any entry registered or the registration of the company, as long as a court order has not been executed or a negative decision has not become irrevocable, the Secretary shall inform the persons who desire to have access to the entries concerning the company, legal entity or branch, or to receive a copy or an extract thereof, of the petition he filed.

#### Article 6

A statement for the registration in the trade register and a statement for the amendment of any entries in the trade register, shall be made no later than one week after the fact to be entered, has taken place, making mention of the date it became effective.

### **Processing the statements**

#### **Article 7**

After the date is indicated on the statement, it shall be entered as soon as possible in the manner as provided in the articles 8 to 14.

#### **Article 8**

The statement forms will be provided with a continuous number in order of receipt.

#### **Article 9**

1. As soon as possible, the statement forms shall be placed in a file folder.
2. For each company, legal entity or branch a separate file shall be opened. All subsequent statements of the same company, legal entity or branch shall be entered in the same file folder.
3. All documents to be included in the file folders shall be certified by or on behalf of the Secretary.
4. The file folders shall have on the outside in clear letters the full name and registered office of the company, legal entity or branch.
5. In addition, the file folders shall have on the outside cover in the space intended, a continuous number, the file number.
6. The files shall be kept in the order of the file number.
7. All documents put in the file folder, shall have a continuous deed letter in order of receipt.
8. The deed letter for each file folder shall start with a.
9. Every time a document is added to the file, on the inside cover of the file folder, mention shall be made of: the date the document has been placed in the file, the deed letter and a summary of its contents.

#### **Article 10**

1. Should the Chamber receive a court decision, ordering the deletion, addition or alteration of the data entered in the trade register, as soon as the provisional execution is ordered or the ruling is enforced and has become final, the Secretary shall proceed with the cancellation, addition or alteration by putting an original copy of the court decision in the file next to the relevant statements.
2. Anyone who receives a court ruling as referred to in the first paragraph, on presentation of an original copy thereof, may request the Secretary to proceed with the deletion, addition or a alteration. The Secretary shall comply with this request in the manner as is stipulated in the f first paragraph, should it become obvious to him that the ruling is enforced and has become final or the preliminary execution of the ruling is ordered.

### Article 11

Article 10 shall equally apply in the case of court rulings regarding:

- a. completely or partially unlawful statements on data registered in the trade register;
- b. amendments, or partial deviations from the articles of incorporation of the legal entity;
- c. dismissal, suspension or appointment, be it temporary or not, of a director or a commissioner;
- d. nullification or annulment of a resolution passed to dissolve or amend the Constitution;
- e. dissolution of a decision as referred to in Section 2, paragraph 3 of Book 2 of the Civil Code;
- f. setting aside a ruling as referred to under a to e.

### Article 12

1. Whenever a new statement or a court decision, as referred to in article 10 and article 11, is entered in the file, in the original statement reference shall be made of the new statement or the court decision.
2. Deletions may only take place in such a manner that the deleted words, letters or figures shall remain legible.
3. In case a complete new statement or court decision is entered, the previous statements with reference to the deed letter of the new statement, will be crossed out with ink. On the new statement or court decision, any reference may be made to notices in the bulletin in which the official announcements are made by government, in which the court decision has been made public.

### **Data to be registered in the trade register**

### Article 13

1. Of every company, head office and branch located in the Netherlands Antilles, the following data shall be entered:
  - a. the commercial name or commercial names;
  - b. the address and, where applicable, the mailing address;
  - c. the telephone-number and where applicable, the fax-number, email-address and the website;
  - d. a brief description of activities conducted by the company;
  - e. the moment the activities of the company started;
2. Should the head office be located outside of the Netherlands Antilles, it must be indicated which branch shall be identified as the principal office. If the head office is located in the territory of another Chamber within the Netherland Antilles, the information of the head-office referred to in paragraph 1 of this article under a, b and d shall be provided.
3. If the company in the Netherlands Antilles is only reperesented by one or more authorised agents, the address of the designated agent shall be regarded the address of the head office.

#### Article 14

Of a legal entity the following data shall be entered:

- a. the address, where applicable, the mailing address;
- b. the telephone number and where applicable, the fax-number, the email-address and the website;
- c. a brief description of the business operations conducted.

#### Article 15

Should a company belong to a natural person, his/her personal data shall be entered, as well as the amount of the funds contributed and value of the property brought into the company.

#### **Data subject to the law**

#### Article 16

Of a partnership the following data shall be entered:

- a. the name of the partnership;
- b. the date the partnership started and the duration for which it has been entered;
- c. the personal data of the partners and regarding the partner who was admitted into partnership after the start of the partnership, also the date when he was admitted;
- d. all that the agreement contains to determine the rights of a third party, if applicable;
- e. The amount of the funds contributed and value of the property brought into the partnership.

#### Article 17

Of a limited partnership the following data shall be given:

- a. the name of the partnership;
- b. the date the limited partnership started and the duration period agreed upon;
- c. the personal data of the limited partner or partners and regarding the limited partner who was admitted to the partnership after the start of the company, also the date he was admitted;
- d. in the event it concerns two or more limited partners, everything the agreement contains to determine the rights of third parties;
- e. the number of limited partners and their respective country of residence;
- f. the amount of the funds contributed and value of the property they collectively brought in;
- g. in the case of a limited partnership with bearer's shares, instead of the provision laid down under f, shall be stated: the amount of the capital of the limited partnership, the number and amount of the shares, they are divided into, and the amount of the subscribed capital, whereas in the case of a limited partnership with registered shares, the provision laid down under f will also remain applicable.

Once a year, a statement shall be given of the subscribed capital, until according to the statement the capital is fully subscribed.

#### Article 18

1. Of a public limited liability company and a private firm, the following data shall be entered.
  - a. the name of the firm and its registered office under its constitution;
  - b. the personal data of each director and commissioner and the date (s)he was admitted to the firm as such, and whether (s)he is authorised to solely represent the company or jointly with one or more other persons;
  - c. the office of each director on the board, if the constitution stipulates that there shall be a general and an executive board of directors;
  - d. the personal data of other persons than the directors to whom the constitution grants powers of representation, as well as the contents of the powers;
  - e. if the company has a nominal capital at the time of its establishment, the nominal capital as well as the nominal value and the number of the shares issued with their nominal value and the different currencies in which these are expressed, if there are different nominal values and different currencies.
  - f. the existence replenishment requirement as referred to in Articles 107 and 207 of Book 2 of the Civil Code and its quantity.
2. An original copy of the memorandum of incorporation of the company and of its constitution shall be filed at the trade register, if they are included in separate documents.

#### Article 19

1. Of a firm run by shareholders, the following data shall be stated:
  - a. the name of the firm and its registered office under its constitution;
  - b. the personal data of each shareholder-director and commissioner and the date (s)he was admitted to the firm and whether (s)he has sole or joint representation with one or more other persons;
  - c. the personal data of other persons than the shareholder-director to whom the constitution grants powers of representation, as well as the contents of the powers;
  - d. if the company has a nominal capital at the time of its incorporation, the nominal capital as well as the nominal value and the number of the shares issued with their nominal value and the different currencies in which these are expressed, if there are different nominal values and different currencies;
  - e. the existence of a replenishment requirement as referred to in Sections 107 and 207 of Book 2 of the Civil Code and its quantity.
2. An original copy of the memorandum of establishment of the firm and of its constitution shall be filed at the trade register, if they are entered in separate documents.

Article 20

1. Of an association with full legal powers, cooperative or mutual insurance association, the following data shall be entered:
  - a. the name of the legal entity and its registered office under its constitution;
  - b. the personal data of each director and commissioner and the date (s)he was admitted as such into the association with full legal powers, the cooperative or the mutual insurance association, as well as the information whether (s) he is authorised to solely represent the association with full legal powers, the cooperative or the mutual insurance association, or jointly with one or more other persons;
  - c. if it is laid down in the constitution that there shall be a general board and an executive board, of each director the office on the board;
  - d. the personal data of other persons than the director to whom the constitution grants powers of representation, as well as the contents of the powers;
2. Of a cooperative or mutual insurance association, under which constitution it is provided that those persons who were board members at the time of its dissolution, or who during a period specified by the constitution were no longer a member prior to that, shall be liable for any shortage toward the legal entity pursuant to the standard indicated, a copy of the membership list, certified by the board, shall be filed at the trade register the moment the cooperative association or the mutual insurance association is registered. Within a month after the expiry of each financial year of the cooperative or the mutual insurance association, the Board shall attach a written statement of the changes the membership list underwent in the course of the financial year, to the list filed at the trade register, or, if the Secretary deems this necessary, the Board shall file a new list, including the former members which are to be recorded as such on the list.
3. An authentic copy of the memorandum of incorporation of the association with full legal powers, the cooperative association or the mutual insurance association shall be filed at the trade register, if they are contained in separate documents, together with a copy of the bye-laws.
4. Of any association with limited legal powers, the information listed under paragraph 1, subsections a to d, shall be filed, and in that respect, paragraph 3 shall apply accordingly.

Article 21

1. Of a foundation or a private funds foundation the following data shall be entered:
  - a. the name of the foundation or the private funds foundation and its registered office under its articles of incorporation;
  - b. the personal data of the founders;
  - c. the personal data of each board-member and commissioner and the date (s)he joined the board, and whether (s)he is authorised to solely represent the legal entity or jointly with one of more persons, as well as the office on the board of each board member.
  - d. in the event it is provided in the constitution that there shall be a general board and an executive board, the office of each board member;
  - e. the personal data of other persons than the board members or commissioners to whom the constitution confers powers of representation, as well as the contents of the powers;

2. A certified copy of the memorandum of incorporation of the foundation or private funds foundation shall be filed at the trade register, if these are contained in separate documents, together with the statement for registration.
- 3 In the event the foundation or the private funds foundation is incorporated under Dutch Antillean law, the information provided under a to e of paragraph 1 shall be entered and paragraph 2 of this article and article 22, paragraph 4 shall apply accordingly.

#### Article 22

1. If a company established in the Netherlands Antilles or if a branch located in the Netherlands Antilles is owned by a foreign legal entity, which is not a foundation or a private funds foundation, the following data shall be entered:
  - a. the name and the legal form of the legal entity, to which the company or the principal branch belong and the register in which that legal entity is registered.
  - b. if the principal office of the company is located outside of the Netherlands Antilles, the address of the headoffice of the company;
  - c. the personal data of each director and commissioner of the legal entity and the date (s)he was admitted to the legal entity as such, and whether (s)he is authorised to solely represent the legal entity or jointly with one of more persons;
  - d. the extent of the powers of each director and commissioner of the legal entity;
  - e. the personal data of the administrator or any other attorney employed at the company or the branch, his/her duties and the date (s)he joined the company in that capacity as well as the contents of his/her authority;
  - f. the country under which law the legal entity has been incorporated.
2. The provisions laid down in Article 19, paragraph one, under subsections e and f, shall apply accordingly.
3. An authentic copy or a copy of the memorandum of incorporation of the company and of its constitution, certified by an officer responsible for the entries shall be filed at the trade register together with the statement for registration, if these are contained in a separate document, together with a Dutch or English translation signed by a sworn translator.
4. Everything which pursuant to the jurisdiction of the country the law under which the legal entity is governed with regards to the legal entity in a trade register shall be filed at the trade register or shall otherwise be made public, together with a Dutch or English translation signed by a sworn translator.

#### Particulars

#### Article 23

1. Should a company, legal entity or branch have one or more agents or other attorneys, the latter shall also be listed for entry. Of these agents and attorneys an entry shall be made of their personal data and whether they have limited or unlimited powers to represent the company, the legal entity or the branch.



2. If a person who is to be registered is a legal entity, the following data shall also be entered:
  - a. the statutory name and the address of the legal entity;
  - b. the file number under which the legal entity is entered and the register where the legal entity is registered.

#### Article 24

1. In case it concerns a limited liability company, which complies with each one of the criteria stipulated in Section 119, paragraph 2 of Book 2 of the Civil Code, the notice that its annual accounts have been placed at her office for perusal, shall be filed at the trade register. If there is any requirement to do so, it shall also be indicated that the annual accounts do not concern an approved annual accounts and furthermore whether any interested party desirous of such perusal, shall be represented by an expert as is laid down under Section 121, paragraph 6 of Book 2 of the Civil Code.
2. In the event a partnership in its constitution has declared that Section 120 up to Section 122 of Book 2 of the Civil Code is applicable, the provision laid down in paragraph 1 shall apply accordingly.
3. Should it concern a partnership which complies with the provision laid down under Section 123 of Book 2 of the Civil Code, the declaration mentioned under clause c of that article shall be filed at the trade register.

#### Article 25

In case of transformation, fusion or fission, the following data shall be filed in the trade register:

- a. If it concerns the transformation of a legal entity, the announcement of the intention to do so, in accordance with the provision laid down under paragraph 5 of Section 300 of Book 2 of the Civil Code;
- b. If it concerns the fusion between legal entities, the documents as laid down in Section 314 of Book 2 of the Civil Code.
- c. If it concerns a fission of a legal entity, the documents as laid down in Section 342 of Book 2 of the Civil Code.

#### Article 26

In the trade register shall be entered:

- a. The resolution of a public limited liability company and a private partnership and a foundation or private funds foundation and a cooperative association to transform the legal entity into a foreign legal entity;
- b. The statement on the liquidation of the company and the removal of the legal entity from the register.

## Article 27

1. If the person who owns a company or who is a limited partner in a firm or a general partner in a limited partnership, is married under a marriage contract, which fully or partially deviates from the legal community of property or from the legal regulations on the administration of the community of property, those provisions in the marriage contract shall be entered, indicating the registration date and the court in first instance, the clerk's office at which the registration in the public marital property register took place.
2. In case of divorce or separation, or dissolution of a partnership agreement passed before a notary dissolving or terminating the community of property in accordance with a court order or a statement of a presumed death of the person registered as the owner of a company or as a limited partner in the firm in the trade register, the person charged with making the announcement, shall enter a statement for registration in the trade register *ingeschreven is*, indicating the date the community was dissolved or terminated.
3. If a minor who owns a company or who is a limited partner in a firm, has obtained emancipation, the moment the emancipation has been granted and the powers the minor was awarded as a result thereof, shall be registered. In giving the statement for registration, the gazette in which the official notices are placed by government and in which gazette, the court order regarding the emancipation is published, or an original copy of the court order, indicating the date of that gazette.

## Article 28

In the case of judicial supervision, even the one as being referred to in title 18 of title 19 of Book 1 of the Civil Code, of a company or a share in a partnership, for purposes of registration in the trade register, the trustee shall enter:

- a. the personal data of the trustee and the date (s)he took up his/her duties or resigned from his/her function;
- b. the court orders regarding his powers as provided in Section 437, par. 2, and Section 441, par. 2, subsection f, and par. 3 of Book 1 of the Civil Code;
- c. the beginning and the end of the supervision.

## Article 29

In case of legal constraint of the person, who is registered in the trade register as owner of a company, as limited partner in a firm, or as general partner in a limited partnership, the following data shall be entered:

- a. the personal data of the curator and the date (s)he took up his/her duties or resigned from his/her function;
- b. the court orders regarding the powers as referred to in Section 380, par. 2 and 3 of Book 1 of the Civil Code;
- c. the beginning and the end of the legal constraint.

- d. all notes which under Section 391 of Book 1 of the Civil Code are kept at the registry at the office of the clerk of the Court in First Instance, seated in Curacao, by the trustee or by the person responsible for keeping such notes.

#### Article 30

1. In case of bankruptcy or moratorium, the following information shall be entered:
  - a. the court decision ordering the bankruptcy of or the moratorium to natural persons, registered in the trade register as owner of the company, as limited partner in the firm, or as general partner in a limited partnership or of a registered legal entity;
  - b. the setting aside of such a court decision;
  - c. the termination of the bankruptcy or the moratorium;
  - d. the personal data of the trustee or administrator.
2. Should it concern the court decision by a foreign judge regarding a partnership or legal entity as referred to in article 21, paragraph 3 and article 22, the statement shall be entered by the person who is required to file the statement pursuant to the Trade Register Ordinance.

#### Article 31

In case of dissolution of a legal entity the following data shall be entered:

1. a. A copy of a request to dissolve a legal entity;
  - b. the dissolution of a legal entity, a decision to that effect from an authorised statutory body, or from a third party appointed to do so, in accordance with the law, statutory provisions, court ruling, or as a result of either the termination of the bankruptcy for lack of assets, either due to insolvency, indicating the time and reason for the dissolution, the personal data and the powers and the office of each of the officers, charged with the settlement, the moment he took up the function as an officer and the moment he stopped being an officer, as well as the termination of the settlement;
  - c. the accounts of the settlement, with the exception of those under bankruptcy, indicating to which extent each of the creditors are paid and, in the event of a surplus, the amount and composition, and a plan for payout containing the basis of the pay out of the surplus and the final accounts.
2. If a settlement is opened or re-opened, the provision laid down in subclause b and c will apply accordingly.
  3. Should the dissolution concern a foundation or a private funds foundation as referred to in Article 21, paragraph 3, or a partnership as referred to in Article 24, the powers of the liquidators shall also be entered.
  4. To give a statement of the dissolution resulting from a bankruptcy, the trustee is also required. In all other cases of dissolution, the liquidator shall also be required to enter a statement of the dissolution.

#### Article 32

1. In case of termination of a company, both the persons required to file the statement under the Trade Register Ordinance and the liquidator should file the statement within one week after

the termination.

2. If a company ceased to exist for longer than a week, without the dissolution being filed for registration, the Secretary, after inquiry in the matter, may act as if the statement of the dissolution were entered.
3. If a company changes ownership, insofar it concerns its registration in the trade register, the company shall be considered to have dissolved and the re-registration of the company under new ownership must take place.

#### Article 33

1. After inquiry, by virtue of his office, the Secretary is authorised to register any change in the address of a company, of a principal branch or of a branch or legal entity located outside of the Netherlands Antilles.
2. The Secretary is authorised to enter any change of the personal data of a registered natural person, if such personal data have previously been entered in another registration in a register kept by the Chamber.
3. For the implementation of the provision laid down in Article 13 of the Trade Register Ordinance, the perusal of the trade register and of the documents entered pursuant to the legal requirements, shall not be possible on the basis of personal data and an address.

#### **Transitional and final provisions**

#### Article 34

By virtue of his office, the Secretary is authorised to enter the telephone number, and where applicable, the faxnumber, the email-address and the website with regards to each company, if within six months after the implementation of this national decree, no statement thereof has been entered.

#### Article 35

This National Decree shall be enforced the moment the Trade Register Ordinance goes into effect.

#### Article 36

This National Decree may be cited as: The Trade Register Decree 2009.

The Minister of Justice,  
M.M. JACOBA

Published on the 30th day of December 2009,  
The Minister of General Affairs  
and Foreign Relations,  
E.S. DE JONGH-ELHAGE

**EXPLANATORY NOTE to the National Decree containing general measures of December 22nd, 2009 for the implementation of Article 20 of the Trade Register Ordinance (Trade Register Decree 2009)**

**I. General**

The national decree contains the execution of the registration requirements under Book 2 of the Civil Code and the Trade Register Ordinance.

New in this draft is the authority of the chambers to decide on the forms themselves on the basis of which the registration requirement can be complied with, as well as the powers to further regulate the manner in which the statements can take place. In this respect, one could think of the electronic administration of the registers and the electronic filing of the data. However, the detail level of the draft is such that possible differences in the forms will not be substantial as far as the contents is concerned, whereas the flexibility that the chambers on the islands would need in setting up the administration of the registers will be met.

The new Trade Register Ordinance and the decree which is based on it have been drafted in such a manner that they also contain all the requirements for registration of data and filing of documents for public disclosure, included in Book 2 of the Civil Code, the results of which have led to a well organised overview for those on whom such requirement rest and last but not least for those accessing the trade register.

The fact that in the draft no changes have been made in method for dealing with a statement neither in the authority of the Secretary of the relevant chambers, as well as the fact that the decree is derived from the current decree and as far as its contents in its totality is concerned it is derived from the provisions laid down in Book 2 of the Civil Code and the new Trade Register Ordinance, make further clarification per article redundant.

**II. Financial consequences**

This draft does not have any financial consequences for the budget of the Country of the Netherlands Antilles.

**III. Advisory Council (RvA NO. RA/01-04)**

The Advisory Council was consulted. On February 2004, the Council gave its recommendation, RvA NO. RA/01-04.

The recommendations of the Advisory Council (Council) are included in the draft where this seems necessary. Especially, where there was no reason to be followed, will be further elaborated upon below.

#### Article 21

At times it may occur that a supervisory board or a Protector is appointed to a private funds foundation. The Council would like to have included in the Trade Register Decree a requirement on the public disclosure of the personal data of the members of the Supervisory Board of the private foundation, if it is clear from the articles of incorporation that the limitation of the representation powers has a third effect. As long as the limitations have an internal effect, according to the Council, it is not necessary to disclose the names of the members of the Supervisory Board. For, third parties will not be inconvenienced by that.

The Government makes the following remark on this matter. In the method used, which is based on Book 2 of the Civil Code, directors, commissioners and other officers, who in accordance with the provisions laid down in Section 14 and Section 19 of Book 2 of the Civil Code, assumed responsibility for the operations within an entity, shall always be disclosed by the registration in the Trade Register. Equally, this shall apply when there is a question of a statutory limitation of powers of members of the Supervisory Board within a private funds foundation, as a result of which interests of third parties are served by disclosing the data of these members through the register.

#### Article 22

In article 22, paragraph 3 it is stipulated that the translation should be into Dutch or into English. From this provision the Council cannot conclude that there is a requirement for translation. Assuming that Article 4, paragraph 1 of Book 2 of the Civil Code allows that the memorandum of incorporation of legal entities may be drawn up in Papiamentu, Dutch, English or Spanish, the Council wonders whether it is not obvious that each one of these languages can also be used in the case of the Trade Register, thus without the restriction to Dutch and English. The Council also places this observation besides Article 22, paragraph 4.

The government makes the following remark regarding this matter. The reason for the restriction to these languages is the promotion of uniformity when consulting the registers for perusal. A multiplicity of languages with the corresponding translations of the relevant terminology from Book 2 of the Civil Code does not benefit such uniformity, which is precisely promoted with the translations in these languages of the deeds of incorporation, which have not been passed in one of the four languages.

#### **IV. Advice Social Economic Council (advice of March 12, 2004)**

In its advice of March 12, 2004 on the draft Trade Register Ordinance, the Socio-Economic Council (SER), made a remark on the draft Trade Register decree.

#### Protection of privacy

The SER (Socio-Economic Council) remarks that based on Article 33, paragraph 3 of the draft of the Trade Register Decree it is indeed not possible to request data from the register solely based on names or address, but understands that such data may be given immediately, without any problem, within the framework of a request made on the basis of a name of a company.

The government makes the following remark on this matter. The Trade Register is a register in which corporations and companies are registered. The objective of this public register is to provide insight to third parties in the entities participating in the economy. The register and the entities registered in it are accessible to third parties on the basis of the name of the entity. By doing so, the entity shall comply with its objective and it is equally established that the register, although per registration it contains information of persons involved with the entities registered, it is not a register of persons and may therefore not be accessible on the basis of personal data, at any rate not without jeopardising the privacy of the person concerned.

The Minister of Justice,  
M.M. JACOBA



\*\*\*\*\*  
*Official and True Translation into English of original Dutch document*  
Drs. L. A. Richardson  
St. Maarten, Netherlands Antilles  
February 5<sup>th</sup>, 2010

