



Provisions and guidelines for Traders in Vehicles, Vessels, Building Materials, Precious Metals/Precious Stones

National Ordinance on Identification for the Provision of Services (NOIS)

(P.B. 2017, No. 92, as amended by P.B. 2024, No. 157)

National Ordinance on the Reporting of Unusual Transactions (NORUT) (P.B. 2017, No. 99

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Chapter 1 — General Provisions

1.1 Introduction

These Provisions and guidelines are issued by the Financial Intelligence Unit Curaçao (FIU Curaçao) in its capacity as supervisory authority under the National Ordinance on Identification for the Provision of Services (NOIS) and the National Ordinance on the Reporting of Unusual Transactions (NORUT).

These Provisions and guidelines apply to traders in vehicles, vessels, building materials, precious metals, and precious stones insofar as they fall within the legal scope of Article 1, first paragraph, point a, under 13°, of the NORUT.

For the purpose of these Provisions and guidelines, the above-mentioned institutions are collectively referred to as “traders”.

The purpose of these Provisions and guidelines is to provide further guidance regarding compliance with:

- the obligations arising from the NOIS;
- the obligations arising from the NORUT;
- applicable sanctions legislation;
- and related AML/CFT/CPF obligations.

These Provisions and guidelines are intended to support traders in understanding and implementing their obligations relating to:

- customer due diligence;
- identification and verification of ultimate beneficial owners;
- reporting of unusual transactions;
- sanctions compliance;
- internal controls and compliance measures;
- record-keeping obligations.

The provisions contained in these Provisions and guidelines should be read in conjunction with the applicable legal framework and do not replace the obligations arising directly from the law.

These Provisions and guidelines also emphasize the importance of a risk-based approach within Curaçao’s AML/CFT/CPF framework and the responsibility of traders to identify, assess, understand, and manage the risks associated with their business activities.

1.2 Legal Basis

Pursuant to Article 22mm of the NORUT, FIU Curaçao has been designated as the supervisory authority responsible for supervising compliance with the obligations arising from the NOIS and the NORUT for institutions falling within its supervisory scope.

Pursuant to Article 2, eighth paragraph, in conjunction with Article 11, third paragraph, of the NOIS, and Article 22mm, third paragraph, of the NORUT, FIU Curaçao is authorized to issue further Provisions and guidelines relating to compliance with the applicable legal obligations.

These Provisions and guidelines provide further clarification regarding the interpretation and practical application of the obligations arising from:

- the NOIS;
- the NORUT;
- applicable sanctions legislation;
- and related AML/CFT/CPF obligations.

The provisions contained in these Provisions and guidelines may be taken into account by FIU Curaçao within the context of its supervisory activities.

In the event of any inconsistency between these Provisions and guidelines and the applicable legal framework, the applicable legislation prevails.

1.3 Characteristics of the Sector

The sectors covered by these Provisions and guidelines involve the trading of goods with relatively high economic value and, in certain circumstances, transactions involving substantial cash payments, international transactions, or rapid transfer of ownership.

The nature of these goods and transactions may increase the risk of misuse for:

- money laundering;
- terrorist financing;
- proliferation financing;
- fraud;
- tax-related offences;
- sanctions evasion;
- and other forms of financial crime.

Certain goods falling within these sectors may be transferred, resold, exported, or exchanged relatively quickly and may, in some circumstances, facilitate the concealment or movement of funds or assets.

The risks associated with these sectors are not identical and may vary depending on:

- the nature of the goods traded;
- the type of customer involved;
- the jurisdictions connected to the transaction;
- the payment methods used;
- the ownership and control structure involved;
- the use of intermediaries or representatives;
- the complexity of the transaction structure.

Particular risks may arise in relation to:

- significant cash payments;
- staggered or structured payments;
- complex trading arrangements;
- transactions involving intermediaries;
- foreign counterparties or foreign bank accounts;
- opaque ownership structures;
- unexplained third-party involvement;
- transactions lacking a clear economic rationale.

Traders are expected to organize their business operations in such a way that these risks can be identified, assessed, monitored, and managed effectively.

This includes the implementation of:

- adequate customer due diligence measures;
- effective sanctions screening procedures;
- internal controls and compliance procedures;
- appropriate escalation mechanisms;
- effective reporting procedures relating to unusual transactions.

The application of a risk-based approach forms an essential part of these obligations.

1.4 Scope and Applicability

These Provisions and guidelines apply to traders in vehicles, vessels, building materials, precious metals, and precious stones that perform services or transactions falling within the legal scope of the NOIS and the NORUT.

The applicability of the NOIS and the NORUT depends on the actual nature of the activities performed and not solely on:

- the description of activities registered with the Chamber of Commerce;
- the legal form of the institution;
- or the manner in which the institution publicly describes its activities.

Institutions should assess whether their activities fall within the scope of the applicable legal framework on the basis of the actual services, transactions, or business activities performed in practice.

Where uncertainty exists regarding the applicability of the NOIS or the NORUT, institutions are expected to seek clarification where appropriate.

These Provisions and guidelines apply irrespective of whether the activities are conducted:

- occasionally or structurally;
- domestically or internationally;
- directly or through intermediaries;
- through physical premises or other business channels.

The obligations arising from the NOIS, the NORUT, and applicable sanctions legislation remain fully applicable where transactions or business relationships present increased ML/TF/PF risks.

1.5 FIU Curaçao as Supervisory Body

FIU Curaçao supervises compliance with the obligations arising from:

- the NOIS;
- the NORUT;
- applicable sanctions legislation;
- and related AML/CFT/CPF obligations.

Within FIU Curaçao, the Supervision Department is responsible for supervising compliance with obligations relating to:

- customer due diligence;
- identification and verification of ultimate beneficial owners;
- unusual transaction reporting;
- sanctions compliance;
- registration obligations;
- internal organization and compliance controls;
- record-keeping obligations.

The Supervision Department applies a risk-based supervisory approach and may conduct supervisory activities including:

- onsite inspections;
- file reviews;
- thematic reviews;
- requests for information;
- management interviews;
- follow-up inspections.

The purpose of supervision is to promote compliance with the applicable legal framework and to contribute to the prevention and combating of money laundering, terrorist financing, and proliferation financing.

The Analysis Department operates independently from the Supervision Department and is responsible for:

- receiving reports of unusual transactions;
- registering reports;
- analyzing and enriching reported information;
- disseminating information where appropriate and legally permitted.

The reporting of unusual transactions to the Analysis Department forms an essential part of Curaçao's AML/CFT/CPF framework and contributes to the national and international fight against financial crime.

Current information regarding supervision, registration procedures, guidance, and relevant legislation is available through the official FIU Curaçao website:

Chapter 2 — Legal Framework and Supervisory Approach

2.1 Domestic Legislation

Traders falling within the scope of Article 1, first paragraph, point a, under 13°, of the National Ordinance on the Reporting of Unusual Transactions (NORUT) are subject to the obligations arising from both the National Ordinance on Identification for the Provision of Services (NOIS) and the NORUT.

These laws form an essential part of Curaçao's AML/CFT/CPF framework and establish obligations intended to prevent and combat:

- money laundering;
- terrorist financing;
- proliferation financing;
- and related forms of financial crime.

The NOIS establishes obligations relating to customer due diligence measures, including:

- customer identification and verification;
- identification and verification of ultimate beneficial owners;
- ongoing customer due diligence;
- assessment of the purpose and nature of the relationship;
- record-keeping obligations.

The NORUT establishes obligations relating to:

- reporting unusual transactions;
- registration obligations;
- retention obligations;
- supervisory powers;
- administrative enforcement measures.

The indicators applicable to unusual transactions are established in the Ministerial Regulation Establishing Indicators for Unusual Transactions (2015, No. 73), as amended by Ministerial Regulation 2024, No. 60.

The NOIS and the NORUT were amended in 2024 (P.B. 2024, No. 157) in order to strengthen Curaçao's AML/CFT/CPF framework and further align the domestic legal framework with applicable international standards and obligations.

Applicable sanctions legislation also forms part of the legal framework relevant to traders falling within the scope of these Provisions and guidelines.

Compliance with the NOIS, the NORUT, and applicable sanctions legislation is mandatory and remains the responsibility of the institution at all times.

2.2 Risk-Based Approach

The application of the NOIS and the NORUT is based on a risk-based approach.

This means that traders are expected to identify, assess, understand, and manage the risks associated with:

- their activities;
- products and services;
- customers;
- transactions;
- delivery channels;
- jurisdictions connected to the transaction;
- ownership and control structures.

Not all customers or transactions present the same level of risk.

Certain transactions or relationships may present relatively limited risks, while others may require enhanced scrutiny due to their nature, complexity, or surrounding circumstances.

Increased risks may arise in situations involving:

- significant cash payments;
- foreign customers or foreign bank accounts;
- unusual financing arrangements;
- opaque ownership structures;

- intermediary arrangements without a clear commercial rationale;
- high-risk jurisdictions;
- rapid transfers of ownership;
- unexplained third-party payments.

The risk-based approach requires traders not only to assess the customer itself, but also:

- the overall context of the transaction;
- the plausibility of the transaction structure;
- the source of funds involved;
- and the risks associated with the goods or services provided.

Where increased risks are identified, enhanced customer due diligence measures are expected.

The application of a risk-based approach does not reduce, replace, or limit the legal obligations arising from the NOIS, the NORUT, or applicable sanctions legislation.

All traders remain fully responsible for complying with the applicable legal obligations irrespective of the level of risk identified.

As part of its supervisory activities, FIU Curaçao may assess whether traders:

- adequately identify and assess risks;
- apply customer due diligence measures proportionate to the identified risks;
- apply enhanced measures where necessary;
- document their assessments and decisions properly.

2.3 National Risk Assessment (NRA)

The National Risk Assessment (NRA) provides insight into the principal money laundering, terrorist financing, and proliferation financing risks relevant to Curaçao.

The NRA forms an important component of Curaçao's risk-based AML/CFT/CPF framework and assists competent authorities and institutions in understanding the threats, vulnerabilities, and sector-specific risks present within the jurisdiction.

Traders are expected to take note of relevant NRA findings applicable to their sectors and to organize their business operations with due regard for identified sectoral risks.

Where the NRA identifies increased risks relating to specific sectors, activities, products, or transaction types, traders are expected to take appropriate mitigating measures.

The NRA should be considered in conjunction with:

- the institution's own risk assessment;
- customer-specific risks;

- transaction-related risks;
- sectoral developments;
- sanctions-related developments.

The existence of sectoral vulnerabilities identified in the NRA does not automatically imply that all transactions or customers present increased risk. However, traders are expected to remain alert to circumstances that may increase exposure to ML/TF/PF risks.

As part of its supervisory activities, FIU Curaçao may assess whether traders have adequately considered relevant NRA findings within their internal risk assessment and compliance framework.

2.4 International Obligations

As part of the Kingdom of the Netherlands, Curaçao is required to comply with applicable international obligations relating to the prevention and combating of money laundering, terrorist financing, and proliferation financing.

These obligations arise, among other things, from:

- the Recommendations of the Financial Action Task Force (FATF);
- resolutions of the United Nations Security Council;
- applicable international AML/CFT/CPF standards and obligations.

The FATF Recommendations establish international standards relating to:

- customer due diligence;
- beneficial ownership transparency;
- reporting of suspicious or unusual transactions;
- sanctions compliance;
- supervision and enforcement;
- risk-based supervision.

United Nations Security Council Resolutions may establish obligations relating to targeted financial sanctions, including freezing obligations and restrictions on making funds or economic resources available to designated persons or entities.

Compliance by traders contributes to:

- the effectiveness of Curaçao's AML/CFT/CPF framework;
- the protection of the integrity of the financial and economic system;
- compliance with international obligations and standards.

These Provisions and guidelines should therefore be interpreted in light of Curaçao's domestic legal framework as well as the applicable international standards and obligations.

2.5 Registration Obligation

Pursuant to Article 15a of the NORUT, traders are required to register with FIU Curaçao before commencing activities falling within the legal scope of the NORUT.

The registration obligation forms an essential part of Curaçao's supervisory framework and enables FIU Curaçao to exercise effective supervision over institutions falling within its supervisory scope.

Registration with the Supervision Department and registration with the goAML reporting system are separate obligations.

Registration with the Supervision Department relates to:

- supervisory oversight;
- identification of supervised institutions;
- communication regarding supervisory matters.

Registration with the goAML reporting system relates to:

- electronic reporting of unusual transactions;
- secure communication relating to reporting obligations.

The registration form and additional information are available through the official FIU Curaçao website www.fiucuracao.cw

Institutions are expected to provide complete, accurate, and up-to-date information during the registration process.

Failure to register prior to the commencement of activities may constitute a violation of the NORUT and may result in supervisory or administrative measures.

2.6 Reporting Obligation and Application of Indicators

Pursuant to Article 11 of the NORUT, traders are required to report unusual transactions to FIU Curaçao promptly after the unusual nature of the transaction has been established.

Whether a transaction should be regarded as unusual must be assessed using the applicable objective and subjective indicators established under the Ministerial Regulation Establishing Indicators for Unusual Transactions.

The reporting obligation constitutes an independent legal obligation and applies irrespective of:

- whether the transaction is completed;
- whether criminal conduct has been proven;
- whether the trader personally considers the transaction legitimate.

Objective Indicators

An objective indicator exists where a transaction meets a legally established measurable criterion.

For traders falling within Article 1, first paragraph, point a, under 13°, of the NORUT, particular importance attaches to the objective indicator relating to cash payments.

Where a transaction involves cash payments reaching or exceeding the applicable reporting threshold, a reporting obligation arises automatically.

The reporting obligation exists irrespective of the trader's own assessment regarding:

- the legitimacy of the transaction;
- the customer's explanation;
- the plausibility of the source of funds.

Where multiple related cash payments form part of the same transaction, business relationship, or commercial arrangement, the payments must be assessed collectively.

Traders are expected to remain alert to staggered or structured payment arrangements intended to avoid the reporting threshold.

Subjective Indicators

A subjective indicator exists where there are reasonable grounds to believe that a transaction may be related to:

- money laundering;
- terrorist financing;
- proliferation financing;
- or other criminal activity.

In assessing whether a subjective indicator applies, traders are expected to consider all relevant facts and circumstances in conjunction.

Relevant circumstances may include:

- unusual payment methods;
- opaque ownership structures;
- unexplained third-party involvement;
- unusual transaction structures;
- transactions lacking a clear economic rationale;
- inconsistencies between the transaction and the customer profile.

Where reasonable doubt regarding the legitimacy of the transaction cannot be eliminated objectively, a report should be submitted.

As part of its supervisory activities, FIU Curaçao may assess whether traders:

- apply the reporting indicators correctly;
- recognize unusual transactions timely;
- document reporting decisions adequately;
- comply with their reporting obligations consistently.

2.7 Retention Obligation

Pursuant to Article 11a of the NORUT, traders are required to retain records and data obtained in the context of:

- customer due diligence measures;
- reporting obligations;
- transaction assessments;
- sanctions screenings;
- internal investigations;

for the legally prescribed retention period.

Records should be organized in such a way that compliance with the applicable legal obligations can be verified afterward by the supervisory authority.

The records retained should enable reconstruction and assessment of:

- the customer due diligence conducted;
- the information obtained;
- the decisions taken;
- the basis for those decisions;
- the reports submitted.

The mere existence of incomplete files, standard forms, or copied identification documents is insufficient where the records do not demonstrate that actual investigation and assessment took place.

As part of its supervisory activities, FIU Curaçao may review customer files and internal records in order to assess compliance with the applicable retention obligations.

2.8 Supervision and Enforcement

FIU Curaçao supervises compliance with the obligations imposed under the NOIS, the NORUT, and applicable sanctions legislation.

Pursuant to Article 22mm of the NORUT, the supervisory authority is authorized, where reasonably necessary for the exercise of supervision, to:

- request information;
- demand access to books, records, and information carriers;
- conduct inspections;
- request explanations;
- review customer files and supporting documentation.

Supervision may include:

- onsite inspections;
- file reviews;
- management interviews;
- thematic reviews;
- follow-up inspections;
- desk-based supervisory assessments.

Where deficiencies or breaches are identified, FIU Curaçao may:

- issue written findings;
- require corrective measures;
- conduct follow-up reviews;
- impose administrative measures where appropriate.

Pursuant to Articles 22b and 22j of the NORUT, FIU Curaçao may impose administrative measures where violations are identified.

Administrative measures may include:

- corrective orders subject to penalty payments;
- administrative fines;
- intensified supervisory measures;
- other measures permitted under the applicable legal framework.

The primary objective of supervision and enforcement is the restoration and promotion of compliance with Curaçao's AML/CFT/CPF framework.

Chapter 3 — Risk-Based Approach

3.1 General Risk Picture

Traders in vehicles, vessels, building materials, precious metals, and precious stones operate within sectors involving goods with substantial economic value, international tradability, and in certain cases a relatively high degree of liquidity. These characteristics may increase the vulnerability of the sector to misuse for money laundering, terrorist financing, proliferation financing, fraud, tax-related offences, corruption, and other forms of financial crime.

Certain goods falling within these sectors may be transferred, resold, exported, or exchanged relatively quickly and, in some circumstances, may facilitate the concealment or movement of funds and assets. In addition, transactions involving high-value movable goods may present increased risks where ownership structures, payment methods, or the origin of funds are insufficiently transparent.

The risks associated with these sectors are not identical and may vary depending on:

- the nature of the goods traded;
- the type of customer involved;
- the size and complexity of the transaction;
- the jurisdictions connected to the transaction;
- the payment methods used;
- the ownership and control structure involved;
- the use of intermediaries or representatives.

Certain transactions may present relatively limited risks, while others may require increased scrutiny due to their complexity, unusual nature, or inconsistency with the available customer information.

Particular risks may arise in situations involving:

- substantial cash payments;
- transactions involving foreign customers or foreign bank accounts;
- unexplained third-party payments;
- unusual or unnecessarily complex trading arrangements;
- the use of intermediaries without a clear economic or commercial function;
- rapid resale or transfer of ownership without a logical explanation;
- opaque ownership structures;
- shell companies or intermediary entities;
- transactions inconsistent with the customer's known business activities or financial profile.

The application of a risk-based approach requires traders not only to assess the customer itself, but also to assess the overall context of the transaction, the plausibility of the transaction structure, the source of the funds involved, and the risks connected to the goods or services being provided.

The risk-based approach forms an essential part of Curaçao's AML/CFT/CPF framework and requires traders to identify, assess, understand, and manage the risks associated with their business activities in a consistent and demonstrable manner.

3.2 Cash Transactions

Cash-intensive transactions may present increased AML/CFT/CPF risks because the origin of funds may be more difficult to verify and because cash payments may facilitate attempts to conceal the ownership, source, transfer, or movement of funds.

Within the sectors covered by Article 1, first paragraph, point a, under 13°, of the NORUT, special attention attaches to transactions involving substantial cash payments due to the relatively high economic value and mobility of the goods involved.

The applicable Ministerial Regulation Establishing Indicators for Unusual Transactions provides an objective indicator relating to cash payments.

Where a transaction involves cash payments reaching or exceeding ANG 20,000, or the equivalent in foreign currency, a reporting obligation arises automatically.

The obligation to report exists irrespective of:

- whether the customer is known to the trader;
- whether the customer provides an explanation regarding the source of funds;
- whether the trader personally considers the transaction legitimate;
- whether a criminal investigation exists;
- whether the transaction is ultimately completed.

The reporting obligation arises by operation of law once the objective indicator has been met.

Traders are expected to remain alert to situations where customers attempt to avoid reporting obligations by dividing payments into multiple smaller transactions or by using staggered or structured payment arrangements.

Where multiple related cash payments form part of the same transaction, business relationship, or commercial arrangement, those payments should be assessed collectively rather than separately.

Particular caution is required where:

- cash payments are inconsistent with the customer's known activities or profile;
- foreign currency is involved without a logical explanation;

- payments originate from unrelated third parties;
- the transaction lacks a clear economic rationale;
- the customer is reluctant to provide information regarding the source of funds;
- payment structures appear unnecessarily complicated;
- the transaction is conducted with unusual urgency.

Where increased risks are identified, traders are expected to conduct enhanced customer due diligence measures and obtain additional information regarding:

- the source of funds;
- the background of the customer;
- the purpose of the transaction;
- the plausibility of the transaction structure.

As part of its supervisory activities, the Supervision Department may assess whether:

- cash transactions were adequately investigated;
- related payments were properly assessed collectively;
- customer files contain sufficient supporting documentation;
- unusual transactions were reported in a timely manner;
- enhanced due diligence measures were applied where appropriate.

The mere recording of cash payments in invoices or accounting systems is insufficient where the customer file does not demonstrate that actual assessment and investigation took place.

3.3 Trading Structures and Intermediaries

Certain trading structures, arrangements, and transaction methods may increase the risk that transactions are used to conceal ownership, disguise the movement of funds, obscure the parties involved, or circumvent reporting and sanctions obligations.

Increased risks may arise where transactions involve:

- recently established legal entities without visible operational activities;
- intermediary companies lacking a clear commercial or economic function;
- shell companies;
- payments originating from unrelated third parties;
- customers acting through intermediaries or representatives without sufficient transparency;
- rapid transfers of ownership;
- cross-border structures involving multiple jurisdictions;
- opaque ownership structures;
- unexplained foreign counterparties;
- multiple intermediary entities without a logical explanation.

The use of intermediaries is not prohibited in itself. However, traders are expected to understand:

- who the actual parties to the transaction are;
- why intermediaries are involved;
- what role each party performs;
- whether the structure has a legitimate commercial rationale.

Where the transaction structure appears unnecessarily complex, inconsistent, or insufficiently transparent, additional investigation is expected.

Enhanced customer due diligence measures may include:

- obtaining additional ownership documentation;
- requesting supporting contracts or agreements;
- obtaining additional information regarding source of funds or source of wealth;
- conducting additional sanctions screenings;
- verifying foreign entities through reliable independent sources;
- obtaining further clarification regarding the role of intermediaries.

The identification and verification of the ultimate beneficial owner forms an important part of this assessment.

Particular caution is required where:

- ownership structures change shortly before the transaction;
- multiple legal entities are involved without clear justification;
- payments are routed through unrelated foreign accounts;
- representatives refuse to provide sufficient information;
- there is pressure to complete the transaction quickly despite incomplete documentation.

Where sufficient clarity regarding the transaction structure, ownership structure, or source of funds cannot be obtained, traders are expected to assess whether:

- the transaction should be refused;
- the business relationship should not be continued;
- a reporting obligation arises under the NORUT.

As part of its supervisory activities, the Supervision Department may assess whether traders:

- adequately investigated complex structures;
- identified the parties involved properly;
- documented the ownership and transaction structure sufficiently;
- applied enhanced due diligence measures proportionate to the identified risks.

3.4 Risk-Based Application in Practice

The application of a risk-based approach does not reduce or limit the obligations arising from the NOIS, the NORUT, or applicable sanctions legislation.

All traders remain fully responsible for complying with the applicable legal obligations at all times.

The purpose of the risk-based approach is to ensure that measures applied by traders are proportionate to the nature and seriousness of the identified risks.

This requires traders to apply appropriate measures in relation to:

- the customer;
- the transaction;
- the products involved;
- the payment methods used;
- the jurisdictions connected to the transaction;
- the ownership and control structure;
- the delivery channels used.

Where increased risks are identified, additional investigation, enhanced due diligence measures, and supporting documentation may be required.

The risk-based approach should be reflected not only in written procedures, but also in the actual handling of customer files and transactions in practice.

Traders are expected to:

- understand the risks associated with their business activities;
- identify unusual payment methods or transaction structures;
- recognize indicators of money laundering, terrorist financing, or proliferation financing;
- apply enhanced measures where appropriate;
- document their assessments, decisions, and findings adequately.

Internal procedures should enable the organization to identify increased risks in a timely manner and ensure that appropriate escalation, investigation, and reporting measures are applied where necessary.

As part of its supervisory activities, the Supervision Department may assess whether traders:

- adequately identify and assess relevant risks;
- apply customer due diligence measures proportionate to the identified risks;
- apply enhanced customer due diligence where appropriate;
- document their assessments and decisions properly;
- recognize and report unusual transactions in a timely manner;
- effectively implement their internal procedures in practice.

The mere existence of standard forms, internal procedures, or completed checklists is insufficient where customer files do not demonstrate that actual investigation, analysis, and assessment took place in practice.

Chapter 4 — Customer Due Diligence

4.1 General Obligation to Conduct Customer Due Diligence

Pursuant to Article 2 of the National Ordinance on Identification for the Provision of Services (NOIS), traders are required to conduct customer due diligence prior to entering into a business relationship or carrying out a transaction falling within the scope of the NOIS and the National Ordinance on the Reporting of Unusual Transactions (NORUT).

Customer due diligence constitutes one of the core obligations within Curaçao's AML/CFT/CPF framework and forms an essential part of the prevention and detection of money laundering, terrorist financing, and proliferation financing. The objective of customer due diligence is not limited to identifying the customer, but also includes obtaining sufficient insight into the background of the customer, the ownership and control structure, the purpose of the transaction or relationship, and the legitimacy of the funds involved.

Customer due diligence must be completed before services are provided or transactions are processed. Traders are not permitted to commence or continue services where sufficient customer due diligence information has not been obtained.

The extent and depth of customer due diligence measures should be proportionate to the risks identified in relation to:

- the customer;
- the transaction;
- the products or services involved;
- the jurisdictions connected to the transaction;
- the payment methods used;
- the ownership or control structure.

A higher degree of due diligence is expected where increased risks are identified. Customer due diligence should therefore not be approached as a mere administrative formality, but as an ongoing assessment process requiring professional judgment and critical evaluation.

As part of its supervisory activities, the Supervision Department may assess whether traders have:

- adequately identified their customers;
- obtained sufficient information regarding the purpose and nature of the relationship;
- identified and verified ultimate beneficial owners;
- adequately documented their risk assessments;
- applied enhanced measures where increased risks were identified.

The mere existence of completed forms or copies of identification documents is insufficient where the customer file does not demonstrate that actual assessment and verification took place in practice.

4.2 Customer Identification and Verification

Before entering into a business relationship or processing a transaction, traders are required to establish and verify the identity of the customer using reliable, independent, and verifiable documents, data, or information.

In the case of natural persons, traders are expected to obtain, among other things:

- full name;
- date and place of birth;
- nationality;
- residential address;
- details of a valid identification document.

The identification document used should be valid and sufficiently clear to verify the customer's identity properly.

Where the customer is a legal entity or legal arrangement, traders are expected to obtain sufficient information regarding:

- the legal name and trade name;
- legal form;
- business address;
- registration details with the Chamber of Commerce;
- articles of incorporation or comparable constitutional documents where relevant;
- directors and authorized representatives;
- ownership and control structure;
- ultimate beneficial owners.

At a minimum, traders are generally expected to obtain:

- a recent Chamber of Commerce extract;
- information regarding the legal structure;
- identification details of authorized representatives;
- information regarding the ultimate beneficial owner.

The trader must establish whether the person acting on behalf of the legal entity is authorized to do so. Supporting documentation demonstrating such authority should be obtained where relevant.

Where information provided by the customer appears inconsistent, incomplete, contradictory, or implausible, additional investigation is expected.

As part of its supervisory activities, the Supervision Department may assess whether:

- customer identities were adequately verified;
- the documentation obtained was sufficiently reliable;
- inconsistencies were properly investigated;
- customer files contain adequate supporting documentation.

Failure to adequately identify and verify customers may constitute a serious breach of the NOIS.

4.3 Identification of the Ultimate Beneficial Owner

Where the customer is a legal entity, legal arrangement, or other structure, traders are required to identify and, where appropriate, verify the identity of the ultimate beneficial owner (UBO).

The UBO is the natural person who ultimately owns, controls, or exercises effective control over the customer, the legal entity, or the transaction.

The identification of the UBO forms an essential part of customer due diligence and is particularly important in preventing the misuse of legal entities and structures for concealing ownership, disguising illicit funds, or obscuring control relationships.

Traders should not rely solely on formal ownership documentation where circumstances indicate that the actual ownership or control structure may differ from the information formally presented.

Increased risks may arise in situations involving:

- complex ownership structures;
- multiple intermediary entities;
- foreign legal entities;
- nominee shareholders or nominee directors;
- trusts, foundations, or private foundations;
- rapid changes in ownership;
- opaque control arrangements;
- shareholders located in jurisdictions with limited transparency.

Where such circumstances arise, traders are expected to conduct additional investigation and obtain further supporting documentation sufficient to understand the ownership and control structure fully.

Depending on the structure involved, supporting documentation may include:

- shareholder registers;
- organizational charts;
- constitutional documents;
- trust deeds;

- foreign registry extracts;
- documentation regarding control arrangements;
- additional identification documents.

Where the trader cannot adequately identify the UBO, or where doubt remains regarding the accuracy or completeness of the information obtained, the trader should not commence or continue the business relationship.

In such situations, the trader must also assess whether a reporting obligation arises under the NORUT.

As part of its supervisory activities, the Supervision Department may assess whether traders:

- adequately investigated ownership structures;
- identified the natural persons exercising ultimate ownership or control;
- documented the ownership structure clearly;
- applied enhanced due diligence where appropriate.

The mere recording of shareholder information is insufficient where the file does not demonstrate that actual analysis of ownership and control took place.

4.4 Purpose of the Relationship and Source of Funds

Traders are expected to obtain sufficient understanding regarding:

- the purpose of the transaction;
- the intended nature of the business relationship;
- the source of funds;
- where relevant, the source of wealth.

This assessment enables traders to determine whether the transaction or relationship is consistent with the customer's known profile, activities, and financial position.

The information obtained should provide sufficient clarity regarding:

- why the transaction is being conducted;
- the commercial or economic rationale of the transaction;
- how the transaction is financed;
- whether the transaction is consistent with the customer's activities.

Additional information or supporting documentation may be required where:

- substantial cash payments are involved;
- payments originate from third parties;
- foreign accounts are involved;
- the transaction involves multiple jurisdictions;

- the structure appears unnecessarily complex;
- the transaction is inconsistent with the customer profile;
- the customer is reluctant to provide information.

Depending on the circumstances, traders may be expected to obtain:

- bank statements;
- contracts or agreements;
- invoices;
- loan agreements;
- documentation regarding business activities;
- documentation supporting the origin of funds or assets.

Where explanations provided by the customer are unclear, contradictory, implausible, or insufficiently substantiated, additional investigation is expected.

Particular caution is required in situations involving:

- unexplained foreign transfers;
- large cash transactions;
- rapid movement of funds;
- third-party payments without logical explanation;
- transactions lacking a clear commercial rationale.

Where sufficient clarity regarding the source of funds or the purpose of the transaction cannot be obtained, traders are expected to assess whether a reporting obligation arises under the NORUT.

As part of its supervisory activities, the Supervision Department may assess whether traders:

- obtained sufficient understanding regarding the transaction;
- adequately assessed the plausibility of the source of funds;
- documented their findings properly;
- applied enhanced measures where increased risks existed.

4.5 Enhanced Customer Due Diligence

Enhanced customer due diligence measures are required where increased ML/TF/PF risks are identified.

The application of enhanced customer due diligence is intended to ensure that increased risks are identified, investigated, and managed appropriately.

Increased risks may arise, among other situations, in relation to:

- substantial cash transactions;
- complex ownership structures;

- foreign customers or foreign accounts;
- politically exposed persons (PEPs);
- nominee structures;
- transactions involving high-risk jurisdictions;
- unusual trading arrangements;
- sanctions-related risks;
- unexplained third-party involvement.

Enhanced customer due diligence measures may include:

- obtaining additional documentation;
- conducting additional sanctions screenings;
- obtaining additional information regarding source of funds or source of wealth;
- conducting additional verification procedures;
- obtaining senior management approval;
- conducting more intensive monitoring;
- obtaining additional information regarding the customer's background or activities.

The degree of enhanced due diligence should be proportionate to the nature and seriousness of the identified risks.

Enhanced customer due diligence should not be approached as a standard checklist exercise. Traders are expected to conduct an actual substantive assessment of whether the information obtained adequately mitigates the identified risks.

Where enhanced due diligence measures fail to provide sufficient clarity regarding the legitimacy of the transaction or relationship, the trader should consider:

- refusing the transaction;
- terminating the relationship;
- filing a report under the NORUT.

As part of its supervisory activities, the Supervision Department may assess whether enhanced due diligence measures:

- were applied where appropriate;
- were proportionate to the identified risks;
- were adequately documented;
- resulted in a sufficiently substantiated assessment.

4.6 Ongoing Customer Due Diligence

Customer due diligence is an ongoing obligation and does not end once the customer relationship has been established.

Traders are expected to monitor the business relationship and transactions on an ongoing basis in order to determine whether they remain consistent with:

- the customer profile;
- the known business activities;
- the source of funds;
- the risk classification assigned.

Customer information should be reviewed and updated where relevant changes occur relating to:

- ownership structures;
- transaction patterns;
- customer activities;
- authorized representatives;
- sanctions exposure;
- risk profile.

Particular attention should be paid to:

- unusual changes in transaction behavior;
- newly introduced third parties;
- unexplained foreign transfers;
- rapid increases in transaction volumes;
- changes in ownership or control structures.

Where ongoing monitoring reveals increased risks or unusual circumstances, traders are expected to:

- conduct additional investigation;
- update customer information;
- apply enhanced due diligence measures where appropriate;
- assess whether a reporting obligation arises.

As part of its supervisory activities, the Supervision Department may assess whether traders:

- adequately monitored customer relationships;
- updated customer information where necessary;
- reassessed risk classifications appropriately;
- documented ongoing monitoring measures properly.

4.7 Records and Retention Obligation

Customer due diligence measures and assessments must be properly documented and retained in accordance with the applicable legal retention obligations.

Records must clearly demonstrate:

- the information obtained;
- the verification measures conducted;
- the ownership structure identified;
- the risk assessment performed;
- the decisions taken;
- the basis for those decisions;
- any enhanced due diligence measures applied;
- sanctions screenings conducted;
- ongoing monitoring activities performed.

Customer files should be organized in a clear, traceable, and verifiable manner.

The mere presence of standard forms, copied identification documents, or incomplete checklists is insufficient where the file does not demonstrate that actual investigation, analysis, and assessment took place.

Files should enable the supervisory body to establish:

- what information was obtained;
- what assessment was conducted;
- what conclusions were reached;
- and on what basis those conclusions were made.

Where files are incomplete, inconsistent, outdated, or inadequately substantiated, this may be regarded as a breach of the NOIS and the NORUT.

As part of its supervisory activities, the Supervision Department may review customer files in order to assess whether:

- customer due diligence was adequately conducted;
- enhanced measures were applied where necessary;
- records are complete and verifiable;
- decisions are properly substantiated;
- legal obligations were complied with consistently in practice.

Chapter 5 — Reporting of Unusual Transactions

5.1 Reporting Obligation

Pursuant to Article 11 of the National Ordinance on the Reporting of Unusual Transactions (NORUT), traders are required to report unusual transactions to FIU Curaçao promptly after the unusual nature of the transaction has been established.

Reports must be submitted through the designated electronic reporting system (goAML).

The reporting obligation constitutes an independent legal obligation and forms an essential part of Curaçao's AML/CFT/CPF framework. The purpose of the reporting obligation is to enable FIU Curaçao to identify, analyze, and where appropriate disseminate information relating to possible money laundering, terrorist financing, proliferation financing, or other financial crime.

The obligation to report does not depend on:

- the existence of a criminal investigation;
- certainty that criminal conduct has occurred;
- the completion of the transaction;
- the trader's personal opinion regarding the legitimacy of the transaction.

The reporting obligation arises once the transaction meets an applicable objective indicator or where sufficient circumstances exist giving rise to reasonable grounds to believe that the transaction may be related to money laundering, terrorist financing, or proliferation financing.

Traders are expected to assess transactions actively and independently. The reporting obligation should not be approached as a mere administrative exercise, but as an important preventive measure within the national and international AML/CFT/CPF framework.

As part of its supervisory activities, the Supervision Department may assess whether:

- unusual transactions were identified properly;
- reports were submitted in a timely manner;
- objective indicators were applied correctly;
- subjective indicators were adequately assessed;
- reporting decisions were sufficiently documented.

Failure to comply with the reporting obligation may constitute a serious violation of the NORUT.

5.2 Reporting Obligation and Indicators

Transactions must be assessed using the objective and subjective indicators established under the applicable Ministerial Regulation Establishing Indicators for Unusual Transactions.

The indicators provide the legal framework for determining whether a transaction should be regarded as unusual and therefore subject to the reporting obligation.

The assessment of whether a transaction is unusual should take place on the basis of:

- the transaction itself;
- the surrounding circumstances;
- the customer profile;
- the payment methods used;
- the ownership and control structure involved;

- the plausibility and economic rationale of the transaction.

The existence of an objective indicator results in an automatic reporting obligation. In addition, a reporting obligation may arise under the subjective indicator where facts or circumstances give rise to reasonable grounds to suspect that a transaction may be related to money laundering, terrorist financing, or proliferation financing.

The assessment should always be documented properly within the customer file or internal records.

5.2.1 Objective Indicators

For traders falling within Article 1, first paragraph, point a, under 13°, of the NORUT, special importance attaches to the objective indicator relating to cash payments.

Where a transaction involves cash payments reaching or exceeding ANG 20,000, or the equivalent in foreign currency, a reporting obligation arises automatically.

The obligation to report exists irrespective of:

- whether the customer is known to the trader;
- whether explanations are provided regarding the source of funds;
- whether the trader personally considers the transaction legitimate;
- whether the transaction is ultimately completed.

The reporting obligation arises by operation of law once the applicable threshold has been reached.

Where related cash payments form part of a single transaction, business relationship, or commercial arrangement, the payments must be assessed collectively rather than separately.

Traders are expected to remain alert to:

- staggered payments;
- structured payments;
- split invoices;
- payments through multiple persons or entities;
- attempts to avoid the reporting threshold.

Particular caution is required where:

- substantial cash payments are inconsistent with the customer profile;
- the origin of funds is unclear;
- payments involve foreign currency without logical explanation;
- payments originate from unrelated third parties;
- the transaction structure appears unnecessarily complicated.

As part of its supervisory activities, the Supervision Department may assess whether:

- cash transactions were adequately monitored;
- related payments were assessed collectively;
- objective indicators were recognized properly;
- reports were filed in a timely manner.

5.2.2 Subjective Indicators

A reporting obligation may also arise under the subjective indicator where there are reasonable grounds to believe that a transaction may be related to money laundering, terrorist financing, proliferation financing, or other criminal activity.

The subjective indicator requires traders to conduct an active and independent assessment based on the facts and circumstances of the transaction.

Relevant risk factors may include:

- unusual payment methods;
- transactions lacking a clear economic rationale;
- opaque ownership structures;
- unexplained third-party involvement;
- rapid resale of goods without logical explanation;
- unusual urgency surrounding the transaction;
- inconsistencies between the transaction and the customer profile;
- reluctance to provide supporting documentation;
- the use of foreign intermediaries without a clear function;
- complex transaction structures without legitimate commercial explanation.

A single factor may not necessarily be decisive. However, a combination of circumstances may give rise to sufficient suspicion requiring the submission of a report.

The trader is expected to assess the overall context of the transaction and determine whether the available information sufficiently eliminates concerns regarding the legitimacy of the transaction.

Where doubts remain that cannot reasonably be clarified, a report should be submitted.

The fact that a transaction is ultimately completed, refused, or discontinued does not remove the obligation to report where the unusual nature of the transaction has already been established.

As part of its supervisory activities, the Supervision Department may assess whether:

- subjective indicators were assessed adequately;
- the considerations underlying the reporting decision were documented properly;
- unusual circumstances were investigated sufficiently;

- enhanced customer due diligence measures were applied where necessary.

5.3 Internal Procedures

Traders are expected to establish and maintain adequate internal procedures for the identification, assessment, escalation, and reporting of unusual transactions.

Internal procedures should be proportionate to the nature and size of the organization and should enable the timely recognition and handling of unusual transactions.

The procedures should address, among other things:

- transaction monitoring;
- internal escalation procedures;
- reporting responsibilities;
- sanctions-related escalation procedures;
- documentation of decisions;
- retention of reports and supporting documentation;
- internal communication lines;
- handling of high-risk transactions.

It should be clearly established within the organization:

- who is responsible for identifying unusual transactions;
- who is responsible for reviewing escalated matters;
- who has authority to submit reports;
- how reporting decisions are documented.

Internal coordination or consultation must not result in unnecessary delay in filing a report where a reporting obligation exists.

Employees involved in customer contact, transaction processing, or compliance activities are expected to receive adequate training regarding:

- objective and subjective indicators;
- recognition of unusual transactions;
- escalation procedures;
- reporting obligations under the NORUT.

As part of its supervisory activities, the Supervision Department may assess whether:

- adequate internal procedures exist;
- procedures are implemented effectively in practice;
- employees are sufficiently aware of reporting obligations;
- reporting decisions are properly documented.

The mere existence of written procedures is insufficient where customer files or internal records do not demonstrate actual application in practice.

5.4 Prohibition against Tipping-Off

Traders are prohibited from informing customers or third parties that:

- a report has been filed;
- a transaction is under review;
- additional investigation is being conducted;
- information has been requested by FIU Curaçao or another competent authority.

This prohibition against tipping-off forms an important safeguard within the AML/CFT/CPF framework and is intended to prevent:

- obstruction of investigations;
- destruction of evidence;
- movement or concealment of assets;
- circumvention of supervisory or investigative measures.

The prohibition applies irrespective of whether the report was submitted under an objective or subjective indicator.

Internal procedures should ensure that:

- access to reporting information is appropriately restricted;
- reports are handled confidentially;
- employees understand the prohibition against tipping-off.

As part of its supervisory activities, the Supervision Department may assess whether adequate safeguards and procedures exist to prevent unauthorized disclosure of reporting-related information.

5.5 Illustrative Examples

The following examples are intended solely for illustrative purposes and do not limit the scope of the reporting obligation.

Illustrative Example 1 — Significant Cash Purchase

A customer purchases a high-value vehicle and proposes to pay ANG 45,000 in cash. Even where the customer provides an explanation regarding the source of the funds, the objective indicator applies and the transaction must be reported.

Illustrative Example 2 — Staggered Payments

A customer makes several separate cash payments over a short period of time in connection with the same purchase transaction. Although each individual payment remains below the reporting threshold, the payments collectively exceed ANG 20,000.

In such circumstances, the payments should be assessed collectively and a reporting obligation arises.

Illustrative Example 3 — Unusual Foreign Payment Arrangement

A vessel is purchased through a local intermediary, while the payments originate from multiple foreign bank accounts belonging to entities that are not clearly connected to the transaction.

Where sufficient clarity regarding the parties involved, the ownership structure, or the source of funds cannot be obtained, the trader should assess whether the transaction should be reported under the subjective indicator.

Illustrative Example 4 — Unexplained Use of Intermediaries

A customer purchasing precious metals insists that communication and payments take place exclusively through unrelated third parties without providing a logical explanation regarding their role.

Where the structure appears unnecessarily complicated or insufficiently transparent, enhanced customer due diligence measures are expected and a reporting obligation may arise depending on the circumstances.

Chapter 6 — Targeted Financial Sanctions

6.1 General Sanctions Compliance Obligations

Traders are required to comply with applicable targeted financial sanctions arising from domestic legislation, international obligations binding on Curaçao, and relevant United Nations Security Council Resolutions.

Compliance with targeted financial sanctions forms an important part of Curaçao's AML/CFT/CPF framework and contributes to the prevention and combating of terrorist financing, proliferation financing, and other threats to the integrity of the international financial and economic system.

Targeted financial sanctions may require, among other things:

- the freezing of funds or assets;
- the prohibition of making funds or economic resources available;
- restrictions on transactions or business relationships involving designated persons or entities.

Traders are expected to organize their business operations in such a way that sanctions-related risks can be identified, assessed, and managed adequately.

Sanctions obligations apply irrespective of:

- the size of the organization;
- whether the relationship is temporary or ongoing;
- whether the transaction is domestic or international;
- whether the customer is known to the trader.

Current sanctions-related information and guidance are available through the official FIU Curaçao website: www.fiucuracao.cw

As part of its supervisory activities, the Supervision Department may assess whether traders:

- conduct sanctions screenings adequately;
- apply freezing obligations where required;
- maintain adequate sanctions procedures;
- document sanctions-related assessments properly;
- apply appropriate escalation measures where sanctions risks are identified.

Failure to comply with targeted financial sanctions obligations may constitute a serious violation and may expose the institution to increased AML/CFT/CPF risks.

6.2 Terrorist Financing and Proliferation Financing

Targeted financial sanctions may relate to:

- terrorist financing;
- proliferation financing;
- persons, entities, organizations, or jurisdictions subject to international sanctions measures.

Terrorist financing refers to the financing of terrorist acts, terrorist organizations, or individual terrorists.

Proliferation financing refers to the financing of activities relating to the proliferation of weapons of mass destruction and related materials.

Traders are expected to ensure that funds, assets, goods, services, or economic resources are not made available, directly or indirectly, to sanctioned persons or entities.

Within the sectors covered by these Provisions and guidelines, particular attention may be required in situations involving:

- cross-border transactions;
- foreign counterparties;
- international shipment or transfer of goods;
- transactions involving high-value movable goods;
- intermediary structures;
- foreign payment arrangements.

The existence of a sanctions-related risk does not necessarily mean that a sanctions violation has occurred. However, where sanctions-related concerns arise, traders are expected to conduct additional investigation and apply appropriate escalation procedures.

Enhanced caution is expected where:

- counterparties are connected to high-risk jurisdictions;
- ownership structures are opaque;
- intermediaries are involved without a clear commercial rationale;
- the customer is reluctant to provide information;
- unusual payment structures are used.

As part of its supervisory activities, the Supervision Department may assess whether traders adequately identify and manage sanctions-related risks connected to terrorist financing or proliferation financing.

6.3 Sanctions Screening

Prior to entering into a business relationship or processing a transaction, traders are expected to conduct sanctions screenings against applicable sanctions lists.

Sanctions screenings should form part of the institution's customer due diligence procedures and should enable the trader to identify whether a customer, ultimate beneficial owner, representative, counterparty, or other involved party appears on a sanctions list.

The sanctions screening conducted and the outcome thereof should be recorded adequately within the customer file or internal records.

Where a name match arises, additional investigation is expected in order to determine whether:

- the match concerns the same person or entity;
- the identifying details correspond sufficiently;
- the sanctions measures apply.

Additional verification may include assessment of:

- date of birth;
- nationality;
- address details;
- passport information;
- ownership and control structure;
- other identifying information.

The existence of a name match does not automatically mean that a sanctions hit has been confirmed. However, traders are expected to assess potential matches carefully and document the outcome of the assessment.

Sanctions screening should not be limited solely to the start of the relationship. Ongoing screening may also be required where:

- customer information changes;
- ownership structures change;
- new parties become involved;
- sanctions lists are updated;
- increased sanctions-related risks arise.

As part of its supervisory activities, the Supervision Department may assess whether:

- sanctions screenings were conducted consistently;
- screenings were adequately documented;
- potential matches were investigated properly;
- escalation procedures were followed appropriately.

The mere existence of a sanctions screening tool or standard checklist is insufficient where files do not demonstrate that actual assessment and verification took place.

6.4 Freezing Obligation

Where a sanctions hit is confirmed, traders are required to apply the applicable freezing measures immediately and without delay.

The freezing obligation applies by operation of law and does not require prior notice to the customer.

Freezing measures generally involve preventing funds, assets, goods, or economic resources from being:

- transferred;
- converted;
- disposed of;
- used;
- made available;
- moved;
- released.

Once a sanctions hit has been confirmed, traders are expected to take immediate action to prevent the sanctioned person or entity from obtaining access to funds, assets, goods, or economic resources.

The freezing obligation applies not only to existing assets or transactions, but also to transactions or services that are still in preparation or negotiation.

Steps taken in response to a confirmed sanctions hit should be documented adequately.

As part of its supervisory activities, the Supervision Department may assess whether:

- freezing measures were applied timely;
- adequate escalation procedures existed;
- the institution acted appropriately following a confirmed sanctions hit;
- the measures taken were documented sufficiently.

Failure to apply freezing measures where required may constitute a serious violation of applicable sanctions obligations.

6.5 Prohibition against Making Funds or Economic Resources Available

Traders are prohibited from making funds, assets, goods, services, or economic resources available, directly or indirectly, to sanctioned persons or entities.

The concept of “making available” should be interpreted broadly and may include:

- transferring funds;
- providing goods or services;
- facilitating transactions;
- allowing the use of assets;
- enabling access to economic resources;
- completing transactions benefiting a sanctioned person or entity.

Economic resources may include:

- movable goods;
- vehicles;
- vessels;
- precious metals;
- precious stones;
- property rights;
- assets representing economic value.

The prohibition applies both to direct dealings with sanctioned persons and to indirect arrangements where the sanctioned person ultimately benefits from the transaction.

Particular caution is required where:

- intermediaries are involved;
- ownership structures are opaque;
- third parties appear to act on behalf of another person;
- payments are routed through unrelated entities;
- the true beneficiary of the transaction is unclear.

Where doubts exist regarding whether a transaction may result in funds or economic resources being made available to a sanctioned person or entity, traders are expected to conduct additional investigation and apply appropriate escalation measures.

As part of its supervisory activities, the Supervision Department may assess whether traders:

- adequately assessed sanctions-related risks;
- identified indirect sanctions exposure;
- investigated intermediary arrangements properly;
- documented sanctions-related decisions sufficiently.

6.6 Internal Procedures and Record-Keeping

Traders are expected to establish and maintain adequate sanctions-related procedures appropriate to the nature and size of the organization.

Internal procedures should address, among other things:

- sanctions screenings;
- escalation procedures;
- assessment of potential matches;
- application of freezing measures;
- internal reporting lines;
- handling of sanctions-related risks;
- record-keeping obligations.

It should be clearly established within the organization:

- who is responsible for sanctions compliance;
- who reviews potential sanctions matches;
- who has authority to escalate matters internally;
- how sanctions-related decisions are documented.

Employees involved in customer contact, transaction handling, compliance, or management activities are expected to receive adequate awareness and training regarding:

- sanctions obligations;
- sanctions screening procedures;
- escalation requirements;
- identification of sanctions-related risks.

Adequate records should be maintained relating to:

- sanctions screenings conducted;
- assessments performed;
- actions taken;
- escalation measures applied;
- freezing measures implemented;
- decisions and supporting rationale.

Records should be sufficiently clear and traceable to enable supervisory review afterward.

As part of its supervisory activities, the Supervision Department may assess whether:

- adequate sanctions procedures exist;
- procedures are implemented effectively in practice;
- sanctions-related decisions are documented properly;
- employees are sufficiently aware of sanctions obligations.

6.7 International Obligations and Consistency

Compliance with targeted financial sanctions forms an important part of Curaçao's international AML/CFT/CPF obligations.

As part of the Kingdom of the Netherlands, Curaçao is required to implement applicable international sanctions obligations, including obligations arising from United Nations Security Council Resolutions.

The effective implementation of targeted financial sanctions contributes to:

- the prevention of terrorist financing;
- the prevention of proliferation financing;
- the protection of the integrity of the financial and economic system;
- compliance with international AML/CFT/CPF standards.

Traders are expected to ensure that sanctions compliance forms an integrated part of their overall AML/CFT/CPF framework and internal risk management procedures.

Sanctions compliance should not be approached as a separate administrative formality, but as an ongoing risk management obligation requiring active assessment, awareness, and internal controls.

As part of its supervisory activities, the Supervision Department may assess whether sanctions obligations are effectively integrated into:

- customer due diligence procedures;
- transaction monitoring processes;
- escalation procedures;
- internal controls;
- compliance frameworks;
- employee awareness measures.

The effective implementation of targeted financial sanctions contributes to the overall effectiveness of Curaçao's AML/CFT/CPF regime and its compliance with international standards and obligations.

Chapter 7 — Internal Organization and Compliance

7.1 General Principles

Compliance with the National Ordinance on Identification for the Provision of Services (NOIS), the National Ordinance on the Reporting of Unusual Transactions (NORUT), and applicable sanctions legislation requires an adequate, structured, and demonstrably effective internal organization.

An adequate internal organization is essential to ensure that traders are capable of:

- identifying and assessing AML/CFT/CPF risks;
- conducting customer due diligence measures properly;
- recognizing and reporting unusual transactions;
- complying with sanctions obligations;
- maintaining adequate records and internal controls.

The internal organization should be proportionate to the nature, size, complexity, and risk profile of the institution and its activities.

Compliance with legal obligations should not depend solely on ad hoc individual judgment or informal working methods. Traders are expected to establish clear procedures, responsibilities, and internal controls to ensure that legal obligations are complied with consistently and effectively in practice.

The existence of written procedures alone is insufficient where the organization is unable to demonstrate that those procedures are actively implemented, monitored, and followed in practice.

As part of its supervisory activities, the Supervision Department may assess whether:

- the institution has an adequate internal compliance structure;
- responsibilities are clearly assigned;
- procedures are implemented effectively in practice;
- employees are sufficiently aware of their obligations;
- internal controls function adequately.

An inadequate internal organization may increase the risk that unusual transactions, sanctions-related risks, or deficiencies in customer due diligence remain undetected.

7.2 Responsibility and Management

It should be clearly established within the organization who is responsible for:

- customer due diligence;

- sanctions screening;
- transaction monitoring;
- reporting obligations;
- internal escalation procedures;
- record-keeping obligations;
- compliance oversight.

Management remains responsible for ensuring that the organization complies with its obligations under the NOIS, the NORUT, and applicable sanctions legislation.

Where the nature or size of the organization justifies it, a designated compliance function or responsible officer may be appointed. Such person should have:

- sufficient authority;
- adequate access to information;
- sufficient knowledge of AML/CFT/CPF obligations;
- the ability to escalate matters internally where necessary.

Internal responsibilities should be clearly communicated within the organization so that employees understand:

- which obligations apply to their activities;
- when escalation is required;
- who is responsible for decision-making;
- how unusual transactions or sanctions-related concerns should be handled.

Where responsibilities are unclear or fragmented, there is an increased risk that:

- unusual transactions remain unidentified;
- sanctions-related risks are overlooked;
- customer due diligence deficiencies remain unresolved;
- reporting obligations are not complied with properly.

As part of its supervisory activities, the Supervision Department may assess whether:

- responsibilities are adequately assigned;
- management exercises sufficient oversight;
- escalation procedures function effectively;
- compliance responsibilities are understood within the organization.

The outsourcing of certain activities does not transfer the institution's legal responsibilities. Traders remain fully responsible for compliance with their legal obligations at all times.

7.3 Internal Procedures and Practical Application

Traders are expected to establish and maintain adequate written internal procedures addressing the institution's AML/CFT/CPF and sanctions obligations.

Internal procedures should be proportionate to the nature, size, and risk profile of the organization and should provide practical guidance regarding the application of legal obligations in daily operations.

At a minimum, internal procedures should address:

- customer identification and verification;
- identification and verification of ultimate beneficial owners;
- risk classification of customers and transactions;
- sanctions screening procedures;
- recognition and reporting of unusual transactions;
- escalation procedures;
- enhanced customer due diligence measures;
- record retention obligations;
- internal controls and monitoring.

Procedures should clearly establish:

- what information must be obtained;
- how customer files should be documented;
- when enhanced due diligence measures are required;
- when escalation or reporting obligations arise;
- who is responsible for reviewing or approving decisions.

Internal procedures should not be limited to theoretical descriptions or generic checklists. Procedures are expected to function effectively in practice and be tailored to the institution's actual activities and risks.

As part of its supervisory activities, the Supervision Department may assess whether:

- internal procedures are sufficiently clear and comprehensive;
- procedures are consistent with the institution's actual activities;
- employees apply the procedures correctly in practice;
- customer files reflect effective implementation of the procedures.

The mere existence of policies, manuals, forms, or checklists is insufficient where customer files or internal records do not demonstrate that actual investigation, assessment, monitoring, and decision-making took place.

Particular attention may be given during supervision to whether:

- high-risk transactions were adequately investigated;
- unusual payment structures were recognized;
- enhanced due diligence measures were applied where appropriate;
- reporting decisions were properly documented.

7.4 Training and Awareness

Employees involved in customer contact, transaction processing, administration, compliance activities, or management functions are expected to receive adequate AML/CFT/CPF and sanctions-related training.

Training and awareness measures should ensure that employees are capable of:

- understanding applicable legal obligations;
- recognizing unusual transactions;
- identifying sanctions-related risks;
- applying customer due diligence measures correctly;
- recognizing indicators of money laundering, terrorist financing, or proliferation financing;
- understanding internal escalation and reporting procedures.

Training should be proportionate to the employee's role and level of responsibility within the organization.

Training and awareness activities may include:

- internal meetings;
- workshops;
- external training sessions;
- webinars;
- compliance briefings;
- updates regarding legislative or sanctions-related developments.

Employees should also be informed where:

- sanctions lists are updated;
- reporting indicators are amended;
- internal procedures change;
- relevant legal developments occur.

New employees should receive appropriate guidance regarding:

- the institution's internal procedures;
- reporting obligations;
- sanctions procedures;
- escalation requirements;

- record-keeping obligations.

Smaller organizations without dedicated compliance staff are also expected to ensure that sufficient AML/CFT/CPF awareness exists within the organization.

As part of its supervisory activities, the Supervision Department may assess whether:

- employees received adequate training;
- training activities were documented;
- employees demonstrate sufficient awareness of their obligations;
- relevant legal developments are communicated internally.

The absence of adequate awareness or training may increase the risk that unusual transactions or sanctions-related risks remain unidentified.

7.5 Recording and Verifiability

Customer files, internal records, and compliance documentation should be organized in a clear, complete, traceable, and verifiable manner.

Records should clearly demonstrate:

- the information obtained;
- the customer due diligence measures conducted;
- sanctions screenings performed;
- the risk assessment carried out;
- enhanced due diligence measures applied;
- the decisions taken;
- the basis for those decisions;
- reports submitted under the NORUT;
- ongoing monitoring measures performed.

Files should enable the institution and the supervisory body to establish afterward:

- what information was available at the relevant time;
- what assessment was conducted;
- what conclusions were reached;
- and on what basis those conclusions were made.

The mere presence of standard forms, copied identification documents, or incomplete checklists is insufficient where the file does not demonstrate that actual assessment and investigation took place.

Particular importance attaches to the documentation of:

- unusual transactions;
- sanctions-related assessments;
- source of funds investigations;
- ownership and control structures;
- escalation decisions;
- decisions not to report.

As part of its supervisory activities, the Supervision Department may review customer files and internal records in order to assess whether:

- legal obligations were complied with properly;
- risk assessments were adequately substantiated;
- enhanced measures were applied where necessary;
- records are complete and verifiable.

Incomplete, inconsistent, or inadequately substantiated records may be regarded as a breach of the NOIS or the NORUT.

7.6 Proportionality and Smaller Organizations

The internal organization and compliance framework should be proportionate to the nature, size, complexity, and risk profile of the institution.

Smaller organizations cannot necessarily be expected to maintain extensive compliance departments or highly complex compliance systems. However, the principle of proportionality does not reduce or eliminate the legal obligations arising from the NOIS, the NORUT, or applicable sanctions legislation.

All traders, irrespective of size, remain fully responsible for:

- conducting customer due diligence;
- recognizing and reporting unusual transactions;
- complying with sanctions obligations;
- maintaining adequate records;
- implementing adequate internal procedures.

Even within smaller organizations or sole proprietorships, it should be clear:

- how customer due diligence is conducted;
- how sanctions screenings are performed;
- how unusual transactions are recognized and escalated;
- how reporting decisions are made;
- how records are maintained.

Smaller organizations may apply simplified organizational structures, provided that:

- responsibilities remain clear;
- legal obligations are complied with consistently;
- adequate records are maintained;
- risks are adequately identified and managed.

The absence of personnel or limited organizational size does not exempt an institution from compliance obligations.

As part of its supervisory activities, the Supervision Department may assess whether the organization's internal procedures and controls remain appropriate in light of:

- the institution's activities;
- the products or services provided;
- the volume of transactions;
- the risks associated with the sector;
- the complexity of the customer base.

Where the internal organization is inadequate to manage the institution's risks properly, supervisory measures may be considered.

Chapter 8 — Supervision Department

8.1 Supervisory Task

FIU Curaçao has been designated as supervisory authority under the National Ordinance on the Reporting of Unusual Transactions (NORUT) for supervising compliance with the obligations arising from the National Ordinance on Identification for the Provision of Services (NOIS), the NORUT, and applicable sanctions legislation.

Within FIU Curaçao, the Supervision Department is responsible for supervising compliance with obligations relating to:

- customer due diligence;
- identification and verification of ultimate beneficial owners;
- reporting of unusual transactions;
- sanctions compliance;
- registration obligations;
- internal organization and compliance measures;
- record-keeping obligations.

The purpose of supervision is to promote compliance with the applicable legal framework and to contribute to the prevention and combating of money laundering, terrorist financing, and proliferation financing.

Supervision focuses not only on the existence of policies, procedures, or documentation, but especially on the actual implementation and effectiveness of those measures in practice.

In performing its supervisory task, FIU Curaçao applies a risk-based supervisory approach. This means that supervisory attention may be influenced by:

- the nature and size of the institution;
- the products or services provided;
- the sector-specific risks identified;
- the complexity of the customer base;
- the institution's compliance history;
- signals, reports, or other relevant supervisory information.

As part of its supervisory activities, FIU Curaçao may assess whether traders:

- adequately identify and manage AML/CFT/CPF risks;
- conduct customer due diligence properly;
- recognize and report unusual transactions timely;
- apply sanctions obligations effectively;
- maintain an adequate internal compliance organization.

The Supervision Department operates independently from the Analysis Department. The Analysis Department is responsible for the receipt, registration, analysis, and dissemination of reports of unusual transactions.

8.2 Method of Supervision

Supervision may take place through a variety of supervisory activities intended to assess whether legal obligations are complied with effectively in practice.

Supervisory activities may include:

- file reviews;
- onsite inspections;
- management interviews;
- requests for information;
- thematic reviews;
- follow-up assessments;
- desk-based supervisory reviews;
- compliance meetings.

The form and intensity of supervision may vary depending on the nature and risk profile of the institution and the seriousness of the identified risks or deficiencies.

During supervisory activities, FIU Curaçao may review, among other things:

- customer files;
- sanctions screening procedures;
- transaction monitoring practices;
- unusual transaction reporting procedures;
- internal policies and procedures;
- governance and compliance structures;
- internal records and supporting documentation.

Supervision focuses not only on whether policies and procedures formally exist, but also on whether:

- they are applied consistently in practice;
- employees are aware of the applicable obligations;
- risks are adequately identified and managed;
- decisions are properly documented and substantiated.

Particular attention may be given to:

- high-risk transactions;
- substantial cash transactions;
- unusual transaction structures;
- complex ownership structures;
- sanctions-related risks;
- repeated deficiencies or weaknesses.

As part of its supervisory activities, FIU Curaçao may request explanations regarding:

- transactions;
- customer relationships;
- internal assessments;
- reporting decisions;
- sanctions-related measures.

Institutions are expected to cooperate fully and provide requested information in a timely, complete, and accurate manner.

8.3 Identification of Breaches

Where supervisory activities reveal that legal obligations have not been complied with, or have not been complied with adequately, FIU Curaçao may identify deficiencies or breaches and communicate its findings to the institution.

Breaches may relate, among other things, to:

- inadequate customer due diligence;
- failure to identify ultimate beneficial owners;
- inadequate sanctions screening;
- failure to report unusual transactions;
- insufficient record-keeping;
- deficiencies in internal procedures or controls;
- failure to comply with registration obligations.

Where deficiencies are identified, FIU Curaçao may issue written findings or instructions specifying:

- the nature of the deficiencies identified;
- the applicable legal obligations;
- the corrective measures expected;
- the timeframe within which remediation should take place.

The seriousness of the identified breach may depend on:

- the nature and duration of the deficiency;
- the risks associated with the breach;
- the extent to which the institution cooperated;
- whether the breach is repeated or structural in nature;
- whether sanctions-related or AML/CFT/CPF risks were involved.

As part of its supervisory activities, FIU Curaçao may also assess whether identified deficiencies indicate broader weaknesses within the institution's compliance framework or internal organization.

8.4 Restoration of Standards

The primary objective of supervision is the restoration and promotion of compliance with the applicable legal obligations.

Where deficiencies are identified, FIU Curaçao generally seeks to ensure that the institution takes adequate corrective measures to remedy the identified shortcomings within an appropriate timeframe.

Corrective measures may include, among other things:

- updating customer files;
- conducting additional customer due diligence;
- implementing or revising internal procedures;
- improving sanctions screening measures;
- strengthening internal controls;
- providing additional employee training;
- reviewing previously handled transactions.

Institutions are expected to take corrective measures seriously and to remedy identified deficiencies effectively and within the timeframe specified by the supervisory authority.

The restoration of standards is intended not only to address individual deficiencies, but also to reduce the risk of future noncompliance and strengthen the institution's overall AML/CFT/CPF compliance framework.

As part of its supervisory activities, FIU Curaçao may assess whether:

- corrective measures were implemented effectively;
- identified deficiencies were adequately remedied;
- internal procedures were strengthened appropriately;
- risks have been reduced sufficiently.

The failure to remedy identified deficiencies may result in further supervisory or enforcement measures.

8.5 Enforcement Measures

Where deficiencies are serious, repeated, structural, or insufficiently remedied, FIU Curaçao may make use of the enforcement measures available under the applicable legal framework.

Depending on the nature and seriousness of the violation, FIU Curaçao may impose:

- written instructions;
- corrective orders subject to penalty payments;
- administrative fines;
- intensified supervisory measures;
- other administrative measures permitted by law.

The choice of enforcement measure depends on:

- the seriousness of the violation;
- the duration of the noncompliance;
- the risks associated with the breach;
- the degree of culpability;
- the institution's cooperation;
- previous supervisory findings or measures.

Particular seriousness may attach to:

- repeated failures to report unusual transactions;
- structural deficiencies in customer due diligence;
- inadequate sanctions compliance;
- submission of false or misleading information;
- failure to cooperate with supervision.

As part of its supervisory activities, FIU Curaçao may take into account whether deficiencies expose the institution or the sector to increased risks of:

- money laundering;
- terrorist financing;
- proliferation financing;
- sanctions evasion.

Administrative enforcement measures are intended to:

- end violations;
- restore compliance;
- prevent recurrence;
- strengthen the integrity of the sector.

8.6 Re-inspection and Repeated Violations

Where deficiencies have been identified, FIU Curaçao may conduct follow-up reviews or re-inspections to assess whether the institution has implemented adequate corrective measures.

Re-inspections may focus on:

- whether identified deficiencies were remedied;
- whether corrective measures were implemented effectively;
- whether similar deficiencies continue to exist;
- whether the institution's compliance framework has improved.

Repeated, recurring, or unresolved deficiencies may indicate structural weaknesses within the institution's internal organization or compliance culture.

Where violations continue despite previous supervisory interventions or corrective instructions, FIU Curaçao may consider more severe enforcement measures.

Particular attention may be given during re-inspections to:

- repeated reporting failures;
- inadequate customer due diligence;
- deficiencies in sanctions screening;

- recurring record-keeping deficiencies;
- ineffective escalation procedures.

The recurrence of similar violations within a relatively short period may be regarded as an aggravating circumstance in determining appropriate supervisory or enforcement measures.

8.7 Registration Obligation

Pursuant to Article 15a of the NORUT, traders falling within the legal scope of the NORUT are required to register with the Supervision Department of FIU Curaçao before commencing services or activities subject to supervision.

The registration obligation forms an important part of Curaçao's supervisory framework and enables FIU Curaçao to exercise effective supervision over institutions falling within the scope of the NOIS and the NORUT.

The registration form and related information are available through the official FIU Curaçao website: www.fiucuracao.cw

The institution is expected to provide complete, accurate, and up-to-date information during the registration process.

Registration generally requires, among other things:

- identification details of the institution;
- Chamber of Commerce information;
- information regarding directors or policymakers;
- information regarding the ultimate beneficial owner;
- contact details;
- information regarding the activities performed.

Changes relating to:

- ownership;
- management;
- policymakers;
- business activities;
- contact information;

should be communicated to the Supervision Department in a timely manner.

Failure to register prior to commencing activities may constitute a violation of the NORUT and may result in supervisory or administrative measures.

Registration with the Supervision Department does not replace the separate obligation to register with the Analysis Department for access to the goAML reporting system.

8.8 Integrity and Reliability

As part of its supervisory activities, FIU Curaçao may assess the integrity and reliability of policymakers, directors, managers, and ultimate beneficial owners where relevant for supervisory purposes.

The integrity and reliability of persons involved in the management or control of an institution may be relevant in assessing whether the institution is capable of complying adequately with its legal obligations.

In assessing integrity and reliability, FIU Curaçao may take into account, where relevant:

- criminal convictions;
- involvement in financial or economic offences;
- previous supervisory measures;
- provision of false or misleading information;
- involvement in structures or activities presenting increased integrity risks;
- repeated noncompliance with legal obligations.

Particular attention may be given where circumstances indicate that:

- the institution's management structure lacks transparency;
- policymakers fail to exercise adequate oversight;
- ownership structures are intentionally obscured;
- integrity-related risks may undermine effective compliance.

Institutions are expected to organize their business operations in such a way that persons responsible for policymaking, management, or control do not undermine the integrity of the institution or the sector.

As part of its supervisory activities, FIU Curaçao may request additional information or supporting documentation relevant to the assessment of integrity and reliability.

Where integrity-related concerns significantly affect the institution's ability to comply with its legal obligations, FIU Curaçao may take this into account in determining appropriate supervisory or enforcement measures.

Chapter 9 — Analysis Department and Reporting of Unusual Transactions

- reports contain sufficient information;
- reports are adequately substantiated;
- supporting documentation is maintained properly;
- internal reporting procedures function effectively.

9.1 Review by the Analysis Department

The Analysis Department may review, analyze, enrich, and where appropriate disseminate reported information in accordance with the applicable legal framework.

The analytical process may involve:

- combining reported information with additional information available to FIU Curaçao;
- identifying patterns or connections;
- assessing possible links to money laundering, terrorist financing, proliferation financing, or other criminal activity;
- disseminating relevant information to competent authorities where legally permitted.

The filing of a report does not automatically result in further action against the reporting institution or the customer involved.

The role of the reporting institution is to identify and report unusual transactions in accordance with the applicable legal obligations.

The determination of whether criminal conduct has occurred falls outside the responsibility of the reporting institution.

9.2 Duty of Confidentiality

Traders are prohibited from informing customers or third parties that:

- a report has been submitted;
- a transaction is under review;
- additional information has been requested;
- FIU Curaçao or another competent authority is conducting analysis or investigation activities.

This confidentiality obligation forms an essential safeguard within Curaçao's AML/CFT/CPF framework and is intended to prevent:

- obstruction of investigations;
- destruction of evidence;
- movement or concealment of assets;
- circumvention of supervisory or investigative measures.

The duty of confidentiality applies irrespective of:

- whether the report was submitted under an objective or subjective indicator;
- whether the transaction was completed;
- whether further action is ultimately taken.

Internal procedures should ensure that access to reporting-related information is appropriately restricted within the organization.

Employees involved in reporting activities should receive adequate guidance regarding:

- confidentiality obligations;
- internal handling of reporting-related information;
- restrictions on disclosure.

As part of its supervisory activities, the Supervision Department may assess whether adequate safeguards exist to prevent unauthorized disclosure of reporting-related information.

9.3 Consequences of Non-Reporting

Failure to comply with reporting obligations may constitute a serious violation of the NORUT and may result in supervisory or administrative measures.

Noncompliance may include, among other things:

- failure to report an unusual transaction;
- late reporting;
- repeated reporting deficiencies;
- failure to recognize applicable indicators;
- submission of incomplete or misleading information;
- structural deficiencies in reporting procedures.

Particular seriousness may attach where:

- substantial cash transactions were not reported;
- sanctions-related concerns were ignored;
- reporting deficiencies are repeated or structural;
- internal procedures are inadequate;
- false or misleading information is submitted.

As part of its supervisory activities, FIU Curaçao may assess whether:

- reporting obligations were complied with consistently;
- unusual transactions were recognized properly;
- internal escalation procedures function adequately;
- reporting-related decisions were documented appropriately.

Where deficiencies are identified, FIU Curaçao may require corrective measures and, where appropriate, impose administrative measures in accordance with the applicable legal framework.

Chapter 10 — Administrative Measures and Aggravating Circumstances

10.1 Legal Basis and Enforcement Instruments

Where supervisory activities reveal noncompliance with the obligations arising from the NOIS, the NORUT, or applicable sanctions legislation, FIU Curaçao may make use of the administrative enforcement instruments available under the applicable legal framework.

The supervisory authority may impose administrative measures where necessary to:

- end violations;
- restore compliance;
- mitigate AML/CFT/CPF risks;
- prevent recurrence of deficiencies;
- protect the integrity of the sector.

Depending on the nature and seriousness of the violation, FIU Curaçao may impose:

- written instructions;
- corrective measures;
- corrective orders subject to penalty payments;
- administrative fines;
- intensified supervisory measures;
- other administrative measures permitted by law.

The choice of enforcement measure depends on:

- the seriousness of the breach;
- the duration of the noncompliance;
- the risks associated with the violation;
- the degree of culpability;
- the institution's cooperation;
- previous supervisory findings or measures.

Administrative enforcement measures are intended primarily to promote compliance and restore adherence to the applicable legal obligations.

10.2 Serious and Structural Violations

Certain violations may be regarded as serious due to their nature, duration, frequency, or associated AML/CFT/CPF risks.

Serious or structural violations may include:

- structural failure to conduct customer due diligence;
- failure to identify or verify ultimate beneficial owners;

- repeated failure to report unusual transactions;
- failure to conduct sanctions screenings;
- failure to apply enhanced due diligence measures where required;
- repeated record-keeping deficiencies;
- failure to cooperate with supervision;
- submission of false or misleading information;
- repeated noncompliance despite previous supervisory interventions.

Particular seriousness may attach where deficiencies:

- expose the institution or sector to increased money laundering risks;
- involve sanctions-related concerns;
- facilitate terrorist financing or proliferation financing risks;
- undermine the effectiveness of Curaçao's AML/CFT/CPF framework.

Structural deficiencies may indicate broader weaknesses in:

- governance;
- internal controls;
- compliance culture;
- management oversight;
- employee awareness.

As part of its supervisory activities, FIU Curaçao may assess whether identified deficiencies reflect isolated shortcomings or structural weaknesses within the institution.

10.3 Aggravating Circumstances

In determining appropriate supervisory or enforcement measures, FIU Curaçao may take aggravating circumstances into account.

Aggravating circumstances may include:

- ignored sanctions obligations;
- proliferation financing risks;
- repeated violations;
- submission of false or misleading information;
- deliberate obstruction of supervision;
- failure to remedy previously identified deficiencies;
- repeated reporting failures;
- attempts to conceal ownership structures;
- intentional circumvention of reporting obligations;
- involvement of high-risk jurisdictions or sanctioned parties.

Particular seriousness may attach where:

- sanctions-related obligations were ignored;
- transactions involved potential terrorist financing or proliferation financing risks;
- deficiencies continued despite prior supervisory warnings or instructions;
- customer due diligence failures enabled opaque or suspicious structures.

The existence of aggravating circumstances may justify the imposition of more severe administrative measures.

10.4 Proportionality and Weighing

Administrative measures should be proportionate to:

- the seriousness of the violation;
- the risks associated with the breach;
- the duration and frequency of the noncompliance;
- the degree of culpability;
- the institution's compliance history;
- the institution's level of cooperation.

FIU Curaçao may also take into account:

- whether corrective measures were implemented voluntarily;
- whether deficiencies were remedied promptly;
- whether management demonstrated adequate oversight;
- the effectiveness of the institution's internal controls.

The principle of proportionality does not prevent FIU Curaçao from taking firm supervisory or enforcement measures where the seriousness of the risks or deficiencies justifies such action.

The objective of proportionality is to ensure that measures remain appropriate, balanced, and effective in light of the circumstances of the case.

10.5 Concurrence with Criminal Law

Violations of the NOIS, the NORUT, or applicable sanctions legislation may, depending on the nature and circumstances of the case, also have criminal law implications.

Where appropriate and legally permitted, coordination or information exchange may take place with:

- competent investigative authorities;
- the Public Prosecution Service;
- other competent authorities.

Administrative supervision and criminal law enforcement may exist alongside one another and serve different purposes within Curaçao's AML/CFT/CPF framework.

The existence of administrative measures does not necessarily exclude the possibility of criminal investigation or prosecution where the circumstances so justify.

Chapter 11 — Closing Provisions

11.1 Status of These Provisions and guidelines

These Provisions and guidelines provide further guidance regarding compliance with the obligations arising from:

- the National Ordinance on Identification for the Provision of Services (NOIS);
- the National Ordinance on the Reporting of Unusual Transactions (NORUT);
- applicable sanctions legislation.

The purpose of these Provisions and guidelines is to clarify how FIU Curaçao interprets and applies certain legal obligations in practice within the context of supervision.

These Provisions and guidelines should be read in conjunction with the applicable laws and regulations.

The contents of these Provisions and guidelines do not replace or limit any obligations arising directly from the law.

In the event of any inconsistency between these Provisions and guidelines and the applicable legal framework, the law prevails.

11.2 Evaluation and Updates

Laws, regulations, sanctions regimes, supervisory practices, and international AML/CFT/CPF standards may develop over time.

FIU Curaçao may amend, supplement, or update these Provisions and guidelines where necessary, including as a result of:

- legislative amendments;
- changes in international standards;
- sanctions-related developments;
- supervisory experiences;
- identified sectoral risks;
- international evaluations or recommendations.

Traders are expected to remain informed regarding updated versions of these Provisions and guidelines and relevant legal developments.

Updated information may be published through the official FIU Curaçao website:
www.fiucuracao.cw

11.3 Entry into Force

These Provisions and guidelines enter into force on the date determined by FIU Curaçao.

From the date of entry into force, these Provisions and guidelines may be applied by FIU Curaçao within the context of its supervisory activities relating to traders falling within the legal scope of these Provisions and guidelines.

11.4 Short Title

These Provisions and guidelines may be cited as:

“Provisions and guidelines for Traders in Vehicles, Vessels, Building Materials, Precious Metals and Precious Stones regarding Compliance with the NOIS and the NORUT”.

ANNEXES

Annex I — Abbreviations Used

Abbreviation	Meaning
AML/CFT/CPF	Anti-Money Laundering / Countering the Financing of Terrorism / Countering Proliferation Financing
CDD	Customer Due Diligence
DNFBP	Designated Non-Financial Businesses and Professions
FATF	Financial Action Task Force
FIU Curaçao	Financial Intelligence Unit Curaçao
NOIS	National Ordinance on Identification for the Provision of Services
NORUT	National Ordinance on the Reporting of Unusual Transactions
NRA	National Risk Assessment
PEP	Politically Exposed Person
UBO	Ultimate Beneficial Owner
UNSCR	United Nations Security Council Resolution

Annex II — Sources and Legal Bases

Domestic Laws and Regulations

The following domestic laws and regulations form part of the applicable legal framework relevant to these Provisions and guidelines:

- National Ordinance on Identification for the Provision of Services (NOIS);
- National Ordinance on the Reporting of Unusual Transactions (NORUT);
- Ministerial Regulation Establishing Indicators for Unusual Transactions;
- applicable national sanctions legislation;
- applicable national decrees and ministerial regulations relating to administrative enforcement measures.

These Provisions and guidelines should be read in conjunction with the applicable legislation and any subsequent amendments thereto.

International Standards and Obligations

Curaçao's AML/CFT/CPF framework is influenced by applicable international standards and obligations, including:

- FATF Recommendations;
- FATF Guidance and Risk-Based Approach Guidance;
- United Nations Security Council Resolutions relating to targeted financial sanctions;
- CFATF Methodology and Follow-Up Reports;
- relevant international AML/CFT/CPF standards and best practices.

Compliance with these international standards contributes to the effectiveness and integrity of Curaçao's AML/CFT/CPF framework.

Annex III — Administrative Fines and Noncompliance Penalties

Where noncompliance with the obligations arising from the NOIS, the NORUT, or applicable sanctions legislation is identified, FIU Curaçao may make use of the administrative enforcement measures available under the applicable legal framework.

Administrative measures may include, among other things:

- written instructions;
- corrective measures;
- corrective orders subject to penalty payments;
- administrative fines;
- intensified supervisory measures;
- follow-up inspections;
- other measures permitted under the applicable legal framework.

The type and severity of the measure imposed may depend on:

- the seriousness of the violation;
- the duration of the noncompliance;
- the risks associated with the breach;
- the degree of culpability;
- previous supervisory findings;
- the institution's cooperation during supervision.

Particular seriousness may attach to violations involving:

- structural failure to conduct customer due diligence;

- repeated failure to report unusual transactions;
- sanctions-related deficiencies;
- submission of false or misleading information;
- repeated or intentional noncompliance.

Administrative enforcement measures are intended to restore compliance, mitigate AML/CFT/CPF risks, and strengthen the integrity of the sector.