

Tax Newsflash

The new UBO register is in effect

January 2023

On January 1, 2023 the new State Decree of the Ultimate Beneficiary Owner register (hereinafter: the UBO register) is officially in effect. In this newsflash, we will present a summary of the content of the UBO register.

WHAT IS A UBO REGISTER?

The UBO register is a database assembled by the Chamber of Commerce of Aruba (hereinafter: the “KvK”) that contains information about the beneficial owners of a company or other legal entity. The UBO register is part of the efforts of the Financial Action Task Force to combat money laundering, terrorist financing, and other financial crimes. An UBO is a person that:

- Owns more than 25% of the shares in a company.
- Owns more than 25% of the voting rights in a company.
- Is a statutory director of a company.
- In practice is in control of the company.

UBOs of most legal entities are required to register for the UBO register at the KvK with the exception of the sole proprietorship, associations without full legal authority and associations of owners.

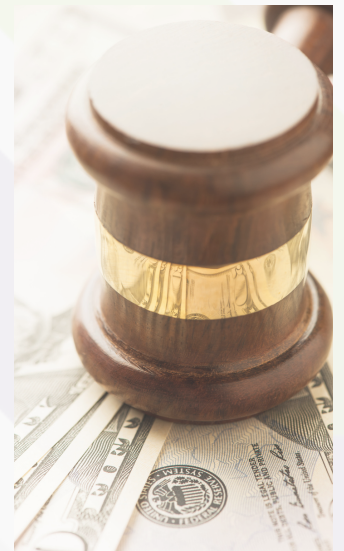
WHAT INFORMATION IS IN THE UBO REGISTER AND WHO HAS ACCESS TO IT?

UBOs must provide to the KvK his/her information such as name, address, date of birth, fiscal number, contact information, the type of UBO and if applicable the percentage of shares held in the company.

The UBO register is not available to the general public. The UBO register is primarily accessible to the Central Bank of Aruba and the Financial Intelligence Unit of Aruba (FIU). Furthermore, the state decree grants access to the UBO register to the following organizations: the tax authority of Aruba, the public prosecutor (in Dutch: “Openbaar Ministerie”), the Aruban police force, the security department of Aruba, and the National Central Bureau for Counterterrorism, Security and Interpol of Aruba.

In certain cases, such as if the UBO is a minor, the UBO can file a request to the KvK to withhold his/her information from the abovementioned organizations.

In the case of non-compliance, an administrative fine of up to Afl. 100,000 can be imposed by the Minister of Economic Affairs.



In case of any questions, please do not hesitate to contact our tax team.