

BUSINESS ESTABLISHMENT POLICY GUIDELINES



Ministry of Economic Affairs, Communication
and Sustainable Development



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PREFACE

As Minister of Economic Affairs, Communications and Sustainable Development, I hereby have the honor to present to you the new Business Establishment Policy Guidelines. Over the years, various experts and representatives of both the public and the private sector, the business community and other interested parties have been discussing the economic challenges Land Aruba is faced with, with ideas and solutions for addressing these challenges being described in various reports. The Ministry of Economic Affairs, Communications and Sustainable Development seeks to promote the “ease of doing business” in Aruba and to reduce unnecessary and lengthy procedures, or the red tape, with the ultimate goal being to stimulate local and international entrepreneurship in Aruba and to make this entrepreneurship more dynamic and attractive.

This new Business Establishment Policy focuses on the diversification of the Aruban economy by stimulating the Promising Sectors and pays attention to sustainability for the first time.

The promotion of economic activities in the downtown areas of Oranjestad and San Nicolas is also an important part of the new Business Establishment Policy, with the goal of promoting living, working, culture and gastronomy in Oranjestad and San Nicolas.

The new Business Establishment Policy also contains fewer conditions, is more customer-friendly and fully digital, ultimately allowing licenses to be issued faster.

I hope that the new Business Establishment Policy will give the business community a new boost to invest in the Aruban economy, and that it will contribute to the sustainable economic development of Aruba.

Mr. Geoffrey B. Weaver
Minister of Economic Affairs, Communications and Sustainable Development





1. INTRODUCTION

Creating the conditions required for promoting the economic development of Aruba is essential, and, within this framework, the business and investment climate in Aruba must be improved continuously. To this end, the Business Establishment Policy Guidelines of the Ministry of Economic Affairs have been renewed.

This Policy is an instrument to influence economic activities to stimulate sustainable investments.

In this renewed Policy, the category of “locals” who wish to establish a business has been extended, the concept of “residing in Aruba” has been shortened to include a person born outside Aruba who holds Dutch or American nationality or the nationality of an EU Member State, and the possibilities to invest in Aruba by companies with their registered offices outside Aruba or companies with their registered offices in Aruba have also been extended. Furthermore, it is now possible for certain types of companies to set up business in residential areas under certain conditions, and the number of documents required when submitting an application has been reduced as well.

In this document you will find the legal basis of this Policy, an overview of the category of applicants, a description of the types of licenses with the relevant conditions and necessary documents and a description of the business location.

In the Business Licensing Ordinance, a business is understood to be any enterprise in which any business is conducted by any person or entity. It is prohibited to establish and conduct a business without a license granted for that purpose by the Minister of Economic Affairs.

All applications are assessed and must comply with the Policy Guidelines. All applications must be submitted digitally using the forms available on the website of the Department of Economic Affairs, Commerce and Industry: www.deaci.aw, and all documents referred to in Chapter 5 must be submitted digitally. These digital documents must be legible, valid and complete.

2. AMENDMENTS TO THE BUSINESS ESTABLISHMENT POLICY GUIDELINES 2022

The most significant amendment to the Business Establishment Policy Guidelines 2022 concern the addition of the category of priority investments:

Investments in the following business activities are regarded as **Priority Investments**:

1. business activities in the Promising Sectors;
2. sustainable business activities contributing to the diversification and strengthening of the economy of Aruba and creating new jobs;
3. business activities in the city center of Oranjestad and the downtown area of San Nicolas.

The Promising Sectors are:

- Knowledge economy (R&D, renewable energy, tertiary education)
- Logistics
- Circular economy
- Creative industry (only for locals or category A persons)
- Agriculture/aquaculture
- Niche tourism (cultural, medical, wellness)

Sustainable business activities contributing to diversification and creating new jobs

Sustainable business activities are activities:

- with a social and sustainable impact; and
- that do not harm the environment and nature (all in accordance with a social impact and environmental assessment).

Investments contributing to the livability and activity in the city center of Oranjestad and the downtown area of San Nicolas

- Real estate projects in the city center of Oranjestad and the downtown area of San Nicolas;
- Culture and gastronomy in the city center of Oranjestad and the downtown area of San Nicolas;
- Projects to stimulate living in the city center of Oranjestad and the downtown area of San Nicolas.



3. THE LEGAL FRAMEWORK AND DELINEATION

3.1 Relevant legislation and regulations

The following national ordinances, decrees and regulations form the legal basis for the Business Establishment Policy Guidelines 2022:

- Business Licensing Ordinance (“AB” [Official Gazette] 1990 No. GT 55);
- DEACI Fees and Charges Decree 2009 (AB 2009 No. 74 as amended by AB 2010 No. 104);
- National Ordinance on Spatial Development (AB 2006 No. GT 38);
- Spatial Development Plan with Regulations (in Dutch abbreviated as: “ROPv”) (AB 2021 No.123);
- National Ordinance on Admission and Expulsion (in Dutch abbreviated as: “LTU”) (AB 2021 No. 49);
- Nuisance Ordinance (AB 1988 No. GT 27);
- Nuisance Decree Aruba (AB 1995 No. GT 20);
- Licensing Ordinance (AB 2002 No. GT 1);
- Parking Standards Aruba in accordance with the guidelines of the “D.O.W.” [Department of Public Works] .

**Parking standards: Parking standards indicate the ideal parking requirements on and around a parcel of land. The business in question must take into account the prescribed parking standards in accordance with the guidelines of the D.O.W.*



3.2 The Business Licensing Ordinance does not apply to:

Companies in the Free Zone (Article 6, paragraph 1, National Ordinance on Free Zones, AB 1998 No. GT 7);

Credit institutions (Article 1, paragraph 1, National Ordinance on the Supervision of the Credit System, AB 1998 No. 16);

Insurance companies (Article 2, paragraph 5, National Ordinance on the Supervision of the Insurance Industry, AB 2000 No. 82);

Street vendors (Article 3, subparagraph b, Business Licensing Ordinance, AB 1990 No. GT 55, and Article 45, General Police Ordinance, AB 1995 No. GT 8);

Trust offices (Article 2, paragraph 3, National Ordinance on the Supervision of Trust Offices, AB 2009 No.13);

Companies belonging to public-law bodies (Article 3, subparagraph a, of the Business Licensing Ordinance);

Companies engaged in agriculture, horticulture, livestock breeding or fishery (Article 3, subparagraph c, of the Business Licensing Ordinance) (except if such business is conducted in a legal entity.



| 4. CATEGORIES OF APPLICANTS

The granting of licenses is based on three categories of applicants, namely locals, category A and category B applicants.

4.1 Persons falling within the category of locals

Locals do not require a license to establish and conduct the business of a sole proprietorship or to act as a partner of a general partnership (V.O.F.) or to act as a director of a corporation (N.V.) or a limited liability company (V.B.A.).

Locals are:

- a. the Dutch national born in Aruba aged 18 years and over;
- b. the person who acquired the Dutch nationality in Aruba aged 18 years and over;
- c. the person born outside Aruba aged 18 years and over of whom at least one of the parents is a Dutch national born in Aruba; or
- d. the person born outside Aruba aged 18 years and over who is married to or has a registered partnership with a person mentioned in aforementioned subparagraphs a through c, who resides in Aruba and is in possession of a valid certificate of admission by right of law under the National Ordinance on Admission and Expulsion (LTU) and can prove this by means of official documents. officiële documenten.



4.2 Persons falling within category A

Category A includes natural persons with a (stable) connection with Aruba but who are required to have a license. These are the following persons:

- a. the person born outside Aruba who holds Dutch or American nationality or the nationality of an EU Member State, and who has been residing in Aruba for a continuous period of at least 5 years, and who is also in possession of a valid certificate of admission by right of law under the LTU; or
- b. the person born outside Aruba who has been residing in Aruba for a continuous period of at least 10 years, and who is also in possession of a valid (indefinite) residence permit under the LTU.

4.3 Persons falling within category B

The category B applicants are all other natural persons who do not fall within the category of locals or category A.



5. LICENSES UNDER THE BUSINESS LICENSING ORDINANCE

5.1. Sole proprietorship

Persons falling within the category of locals do not require a license to establish and conduct the business of a sole proprietorship. However, the sole proprietorship must be listed in the Trade Register of the Chamber of Commerce of Aruba.

Persons falling within category A will be granted a license to establish and conduct the business of a sole proprietorship, provided that this business has a suitable business location, and the documents listed below are submitted.

Persons falling within category B will be granted a license to establish and conduct the business of a sole proprietorship, provided that this business engages in business activities as listed in paragraph 5.4, subparagraphs a through i, and the documents listed below are submitted.

Documents to be submitted (where applicable)

Owner is a person falling within:

Category A:

- Passport or identity card (no driver's license);
- Residence permit under the LTU.

Category B:

- Passport or identity card (no driver's license);
- Residence permit under the LTU as a resident of Aruba; or
- Proof of registration as a resident of the country in question (not older than 3 months).

In case of a takeover of a sole proprietorship:

- Declaration of no objection and a passport or identity card of the owner of the sole proprietorship that is being taken over.

As regards business location (address):

- Agreement or letter of intent to lease (commercial) premises with a passport or identity card of the signatories;
- Proof owner of the (commercial) premises;
- Site plan of the premises;
- Leasehold deed containing the details of the designated use of the leasehold, and, if applicable, the decision to change the designated use;
- Valid license for the levy on encroachments in, on or above public land (in Dutch referred to as: "precario") (for watersports activities or other activities on public roads/land).

Certificate of good conduct of the interested party, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he or she has been residing for the past 5 years.

5.2. Partner of a general partnership (VOF)

Persons falling within the category of locals do not require a license to act as a partner of a general partnership (vof). However, the general partnership must be listed in the Trade Register of the Chamber of Commerce of Aruba.

Persons falling within category A will be granted a license to act as a partner of a general partnership (vof), provided that the general partnership has a suitable business location, and the documents listed below are submitted.

Persons falling within category B will be granted a license to act as a partner of a general partnership (vof), provided that the general partnership engages in business activities as listed in paragraph 5.4, subparagraphs a through i, and the documents listed below are submitted.

Documents to be submitted (where applicable)

Of the general partnership (VOF):

- Agreement by which the general partnership (vof) is entered into.

Of all partners:

- Passport or identity card (no driver's license).

Partners falling within the category of locals:

- The person who acquired Dutch nationality in Aruba; this must be proven by means of a declaration of acquisition of Dutch nationality, stating date and number of the Royal Decree;
- If the partner is a son or daughter of a Dutch national born in Aruba, a passport or identity card (no driver's license) of the parent concerned must be submitted; or
- Passport or identity card (no driver's license) of the spouse or partner and a valid certificate of admission by operation of law under the LTU of the partner.

Partners falling within category A:

- Residence permit under the LTU of the partner.

Partners falling within category B:

- Residence permit under the LTU as a resident of Aruba; or
- Proof of registration as a resident of the country in question (not older than 3 months).

Partner(s) is/are a legal entity:

- Register of shareholders of the legal entity in question;
- Passport or identity card (no driver's license) of the director(s).

As regards business location (address):

- Agreement or letter of intent to lease (commercial) premises with a passport or identity card of the signatories;
- Proof owner of the (commercial) premises;
- Site plan of the premises;
- Leasehold deed containing the details of the designated use of the leasehold, and, if applicable, the decision to change the designated use;
- Valid license for the levy on encroachments in, on or above public land (for watersports activities or other activities on public roads/land).

Certificate of good conduct of all partners, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he or she has been residing for the past 5 years.

5.3 Corporations (N.V.), limited liability companies (V.B.A.) and other companies

with only locals as shareholders; with locals and persons falling within category A as shareholders; with only persons falling within category A as shareholders, or with at least 60% of the beneficial and legal ownership of the shares held by locals and/or persons falling within category A .



The corporation and the limited liability company will be granted a license to establish a business, provided that they have a suitable business location, and the documents listed below are submitted.

Persons falling within the category of locals do not require a license to act as a director of a corporation or a limited liability company. However, these persons must be listed in the Trade Register of the Chamber of Commerce of Aruba.

Persons falling within category A will be granted a license to act as a director of a company, provided that this person is listed as such in the Trade Register of the Chamber of Commerce of Aruba.

Documents to be submitted (where applicable)

Of the company:

- Deed of incorporation and any amendment to the articles of incorporation;
- Register of shareholders.

Shareholder(s) and director(s) is/are natural persons:

Persons falling within the category of locals:

- Passport or identity card (no driver's license);
- If the shareholder and/or director is a son or daughter of a Dutch national born in Aruba, a passport or identity card (no driver's license) of the parent concerned must be submitted; or
- Passport or identity card (no driver's license) of the spouse or partner, and a valid certificate of admission by operation of law under the LTU of the applicant.

Persons falling within category A:

- Passport or identity card (no driver's license);
- Residence permit under the LTU.

Persons falling within category B:

- Passport or identity card (no driver's license);
- Residence permit under the LTU as a resident of Aruba; or
- Proof of registration as a resident of the country in question (not older than 3 months).

Shareholder(s) and director(s) is/are a legal entity:

- Register of shareholders of the legal entity in question.

In case of a takeover of a sole proprietorship:

- Declaration of no objection and a passport or identity card of the owner of the sole proprietorship that is being taken over.

As regards the business location of the company:

- Agreement or letter of intent to lease (commercial) premises with a passport or identity card of the signatories;
- Proof owner of the (commercial) premises;
- Site plan of the premises;
- Leasehold deed containing the details of the designated use of the leasehold, and, if applicable, the decision to change the designated use;
- Valid license for the levy on encroachments in, on or above public land (for watersports activities or other activities on public roads/land).

Certificate of good conduct of all shareholders and directors, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he or she has been residing for the past 5 years.

**This 60-40% distribution should also be used after the license has been granted. This means that 60% of the shares must always be held by locals and/or persons falling within category A.*

5.4 Companies with their registered offices outside Aruba or corporations or limited liability companies with their registered offices in Aruba with more than 40% of the shares held by persons falling within category B

For the following business activities, a license to establish a business will be granted to the company and possibly one up to a maximum of three licenses for the director(s), being (a) shareholder(s) of the company or not and falling within category B:

- a. business activities designated as Priority Investments, i.e., business activities in the Promising Sectors and sustainable business activities contributing to the diversification and strengthening of the economy of Aruba and creating new jobs;
- b. business activities to be carried out in the downtown area of San Nicolas. These include activities to stimulate or strengthen the modernization, livability and activity of San Nicolas and its supply functions. This license is location-bound for a period of at least 5 years;
- c. business activities to be carried in the city center of Oranjestad. This includes activities to stimulate or strengthen the modernization, livability, and activity of the city center of Oranjestad and its supply functions, and these must involve an investment amount of at least AWG 180,000 (USD 100,000). This license is location-bound for a period of at least 5 years;
- d. specialist work that is not available in Aruba, provided that this is laid down in an agreement;
- e. construction work, renovation and/or refurbishment of a hotel or a public-law project, provided that this is laid down in an agreement;
- f. the new construction of a hotel, condominiums, or other type of tourist accommodation, exclusively in accordance with the ROP Regulations and requirements in this area;



- g. the operation of an existing hotel or casino, provided that this is laid down in an agreement;
- h. the acquisition of the assets (not including real estate) of an existing business that has been active with the required business establishment license for more than 5 years, which assets have a minimum acquisition value of AWG 500,000 (±USD 300,000) at the time of acquisition;
- i. the acquisition of an existing business premises (real estate), subject to the condition that the assets have a minimum investment amount of at least AWG 1,800,000 (±USD 1,000,000) and in order to continue to rent or operate it as such.

Documents to be submitted (where applicable)

Of the company:

- Deed of incorporation and any amendment to the articles of incorporation;
- Register of shareholders.

Shareholder(s) and director(s) is/are natural persons:

Persons falling within the category of locals:

- Passport or identity card (no driver's license);
- The person who acquired Dutch nationality in Aruba: this must be proven by means of a declaration of acquisition of Dutch nationality, stating date and number of the Royal Decree;
- If the shareholder and/or director is a son or daughter of a Dutch national born in Aruba, a passport or identity card (no driver's license) of the parent concerned must be submitted; or
- Passport or identity card (no driver's license) of the spouse or partner, and a valid certificate of admission by operation of law under the LTU of the interested party.

Persons falling within category A:

- Passport or identity card (no driver's license);
- Residence permit under the LTU.

Persons falling within category B:

- Passport or identity card (no driver's license);
- Residence permit under the LTU as a resident of Aruba; or
- Proof of registration as a resident of the country in question (not older than 3 months).

Shareholder(s) and director(s) is/are a legal entity:

- Register of shareholders of the legal entity in question.

As regards the business location of the company:

- Agreement or letter of intent to lease (commercial) premises with a passport or identity card of the signatories;
- Proof owner of the (commercial) premises;
- Site plan of the premises;
- Leasehold deed containing the details of the designated use of the leasehold, and, if applicable, the decision to change the designated use;
- Valid license for the levy on encroachments in, on or above public land (for watersports activities or other activities on public roads/land).

Certificate of good conduct of all shareholders and directors, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he/she has been residing for the past 5 years.



I 5.5 Director's license

Persons falling within the category of locals do not require a license to act as a director of a corporation or a limited liability company. However, they must be listed in the Trade Register of the Chamber of Commerce of Aruba.

In all other cases, a license is required to act as a director of a corporation or a limited liability company. This person must be listed as such in the Trade Register of the Chamber of Commerce of Aruba.

5.5.1. Persons falling within category A will be granted a license to act as a director.

5.5.2. Persons falling within category B who are appointed directors of a company with its registered offices outside Aruba or a company with its registered offices in Aruba that is in possession of a business establishment license referred to in paragraph 5.4 will be granted a license to act as a director, provided that this company does not have more than three directors with similar licenses.

5.5.3. Persons falling within category B who are appointed directors of a company with its registered offices in Aruba that is not in possession of a business establishment license referred to in paragraph 5.4 will be granted a license to act as a director, provided that the following conditions are met:

1. the legal entity/person must hold at least 60% of the beneficial and legal ownership of the shares in the issued share capital of this company;
2. at the time of acquisition of the shares in the issued share capital of the company, the shares in the issued share capital of the company must have a present value of at least AWG 500,000 (\pm USD 300,000), to be proven by means of a share valuation;
3. this company must have been active for more than 5 years with the required business establishment license(s). If the objects (business activities) have been changed, the period of 5 years will start as of the last decision date.

The following conditions apply, i.e., the nature of the business for which a license has already been granted may only be changed 3 years after the relevant director's license has been granted.

It should be noted that this will be reassessed based on the Policy Guidelines, and that the business location must be taken into account.

Documents to be submitted (where applicable)

Of the company:

- Register of shareholders.

Director(s) is/are natural persons:

Persons falling within category A:

- Passport or identity card (no driver's license);
- Residence permit under the LTU of the director.

Persons falling within category B:

- Passport or identity card (no driver's license);

- Residence permit under the LTU as a resident of Aruba of the director; or
- Proof of registration of the country where the director resides (not older than 3 months).

Director(s) is/are a legal entity:

- Register of shareholders of the legal entity acting as a director.

Certificate of good conduct of the interested party or parties, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he/she has been residing for the past 5 years.



5.6 Amendment of an existing business establishment license in connection with a change/extension of business activity or any other change

The company that already is in possession of a business establishment license and wishes to change or extend its business activity or wishes any other change will be granted an adjusted business establishment license, provided that this is related to the activities as stated in the business establishment license already granted, and that the company has a suitable business location.

If it concerns a legal entity, this change/extension of business activity must be allowed under the articles of incorporation. It should be noted that if the majority or all shares of the company are held by persons falling within category B, this will be reassessed in accordance with the provisions laid down in paragraph 5.4.

Documents to be submitted (where applicable)

- Passport or identity card (no driver's license) of the applicant or director;
- Deed of amendment to the articles of incorporation, if the desired change is not already included in the articles of incorporation;
- Register of shareholders.

Certificate of good conduct of the interested party or parties, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he/she has been residing for the past 5 years.

5.7 Amendment of an existing license in connection with a change of nature of an existing business

The company that already is in possession of a business establishment license and wishes to change the nature of its business will be granted an adjusted business establishment license, provided that it has a suitable business location.

If it concerns a legal entity, this change of business activity must be allowed under the articles of incorporation.

It should be noted that if the majority or all shares of the company are held by persons falling within category B, this will be reassessed in accordance with the provisions laid down in paragraph 5.4.

Documents to be submitted (where applicable)

- Passport or identity card (no driver's license) of the applicant or director;

- Deed of amendment to the articles of incorporation, if the desired change is not already included in the articles of incorporation;
- Register of shareholders.

Certificate of good conduct of the interested party or parties, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he/she has been residing for the past 5 years.



5.8 Relocation of an existing business

The business in question that already is in possession of a business establishment license and wishes to change its business location will be granted a license, provided that it has a suitable business location in accordance with the ROP Regulations and designated use.

Documents to be submitted (where applicable)

- Passport or identity card (no driver's license) of the applicant or director.

As regards the business location of this business:

- Agreement or letter of intent to lease (commercial) premises with a passport or identity card of the signatories;
- Proof owner of the (commercial) premises;
- Site plan of the premises;
- Leasehold deed containing the details of the designated use of the leasehold, and, if applicable, the decision to change the designated use;
- Valid license for the levy on encroachments in, on or above public land (for watersports activities or other activities on public roads/land).



5.9 Establishment of a branch of a company already having its registered offices in Aruba and to which a license has already been granted

A company that establishes a branch and already is in possession of a business establishment license (in Aruba) will be granted a business establishment license for the branch, provided that these business activities are allowed under the articles of incorporation.

It should be noted that if the majority or all shares of the company are held by persons falling within category B, this will be reassessed in accordance with the provisions laid down in paragraph 5.4.

Documents to be submitted (where applicable)

Of the company:

- Passport or identity card (no driver's license) of the director;
- Deed of incorporation and/or amendment to the articles of incorporation (if applicable);
- Register of shareholders.

As regards the business location of this business:

- Agreement or letter of intent to lease (commercial) premises with a passport or identity card of the signatories;

- Proof owner of the (commercial) premises;
- Site plan of the premises;
- Leasehold deed containing the details of the designated use of the leasehold, and, if applicable, the decision to change the designated use;
- Valid license for the levy on encroachments in, on or above public land (for watersports activities or other activities on public roads/land).

Certificate of good conduct of the interested party or parties, not older than 3 months, only when establishing and conducting a business that will engage in the operation of a children's daycare center or a nursing home/care home for the elderly and a surveillance and/or security installation company.

The resident interested party can apply for the certificate of good conduct at the Public Prosecution Service of Aruba, and the non-resident interested party at the competent authority of the country where he/she has been residing for the past 5 years.

6. ASSESSMENT CRITERIA BUSINESS LOCATION



The location of a business is the address where the business activities are carried out.

When granting a business establishment license, a business location that is suitable given the nature of the business activities must be taken into account.

The Spatial Development Plan with Regulations (ROPv) is used to determine whether the business location is suitable.

The ROPv contains (legal) rules concerning the designated use, development and use of the territory and coastal waters of Aruba. Everyone must abide by these rules, both natural persons and legal entities, and both landowners (freehold land) and those who have right to ground lease or leasehold land.

A license can be granted to businesses located in commercial or residential areas. The conditions that apply are described in this Chapter.

6.1 Establishment in commercial areas

Commercial areas include the lots immediately adjacent to the main roads, through roads and roads that consist primarily of commercial activities. In case of leasehold land, the designated use of this leasehold land must correspond to the objects of the company, and it may not be designated to be used for “residential purposes”.

In certain commercial areas, such as in the tourist and hotel area and the city center/downtown area of Oranjestad and San Nicolaas, certain business activities are not allowed, including, but not limited to, construction companies, wholesale companies, freight and transportation companies, cleaning companies and heavy equipment companies.

The following table shows which areas have been designated as the city center or downtown areas of Oranjestad and San Nicolas:



The city center of Oranjestad is considered to be:

All streets within the following area:
Wilhelminastraat, Havenstraat, Weststraat,
Avenida Alo Tromp (partially), Emanstraat
and Adriaan Lacle Boulevard (partially)

Downtown area Oranjestad:

as defined in the ROPv

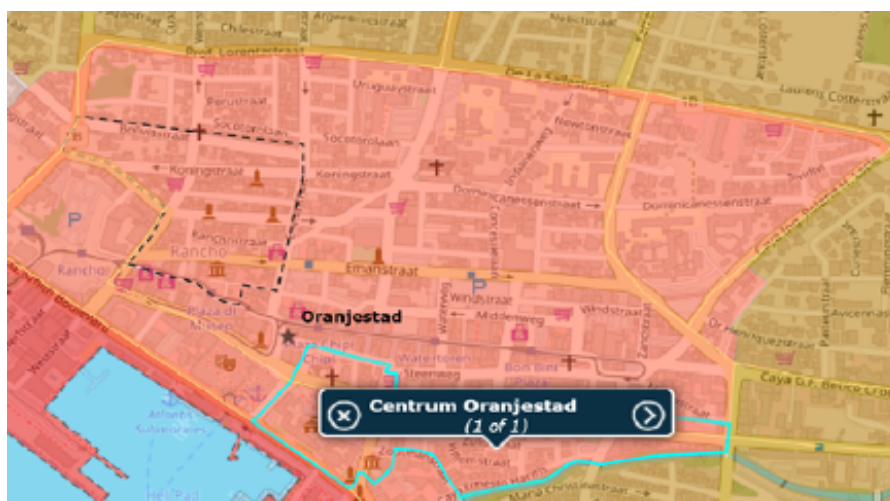
Downtown area San Nicolaas:

as defined in the ROPv (not including
the residential areas: Caya Corsow, Caya
Bonaire, Caya St. Vincent, Caya Guadeloupe,
Caya Nevis, Caya St. Maarten, Caya St. Kitts,
Caya St. Eustatius, Caya Saba, Caya St. Lucia,
Caya St. John, and Caya St. Croix)

City center Oranjestad



Downtown area Oranjestad



Downtown area San Nicolas



6.2 Establishment in residential areas (with residential characteristic)

A residential area is primarily intended for living, and these areas mainly consist of houses. However, the need to combine living and working is important nowadays. Small-scale professional and business activities can contribute positively to the livability and liveliness of a residential area during the day and thus increase the sense of safety. (Starting) entrepreneurs without employees are given the opportunity to work from home. Of course, the activities may not cause nuisance to the persons living nearby or affect the quality of the living environment. It must be prevented that the living conditions of neighbors are affected by nuisance. Nuisance is understood to be noise, traffic and parking nuisance, as well as hygienic conditions.

Conditions for the establishment of certain companies in residential areas:

1. The building must be designated to be used for residential purposes;
2. The house must largely maintain its residential function;
3. No more than 30 m² of the total floor area of the house may be used for the purpose of the business (including annexes, such as garage, storage area, apartments);
4. Outdoor activities, including storage, are not allowed;
5. The activities may not cause nuisance to the living environment or harm the residential nature of the neighborhood, such as traffic-, parking, noise or sanitation nuisance;
6. The prescribed parking standards must be taken into account in accordance with the guidelines of the Department of Public Works;
7. Minor retail trade related and at the same time subordinate to the profession is allowed. (This means selling simultaneously with a treatment, for example, the sale of a shampoo to a client of a hairdresser or a moisturizer to a client of a pedicure or beautician);
8. No customers or visitors after 7:00 pm.

The following non-exhaustive- list contains professions and businesses that may establish themselves in a residential area:

- (registered) accountant
- acupuncturist
- administrative office
- architect
- artist
- beautician
- chiropractor
- computer service (hardware and software)
- construction company (activities elsewhere than on-site)
- consultant
- courier service (private driver: one car at most) dressmaker/tailor
- driving school (one car at most)
- hairdresser
- handyman (activities elsewhere than on-site)
- healthcare provider (general practitioner, specialist)
- holding company (administration only)
- interpreter/translator
- lawyer
- mason
- obstetrician/midwife ("partera") painter
- passenger transportation (private driver; one car at most)
- pedicure/manicure
- photographer
- physiotherapist
- plumber
- psychologist
- repair of household appliances
- special education expert
- speech therapist
- tax specialist



Prohibited activities in residential areas:

Activities for which a nuisance permit is required, and other nuisance-causing establishments are not allowed in the residential areas.

All establishments mentioned in Article 1 of the Nuisance Decree, which may cause nuisance, damage, or danger to the environment either through the spread of

odor, smoke or fumes or through noise or in any other way.

The following establishments that often cause excessive traffic nuisance, nuisance in general, damage or danger in residential areas will also not be allowed in residential areas. These establishments will be added to the Nuisance Decree:

- adult entertainment companies
- bars/beer houses
- car garages
- car rental companies
- car wash
- food stores (mini and supermarkets)
- heavy equipment companies
- landfills for (old) cars
- livestock
- recycling factories
- restaurants/coffee houses
- watersports company

Activities for which a nuisance permit is required:

All establishments mentioned in the National Decree containing General Administrative Orders (AB 1995 GT 20) implementing Article 1 of the Nuisance Ordinance (AB 1988 No. GT 27), which may cause nuisance, damage, or danger to the environment either through the spread of odor, smoke or fumes or through noise or in any other way:

- asphalt factories and mixing plants
- bakeries
- bathing and swimming facilities
- beer breweries
- boiler and riveting plants
- bowling alleys
- brickyards, tile factories
- canning factories
- car repair shops, lubrication shops and car washes
- cement factories
- chemical factories
- cinemas
- coffee roasting plants
- concrete products factories
- construction workshops
- cooperages
- copper and tin smiths
- dairy factories
- distilleries
- dry cleaners
- dyeing factories
- earthenware factories
- facilities for the storage or processing of scrap metal or waste facilities in which petrol, gas or diesel engines or dynamos are used facilities using electric motors with a combined capacity exceeding 2 hp, other than those used for refrigerators and air conditioners
- facilities with steam engines
- fireworks and ammunition factories and storage facilities
- firing/shooting ranges
- fish-drying facilities
- forges
- garages of transportation companies for trucks and large buses
- gas stations
- gold-plating shops
- ice cream factories
- landfill sites
- laundry, ironing and pressing facilities
- lemonade/soda factories
- lime kilns
- liquor distilleries
- machine shops
- mining companies
- nickel-plating, chrome-plating and zinc-plating facilities
- oil refineries
- oxygen plants
- paint factories
- power plants or power generation plants, gas plants
- printing companies
- pumping stations
- quicklime storage facilities
- refrigeration facilities
- shipyards
- slaughterhouses and butcher shops
- smokehouses and salting facilities
- soap factories
- spray-painting facilities
- stone crushers
- storage facilities for highly inflammable oils and substances
- tanneries and storage facilities for hides and skins
- vulcanization facilities
- water distillation plants
- welding shops
- woodworking facilities

7. IMPORTANT NOTES AND COMMENTS

- An application to obtain a license under the Business Licensing Ordinance is assessed on an individual basis. In all cases, a suitable business location, in particular when establishing certain types of businesses in residential areas, must be taken into account.
- In order to be processed, all applications must be accompanied by the necessary information and documents, which are of importance for the processing thereof, and the fees and charges due must have been paid in accordance with the DEACI Fees and Charges Decree 2009.
- If applicable, the Department of Economic Affairs, Commerce and Industry will digitally apply for documents, on behalf of the applicant, at the Civil Registry office and the Chamber of Commerce of Aruba. The relevant costs will be charged.
- These digital documents are: proof of registration population register (AWG 10.00); proof of registration (AWG 5.00); birth certificate, if son/daughter of at least one Dutch national born in Aruba (AWG 15.00), marriage certificate or registration of partnership if married to/partner of a Dutch national born in Aruba (AWG 15.00), and, of the business, an extract from the Trade Register of the Chamber of Commerce (AWG 15.00).
- In special circumstances, in particular with respect to the activities mentioned in paragraph 5.4, in addition to the documents already mentioned, other relevant documents/information may be requested if the Department of Economic Affairs, Commerce and Industry deems so necessary in order to verify compliance with the Business Establishment Policy Guidelines 2022.
- In case of a company with at least 60% of the shares held by locals or persons falling within category A, the beneficial and economic ownership of 60% of the shares must always be held by locals or persons falling within category A, i.e., also after the granting of a license under the Business Licensing Ordinance.
- The granting of a license under the Business Licensing Ordinance does not mean that the person or company concerned automatically becomes entitled to other licenses and permits required.
- The activities to be carried out should be related to each other as much as possible per business location.
- Documents in a language other than Dutch, English or Spanish must be submitted after having been translated by a sworn translator in Aruba.

