

STATEN VAN SINT MAARTEN			
Ingek. 22 MAR 2019			
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Par.	W	B	hey

Parliamentary Year 2018-2019-124

National Ordinance containing rules in order to comply with recommendation 29 of the Financial Action Task Force concerning financial intelligence units (National Ordinance Financial Intelligence Unit)

Reaction to the Report

No. 6

Parliament in its meeting of the Central Committee exchanged views with Government on the Draft National Ordinance containing rules in order to comply with recommendation 29 of the Financial Action Task Force concerning financial intelligence units (National Ordinance Financial Intelligence Unit).

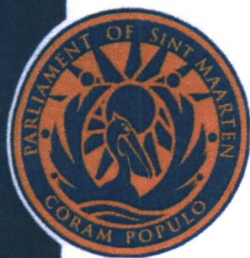
Parliament considers the present draft to be adequately prepared when the questions below are answered in time for the public meeting so that the draft can be discussed in a public meeting.

*The United Democrats-faction has taken note of the draft with interest. The faction would like to know if the references to the MOT in the draft National Ordinance combatting money laundering and terrorism financing, will apply to this new draft on the MOT. How should the faction see the relationship with the references to the MOT in the draft National Ordinance combatting money laundering and terrorism financing and this law that basically rearranges the functioning of the MOT? How should the faction see these two? And should any one of the draft National Ordinances (draft National Ordinance Financial Intelligence Unit and draft National Ordinance combatting money laundering and terrorism financing come before the other, in terms of its approval?*

The present draft National Ordinance MOT is a substantive part of the draft National Ordinance combatting money laundering and terrorism financing since it is one of the 40 FATF recommendations. Recommendation 29 stipulates that that the financial intelligence unit serves as the central agency for the receipt of disclosures filed by reporting entities. The FIU should be operationally independent and autonomous, meaning that the FIU should have the authority and capacity to carry out its functions freely, including the autonomous decision to analyse, request and/or disseminate specific information. In all cases, this means that the FIU has the independent right to forward or disseminate information to competent authorities. It is essential that the FIU be provided with adequate financial, human and technical resources, in a manner that secures its autonomy and independence and allows it to conduct its mandate effectively. The present proposal makes it possible for the FIU to obtain and deploy the resources needed to carry out its functions, on an individual or routine basis, free from any undue political, government or industry influence or interference, which might compromise its operational independence.

*The National Alliance-faction has taken note of the draft. The faction indicates that one thing that isn't clear is what is the reason that it is taking so long? Why did it take so long that we are now in the position where we have to rush? Is it a lack of human resources? Is it a lack of technical support?*

The legislative procedure on average takes two years. The final phase of the procedure, that was started in the last quarter of 2016, was interrupted by the hurricanes of September 2017, and was restarted in February 2018, and now in its final phase. The Legal and Legislative Department and the Judicial Department have a lack of legislative experts to draft legislation in an expeditious manner.



# Parliament of Sint Maarten

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## Staten van Sint Maarten

Aan de Minister van Justitie  
De heer V.H.C. de Weever  
p/a Ministerraad  
**Philipsburg**

UV/246/2018-2019

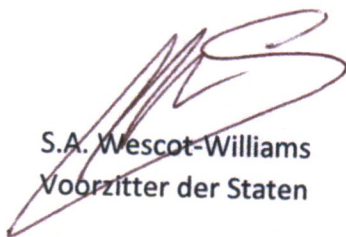
Philipsburg, 14 maart 2019

Betreft: Aanbieding afschrift verslag Olv  
houdende regels teneinde te voldoen aan  
aanbeveling 29 van de Financial Action Task Force  
omtrent financiële inlichtingeenheden

Excellentie,

Middels deze doe ik u toekomen afschrift van het verslag van het Ontwerp van de  
Landsverordening houdende regels teneinde te voldoen aan aanbeveling 29 van de  
Financial Action Task Force  
omtrent financiële inlichtingeenheden (Zittingsjaar 2018-2019-124).

Ik verwijs u korthedshalve naar de inhoud ervan.



S.A. Wescot-Williams  
Voorzitter der Staten



# Parliament of Sint Maarten

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## Staten van Sint Maarten

Zittingsjaar 2018-2019-124

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Landsverordening houdende regels  
teneinde te voldoen aan aanbeveling 29  
van de Financial Action Task Force omtrent  
financiële inlichtingeenheden  
(Landsverordening Meldpunt  
Ongebruikelijke Transacties)

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Verslag  
No. 5

De Staten hebben in hun vergadering van de Centrale Commissie van gedachten gewisseld over het Ontwerp van Landsverordening houdende regels teneinde te voldoen aan aanbeveling 29 van de Financial Action Task Force omtrent financiële inlichtingeenheden (Landsverordening Meldpunt Ongebruikelijke Transacties).

De Staten beschouwen het onderhavig ontwerp voldoende voorbereid te zijn indien de hierna gestelde vragen tijdig, voor de openbare behandeling, zijn beantwoord opdat het ontwerp in een openbare vergadering kan worden behandeld.

De **United Democrats-fractie** heeft met belangstelling kennis genomen van het ontwerp. De fractie zou graag willen weten of de verwijzingen naar de MOT in de ontwerp-Landsverordening bestrijding witwassen en terrorismefinanciering van toepassing zijn op deze nieuwe versie op de MOT. Hoe moet de fractie de relatie zien met de verwijzingen naar de MOT in de ontwerp-Landsverordening bestrijding witwassen en terrorismefinanciering en deze landsverordening die het functioneren van de MOT fundamenteel herschikt? Hoe moet de fractie deze twee zien? En moet een van de ontwerp-Landsverordeningen (ontwerp-Landsverordening Meldpunt Ongebruikelijke Transacties en ontwerp-Landsverordening bestrijding witwassen en terrorismefinanciering) als eerste komen, wat betreft de goedkeuring ervan?

**De National Alliance-fractie** heeft kennis genomen van het ontwerp. De fractie geeft aan dat er een ding is dat niet duidelijk is, en dat is namelijk wat de reden is dat het zo lang heeft geduurd. Waarom duurde het zo lang dat we nu in de positie zijn waar we ons nu moeten gaan haasten? Is het een gebrek aan human resources? Is het een gebrek aan technische ondersteuning?

Dit verslag geldt als Eindverslag.

Aldus vastgesteld in de vergadering van de Centrale Commissie van de 27<sup>ste</sup> februari 2019.

De Rapporteur,

S.A. Wescot-Williams



# Parliament of Sint Maarten

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## Staten van Sint Maarten

**Parliamentary Year 2018-2019-124**

**National Ordinance containing rules in order to comply with recommendation 29 of the Financial Action Task Force concerning financial intelligence units (National Ordinance Financial Intelligence Unit)**

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**Report  
No. 5**

Parliament in its meeting of the Central Committee has exchanged views with the Government on the Draft National Ordinance containing rules in order to comply with recommendation 29 of the Financial Action Task Force concerning financial intelligence units (National Ordinance Financial Intelligence Unit).

Parliament considers the present draft to be adequately prepared when the questions below are answered in time for the public meeting so that the draft can be discussed in a public meeting.

The **United Democrats-faction** has taken note of the draft with interest. The faction would like to know if the references to the MOT in the draft National Ordinance combatting money laundering and terrorism financing, will apply to this new draft on the MOT. How should the faction see the relationship with the references to the MOT in the draft National Ordinance combatting money laundering and terrorism financing and this law that basically rearranges the functioning of the MOT? How should the faction see these two? And should any one of the draft National Ordinances (draft National Ordinance Financial Intelligence Unit and draft National Ordinance combatting money laundering and terrorism financing) come before the other, in terms of its approval?

The **National Alliance-faction** has taken note of the draft. The faction indicates that one thing that isn't clear is what is the reason that it is taking so long? Why did it take so long that we are now in the position where we have to rush? Is it a lack of human resources? Is it a lack of technical support?

This report is to be considered the Final Report.

Stipulated in the meeting of the Central Committee of February 27<sup>th</sup>, 2019.

The Reporter,

S. A. Wescot-Williams

