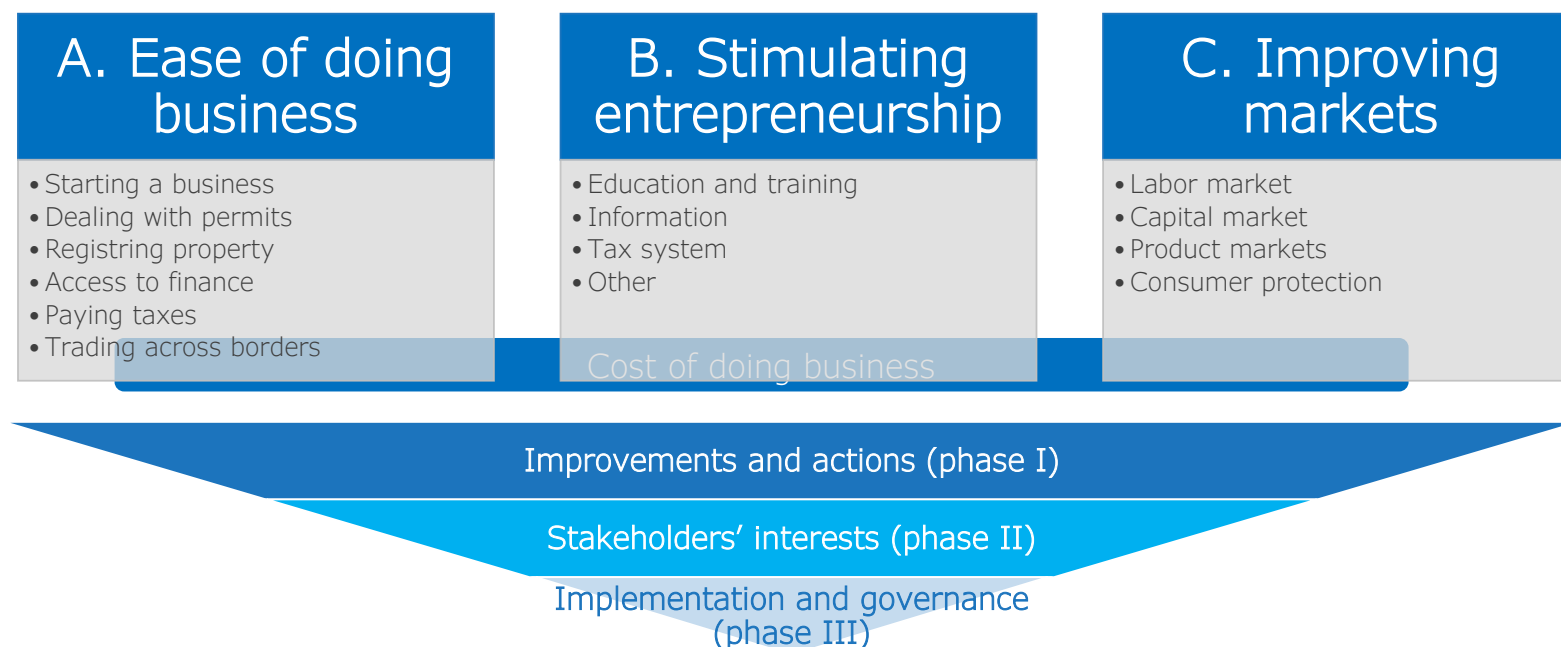


### Totaaloverzicht van verbeteringen en acties in het ondernemings- en investeringsklimaat

- Dit document geeft een overzicht van verbeteringen in het ondernemings- en investeringsklimaat van Aruba zoals aanbevolen in verschillende onderzoeken en rapporten (zie bijlage A van het rapport 'Ondernemings- en investeringsklimaat Aruba: verbeteringen, prioriteiten en implementatie' voor referenties).
- Het overzicht is aangevuld met 'blinde vlekken' zoals geïdentificeerd door Economisch Bureau Amsterdam en in gesprekken met stakeholders.
- Op basis van toetsing aan de criteria van uitvoerbaarheid, zichtbaarheid/impact, draagvlak en aansluiting bij de prioriteiten van de regering, en op basis van gesprekken met belanghebbenden, zijn prioriteiten vastgesteld op de volgende gebieden: (i) [Verbeteren en versnellen van vergunningsbesluiten](#); (ii) [Optimalisatie van het vergunningstelsel](#); (iii) [Implementatie van de Mededingingswet en -autoriteit](#); (iv) [Verbetering van het proces van het openen van bankrekeningen](#); (v) Vereenvoudiging van het belastingstelsel; (vi) Dynamisering van de arbeidsmarkt; (vii) Digitalisering van overheidsprocessen (e-government); en (viii) Verhoging van integriteit. Geïdentificeerde prioriteiten zijn in blauw weergegeven.
- De vier prioritaire projecten (i tot en met iv) zijn uitgewerkt in de programma- en projectbeschrijvingen zoals opgenomen in bijlage C bij het rapport 'Ondernemings- en investeringsklimaat Aruba: verbeteringen, prioriteiten en implementatie'.
- De verbeteringen en acties zijn als volgt opgebouwd:



## Ease of doing business

A.1 Starting a business			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Reduction of business license fee from AWG 2.000 to AWG 400.	Implemented.		
Reduce cost of starting a business: stimulate competition in market for notary services/regulate charges.	Partly implemented.	Number of notaries increased from 4 to 6; room for one additional notary (7).	
Update regulation on notary office ('Landverordening notarisambt') and abolish government supervision with declaration of no objection ('verklaring van geen bezwaar').	Implemented.	Waiting time reduced to < one week.	
Introduction of a flat fee by the Chamber of Commerce.	Implemented.	Registration fee is flat; annual fee is dependent of turnover.	
Online registration at Chamber of Commerce.	Implemented.		
Increase speed of service by Chamber of Commerce.	?		
Enable online application and payment for company name, licenses, registration and annual fees.	Implemented.	Receipt however still needs to be attached.	
Implement the advice of the Chamber of Commerce with regard to new 'basic firm' (100% domestically owned, that do not need additional permits and are to be established in authorized geographic areas), a positive advice by default (as is done in Curacao). This intervention also increases fairness and reduces the risk of corruption. Make trade/business licenses for 'the basic firm', automatic and positive by default.	Implemented.	Check wat hier precies mee bedoeld wordt.	
Modernization of business registry with Chamber of Commerce. Regulation ('Handelsregisteroverordening') update with update Civil Code (Book 2).	Implemented.	Some remaining problems to be solved; digital program not sufficiently flexible to deal with varying situations or to correct errors.	
Make available standard templates for company charters for 'the basic firm' so that businesses may review them prior to going to a notary.	?	These standards should be made available on websites of notaries.	
Legislative reform to reduce administrative barriers and shorten procedure, in particular Horeca vergunningen.	?	Should get priority, including lex silencio positive or 'fictief positief' decision.	
Digitalization process for obtaining Business license ('Vestigingsvergunning').	Implemented.	Time needed to business license is reduced. However, delays still exist and entrepreneurs still face substantial hindrance in obtaining business license. Further improvements needed.	

Update legislation concerning licenses.	Not implemented.	Overall framework needs significant improvements: transparency, accountability, reliability (fixed terms).	
Introduce 'lex silencio positivo' for business license (and all other licences).	Not implemented.	Prioritize. As part of the overall update of the legislation.	
Introduce the revised Civil Code - Burgerlijk Wetboek (all books related to businesses). Modernize legal framework covering intellectual property.	Partly implemented.	Burgelijk wetboek boek 2 adjusted. Other books per 1-9-2021, including labor (employer is 'allowed to adjust (under special circumstances) labor contract (not dissolve). This can be considered an important step towards flexibilization of the labor market as of September 1 <sup>st</sup> 2021.	
Simplifying processes for starting and terminating businesses.	Implemented.		
Reducing the time of processing required and increase transparency.	Partly implemented.	Time to require business license reduced substantially (see also A.2 Dealing with permits).	
Grant the Department of Economic Affairs the possibility to coordinate the processes and creation of a one stop shop/ one window.	?	See also A.2 Dealing with permits.	
Introducing a Startup Visa: aiming at introducing a visa category for entrepreneurs raising outside funding.	Not implemented.		
Automation in notary services and processes.	Not implemented.		
Implement e-government roadmap, amongst which: legal framework for digitalization, introduction of GDPR, introduce unique e-code for businesses and civilians, connect notaries/Chamber of Commerce/SVB and AZV to government e-portal. Accelerate development of legal framework for e-Government (digital I.D., digital signature, digital payments, data protection, cybersecurity etc).	Not implemented.	Currently managed by Futura. Plan is to establish new government department (Directie Innovatie) responsible for implementation of roadmap. Priority: Online payments for all government licenses and services	B. Kosten en effectiviteit publieke sector. In the assessment carried out under measure B.11, the implementation of the e-government should be included and prioritized, including sufficient budget to carry out roadmap.
<b>Blind spots: improvements/actions missing</b>			
Reviewing and optimizing regulation and formal procedures is necessary but not sufficient to optimize process of starting a business. 'Behavior' of government departments and civil servants needs to be 'customer oriented'.			
Review and modernize policy guidelines ('beleidsrichtlijnen') for application of regulation business license ('Verstigingsverordening'); for example moratorium on licenses for food stores (super-/minimarkets).			
Delegate mandate of authorization to sign for granting permits.			
System of Business licenses creates impediment for foreign entrepreneurs/investors; review and (potentially) remove system.			

Policy for admission and expulsion ('toelating en uitzetting') creates impediment for foreign entrepreneurs/investors; review and modernize legislation and policy.			
Modernize regulation and policy concerning bankruptcy; provide path for bankrupt entrepreneurs/investors to start business again.			
Better specify general interest ('algemeen belang') condition in Vestigingsverordening.			
Include Foundations in Vestigingsverordening.		Foundations do not need a business license and consequently an unlevel playing exists.	

A.2 Dealing with permits			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Government is in the process of instituting a law to make licensing procedures more efficiently under the Law of Economic Restoration (Crisis- en Herstelwet).	?		
Update legislation concerning licenses (Vergunningsverordening).	Not implemented.		
Simplify and modernize licensing legal framework (vergunningsverordening)	?		
Introduce 'lex silencio positivo' for all licenses and permits.	Not implemented.	Prioritize. Test for different terms for different licences; some crucial licences (i.e. large hotels) may/should be exempted.	
Align all licensing processes in one stop shop/one window (through crisis- en herstelwet).	Not implemented.	Prioritize. One stop shop does not mean centralization of government departments/responsibilities, but means centralized application and processing (using one e-number).	B. Kosten en effectiviteit publieke sector. In the assessment carried out under measure B.11, the development of a one stop shop should be included and prioritized.
Use of computer technology (paperless transactions) in all business procedures by relevant Ministries.	Partly implemented.	Websites of all Ministries have been modernized. Most request forms for permits are digitalized and can be downloaded from websites. Not all forms / permits can be processed digitally; some departments need to digitalize the process further.	B. Kosten en effectiviteit publieke sector. In the assessment carried out under measure B.11, the further digitalization of processing of permits should be included and prioritized. Specific attention should be paid to connecting processes of different departments to speed up process and remove superfluous procedures.
Implement e-government roadmap, amongst which: legal framework for digitalization, introduction of GDPR, introduce unique e-code for businesses and civilians, connect notaries/Chamber of Commerce/SVB and AZV to government e-portal. Accelerate development of legal framework for e-Government (digital I.D.,	Not implemented.	Currently managed by Futura. Plan is to establish new government department (Directie Innovatie) responsible for implementation of roadmap.	

digital signature, digital payments, data protection, cybersecurity etc.).			
e-Forms with DIMP, DIP, DOW, DIMAS, DEZHI, DAO, DWJZ, DPL.	Partly implemented.	In addition to online availability of forms (downloadable), online processing/submission should be enabled with all departments. Priority.	
An SME commission under the responsibility of DEACI with senior civil servants from all ministries that - in some way or the other - are dealing with business issues is coordinating all relevant new laws and regulations.	?	Entrepreneurs development policy 2018-2021.  The Aruba Trade Board partly fulfills this role.	
Increase transparency and efficiency of responsible government departments that provide residence permits, building permits, issuing of land, other permits.	Not implemented.		B. Kosten en effectiviteit publieke sector. In the assessment carried out under measure B.11, the development of a one stop shop should be included and prioritized.
Improve transparency of licensing process and eliminate discrimination between locals and foreigners.	Not implemented.		
Speed up process of obtaining immigration and work permits and it should be streamlined with process for obtaining business permits, in particular land access and construction.	Not implemented.	Proposed by Worldbank/FIAS (2006).	E. Economische hervormingen. Assess proposal in labor market project under measures E.1 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
<b>Blind spots: improvements/actions missing</b>			
Streamline and speed up process for obtaining licenses for horeca activities. Current policy implies that (at least) three government departments have to give advice (police, fire department, department of health) causing long delays in obtaining horeca license.	Not implemented.		
Reviewing and optimizing regulation and formal procedures is necessary but not sufficient to optimize process of starting a business. 'Behavior' of government departments and civil servants needs to be 'customer oriented'.			
Delegate mandate of authorization to sign for granting permits.			
Optimize procedures and processes with DIP to increase speed of obtaining building permits.			
Introduce task-setting deadlines for periods in which permits and licenses need to be granted.			
Allow Horeca to start business without obtaining permits up front; with the possibility of closure in case the business does not comply with regulation.			

A.3 Registering property			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Establish Spatial Development Plan (ROP).	Implemented.		
Establish regulations of Spatial Development Plan (ROPV).	Implemented.		
Online request forms DOW.	Partly implemented.	Forms downloadable, however digital processing not possible.	
Make available standard templates for buyer/seller agreement.	?		
Provide notaries with online access to verify fiscal value of relevant property .	?		
Provide notaries with online access to verify taxes payable status of property.	?		
Make available standard templates for deeds relating transferring and registering property for 'the basic transfer' so that businesses may review theses prior to going to a notary.	?		
Institute/publicize the entity where to make complaints/inquiries about the Cadaster.	?		
Take measures to reduce the time to resolve land disputes.	?		
Notaries should provide online complete checklist of documents to be presented by buyer/seller for the purchase/sale of property.	?		
Provide buyers/sellers online access and payment for cadastral information.	?		
Provide notaries with online access to verify fiscal value of relevant property.	?		
Provide notaries with online access to verify taxes payable status of property.	?		
Provide notaries with online access to cadastral information.	?		
<b>Blind spots: improvements/actions missing</b>			
For real estate / property transactions, the tax department established a 'legger-waarde' to determine tax on transaction; a lengthy process causing delays in real estate transactions. Review and optimize policy to facilitate real estate transactions.			
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A.4 Access to finance			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Establishment of Qredits in Aruba to cater to the underserved SMEs.	Implemented.	Functions well; banks welcome Qredits as it serves the high risk projects/phases	
More intensive promotion of Qredits.	Implemented.		
Guarantee fund for SME and startups.	Not implemented.		
Flexibility of banking sector including FATF implementation regulations at banks.	Not implemented.		

Public-Private Initiative funding.	Not implemented.	To be assessed within policy to reduce public debt.	
Research other financing sources. Create awareness and education programs on how to use crowdfunding, Angel investors, etc.	?		
Promote alternative systems of financing like venture capital, crowdfunding and angel investors in order to facilitate foreign capital to finance local investments.	Partly implemented.	Promotion has taken place; however alternative financing is complicated by the FATF.	
Easy local online paying methods for e-commerce.	Partly implemented.	Pay.aw is established as a first step.	
Review and optimize financial sector regulation to improve risk appetite and ease opening of bank accounts.	Not implemented.		D. Financiële sector. Include in assessment taking place under measures D.1 and D.2 of the Landspakket.
Ensure inclusion of all citizens in the banking system and tackle unlawful practices by financial institutions/ ban discrimination (especially of vulnerable groups who are currently unbanked) and accelerate implementation of CBA Financial Inclusion road map.	Not implemented.	Prioritize. Due to the high costs of bank transactions and the complex and lengthy procedures of opening a bank account, and the regulatory requirements imposed by CBA, many people do not hold bank accounts. FASE has demonstrated this.	
Flexibility of banking sector including FATF implementation regulations at banks.	Not implemented.		
Review and optimize financial sector regulation to improve risk appetite and ease opening of bank accounts.	Not implemented.		D. Financiële sector. Include in assessment taking place under measures D.1 and D.2 of the Landspakket.
<b>Blind spots: improvements/actions missing</b>			
Review and optimize (execution) of the Landsverordening voorkoming and bestrijding witwassen en terrorisme bestrijding (LWTF). Include the role of/supervision by the Central Bank of Aruba in this review.	Not implemented.	Lengthy procedure to open bank account is often attributed to the strict legislation (LWTF). The Order of Lawyers however has questioned whether it is the regulation, or the way it is executed/implemented, that causes the lengthy procedures.	D. Financiële sector. Include in assessment taking place under measures D.1 and D.2 of the Landspakket.
Introduce 'basisrekening' for citizens and entrepreneurs.	Not implemented.		
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A.5 Paying taxes			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Simplifying and providing information on the statutory and tax reporting requirements for SMEs.	?		
Online filing and payment of taxes.	Partly implemented.	Online declaration of BBO/BAVP/BAZV, verzamelloonstaat', etc. started in	C. Belastingen (Landspakket). Online declaration of taxes may contribute to improvement and optimization op the tax

		2020. In the near future, this will be developed for income taxes as well.  All monthly taxes (BBO, premiums, wage tax) can be declared and paid online. Tax departments currently works on online declaration and payment of income taxes as well.	department (measure C.4 of the Landspakket).
Implementation of tax collection software/increasing effectiveness of processes.	?		C. Belastingen (Landspakket). Online declaration of taxes may contribute to improvement and optimization op the tax department (measure C.4 of the Landspakket)
Simplify the wage and turnover tax collection system: A monitoring exercise that measures the progress of the policy: how many enterprises are using the measure, are there any practical problems, how much of the budget was spend so far, should the policy be adapted, etc.	?		
<b>Blind spots: improvements/actions missing</b>			
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A.6 Trading across borders			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Reduce costs of customs clearance and simplify procedures for payments (digital).	Partly implemented.	Customs digitalization ASYCUDA and REX. Forms available (downloadable) on website, however no e-forms (digital processing).	C. Belastingen (Landspakket). Online processing contribute to improvement and optimization op the tax department (measure C.4 of the Landspakket)
<b>Harmonized fee-scheme for customs procedures.</b>	?		
<a href="#">Simplify custom procedures.</a>	Not implemented.	<a href="#">Include in tax reform program.</a>	
Establish Exprodesk.	Implemented.	Established in 2017 and works in close cooperation with RVO. Serviced 174 clients so far. Evaluation reveals high appreciation of services by clients.	
Provide assistance to exporters (Exprodesk).	Implemented.		
Organize trade/investment fairs.	Implemented.		
Institute an Aruba Trade Board.	Implemented.	Aruba Trade Board is a public-private partnership formalized in October 2020. The Board is led by DEACI and includes member of the	



		Chamber of Commerce, ATIA, FZA and DBB.	
Improve information on trade agreements.	Implemented	Exprodesk does this.	
Online payments with all banks.	?		
Possibility to export/import 24/7.	Not implemented.	Will be included in the Export Policy; customs only open for office hours.	
Prepare and implement an Export Policy and Plan.	Partly implemented.	Export policy in preparation; expected in September.	
Create and implement an awareness program for entrepreneurs on trade and export opportunities and facilities.	?		
<b>Blind spots: improvements/actions missing</b>			
Apply international norms / a quality infrastructure	Not implemented	Norms are being developed to stimulate export of certain goods and services. In addition, it is proposed to implement regulation on labeling.	
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## A. Stimulating entrepreneurship

B.1 Education and training			
Improvement/action	Status	Remarks	Interaction with other reforms
Training Empresario Prepara. Chamber of Commerce and ATIA provide workshops and training. Qredits offers guidance with startup of business. Courses by University of Aruba. Additional education and training programs organized by DEACI.	Implemented.	Education and training is well developed in Aruba. Several suppliers (public/private) provide courses and guidance to entrepreneurs.	G. Onderwijs (Landspakket). In the assessment carried out under measure G.1 (doorlichting), specific attention should be paid to the connection between education and entrepreneurship.
Establish Exprodesk.	Implemented.	Provides workshops, training and courses specifically aimed at export. Evaluation reveals high appreciation of services by clients.	
Support and coach SME's to start new business through establishment of Iniciativa pa Desaroyo di Empresa Arubano (IDEA).	Implemented.	Established in 2012. Assisted approximately 500 clients, mainly startups.	
Create awareness and education programs on how to use crowdfunding, Angel investors, etc.	Implemented.	Despite efforts by DEACI entrepreneurs did not seize opportunities yet. FUTURA offers crowdfunding maximized to AWG 5.000 per entrepreneur.	
<b>Blind spots: improvements/actions missing</b>			
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B.2 Information			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Centralized, readily available information on doing business in Aruba online: website government.	Implemented.	Websites of Government (DEACI and other relevant departments) and Chamber of Commerce optimized.	
Create and implement an awareness program for entrepreneurs on trade and export opportunities and facilities.	Implemented.	DEACI and Chamber of Commerce.	
Establish an investment promotion agency within DEACI with core tasks: investment generation, facilitation and services, and policy advocacy.	Implemented.	ARINA is set up within DEACI. The available budget however is insufficient; lack of continuity in personnel and activities. Long term assurance in budget necessary to improve effectiveness.	

Having one stand-alone institution serving as the sole source of reliable and up-to-date information for all investor information needs would be beneficial.	Not implemented.	Certain stakeholders indicated a need to have more streamlined information for investors. Currently, to provide investors with the information they require, they are referred to multiple organizations, e.g., DEZHI, ARINA, etc.  Include in project to centralize all licenses within DEZHI.	
Prepare and implement an Investment Strategy and Plan.	Not implemented.	In preparation.	
Introduce an innovation award for the most innovative SME of the year.	Not implemented.		
Publish basic notary fees on websites of Chamber of Commerce, Department of Economic Affairs and other relevant entities.	Not implemented.		
Websites of Chamber of Commerce and Department of Economic Affairs could provide basic indication of tax regime in Aruba.	Not implemented.	Soon, a new website of IDEA (DEACI) will be launched containing information on Doing Business.	
Provide pertinent information also in English and Dutch.	Partly implemented.		
<b>Blind spots: improvements/actions missing</b>			
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B.3 Tax system			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Simplify tax scheme for SME's.	Not implemented.		C. Belastingen (Landspakket). Stimulating tax scheme (simplification, incentives) for entrepreneurs should be part of the assessment under measure C.1 of the Landspakket.
Fiscal incentives for SME's.	Partly implemented.	An incentive scheme for small entrepreneurs is implemented.	
Tax benefits for startups.	Partly implemented.	Incentives are implemented for entrepreneurs in agricultural and manufacturing sector.	
Reduction of wage tax, income tax.	Partly implemented.		
Adjustment of property tax rates.	Implemented.		
Reduction of tax on dividend income.	Implemented.		
Reform indirect taxes (BBO, import duties).	Not implemented.		
Reform of taxes for business (profit, dividend).	Partly implemented.		
Reform of tourist taxes.	Not implemented.		
Tax-free period for startups.	Not implemented.		
Review custom duties and apply fewer rates with low rates for capital and intermediate goods and higher rates for final consumption goods.	?	Proposed by Worldbank/FIAS (2006). The best way to implement this rather large menu of tax reform would be to plan it all as one	C. Belastingen (Landspakket). Stimulating tax scheme for entrepreneurs and investors should be part of the assessment under measure C.1 of the Landspakket.
Repeal tax on foreign exchange transactions to provide positive signal to investors.	?		

Reduce corporate tax rate in combination with elimination of investment tax allowances and tax holidays.	?	coordinated package, examining both the revenue side and the investment incentive/disincentive side, and taking into account the various linkages among taxes.	
Introduce a broad based, low rate VAT to replace BBO.	Not implemented.		
<b>Blind spots: improvements/actions missing</b>			
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<b>B.4 Other</b>			
<b>Improvement/action</b>	<b>Status of implementation</b>	<b>Remarks</b>	<b>Interaction with other reforms</b>
Collection and publication of data on enterprises by size class, at least once a year.	Not implemented.	DEZHI and CBS should initiate this.	
Ongoing independent research on business issues, by size class of enterprises.	Not implemented.	DEZHI and CBS should initiate this.	
Permanent platform where government and representatives of businesses (of all sectors and size classes) meet to discuss existing policies and the need for new policies.	Not implemented.	Aruba Trade Board partly serves this purpose.	
Support existing and new blue business.	Partly implemented.	Research study by OCTA may provide new recommendations in this area.	
Stimulate access to knowledge, which is essential for innovative entrepreneurship, as it is a key source of innovation-driven entrepreneurial opportunities.	?		
Develop incentives for a blue economy.	Not implemented.	A research study by OCTA is expected that may provide new insights.	
Promote the use of incubators to increase the success rate of local SMEs.	Partly implemented.	A project by the Chamber of Commerce; financing by FUTURA.	
Instill CE/ BE/ CSR awareness and practices among SMEs and the UN 2030 SDGs.	Partly implemented.	Work in progress.	
Create a 'Blue/Sustainable' certification label for all business, emphasizing on SMEs.	Not implemented.		
Introducing an innovation award for the most innovative small business of the year; by demonstrating that the government is proud of successful entrepreneurs; and by creating role models.	Not implemented.	Could be done in cooperation with FUTURA.	
<b>Blind spots: improvements/actions missing</b>			
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## B. Improving markets

C.1 Labor market			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Reform labor laws.	Not implemented.	Labor market reform project (Landspakket) has started. Reforms introduced in 2016 come into effect per September 2021.	E. Economische hervormingen. Strong need for consistency between assessment of labor market under measure E.1 of Landspakket and improvements in business climate. Actions as well as their timing should be consistent.
Fixed term contracts: Allow fixed term contracts at any time, up to a maximum of 3 back to back, by: a. Deleting article 7A:1613x paragraph 2 through 6 of the Civil Code. b. Amending article 7A:1615f Civil Codes.	Not implemented.	Proposal by AHATA/ATIA (2020). Aruba introduced a law in 1992 to abolish fixed term contracts, with only 4 exceptions: 1. Seasonal labor as a result of increased business activity in the company. 2. Replacing an employee who is temporarily absent. 3. A specifically described job or project. 4. Casual labor. The exact reforms will be determined based on the outcome of the research to be conducted.	E. Economische hervormingen. Assess AHATA/ATIA proposal in labor market project under measure E.1 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
Mandatory pension: a. Introduce a law that stipulates an automatic termination of the labor agreement at AOV-age. b. Add to art. 3.1 of the State Ordinance that Cessantia is also due if the employment contract ends automatically based on the employee reaching the AOV-age, unless the employee is not entitled to Cessantia based on art. 3.4.	Not implemented.	Proposal by AHATA/ATIA (2020). Aruban labor agreements do not automatically end when the employee reached the AOV-age. This leads to the existence of an elderly workforce and less opportunity for the younger population.	E. Economische hervormingen. Assess AHATA/ATIA proposal in labor market and social security projects under measures E.1 and E.4 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
Flexible working hours: a. Remove art. 7A:1613aa Civil Code. b. Remove art. 7A:1613aa paragraph 1 Civil Code. c. Replace the text of article 7A:1633aa Civil Code with the Dutch equivalent in art. 610a and 610b Dutch Civil Code which does allow for individual agreements between employer and employee regarding flexible hours and does not mandate pay based on the previous 3 months worked.	Not implemented.	Proposal by AHATA/ATIA (2020). In 2013, art. 7A:1613aa paragraph 2 Civil Code was added. As a result, regardless of what parties agree upon, the employer must pay an employee in any given month a salary based on the average hours worked during the previous 3 months.	E. Economische hervormingen. Assess AHATA/ATIA proposal in labor market project under measure E.1 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
Reduction of working hours: Introduce a law based on which employers will be allowed to reduce working hours and corresponding pay when they can show that their revenues are reduced for a certain period of time.	Not implemented.	Proposal by AHATA/ATIA (2020).	E. Economische hervormingen. Assess AHATA/ATIA proposal in labor market project under measure E.1 of Landspakket. Ensure consistency with improvements in

			business climate. Actions as well as their timing should be consistent.
Introduce maximum amount due to employee when labor agreement is terminated or dissolved. The proposal is for Aruba to stipulate a legal maximum to the amount of damages, which would include Cessantia, modeled partly after the system in The Netherlands (transitievergoeding).	Not implemented.	Proposal by AHATA/ATIA (2020).	E. Economische hervormingen. Assess AHATA/ATIA proposal in labor market and social security projects under measures E.1 and E.4 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
Eliminate restrictions on work permits for spouses of expatriates and other non-citizens with good skills and entrepreneurial energies.	Partly implemented.	Proposed by Worldbank/FIAS (2006). There is a distinction between permits based on "gezinshereniging", where the spouse's permit is directly related to and dependent of, the working permit holder. In this case the spouse is not allowed to work. In case the spouse gets a job then the permit is converted into a working permit. Th reason for this is due to the requirement that it is the employer that submits the permit request on behalf of the expat, and not the expat her-/himself.  Recently, restrictions for spouses with certain skills were eliminated.	E. Economische hervormingen. Assess proposal in labor market project under measures E.1 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
Speed up process of obtaining immigration and work permits and it should be streamlined with process for obtaining business permits, in particular land access and construction.	Not implemented.	Proposed by Worldbank/FIAS (2006).	E. Economische hervormingen. Assess proposal in labor market project under measures E.1 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
Develop and establish migration policy.	Implemented.	There is a migration policy but it has undergone many changes over time and is not transparent and correctly implemented.	
Revise curriculum in schools and adapt to necessities of labor market.	Not implemented.	There are programs being developed to promote more vocational trainings based on the necessities on the labor market. Not yet implemented though.	G. Onderwijs (Landspakket). In the assessment carried out under measure G.1 (doorlichting), specific attention should be paid to the connection between education and the labor market.
Construction of a Labor Market Information System (LMIS) amongst which a database including all relevant employer and employee data.	Partly implemented.	MISVB online registration of private sector employees is realized.	

		Provides a useful database, that enabled to swiftly supply COVID wage subsidies.	
Organize tripartite discussions for the sustainability of the social security system and related funds. Discuss flexibilization labor laws and other social security reforms in general.	Implemented.	Dialogo Tripartite Social Laboral (DTSL) is the formal platform that will be used to present and discuss all labor law reform proposals. This was the platform used to approved the concept of the "arbo-wet"	E. Economische hervormingen. Include in labor market project under measure E.1 of Landspakket. Ensure consistency with improvements in business climate. Actions as well as their timing should be consistent.
Create support through Tripartite dialogue to accomplish changes in labor laws to foster a dynamic and mobile/agile workforce through actualization and modernization of the labor agreements and regulations, a.o. with respect to flexible working hours and types of agreement, and to quickly adapt to market needs	Not implemented.	This will be the course of action following the labor market project (Landspakket).	
Introduce the revised Civil Code - Burgerlijk Wetboek (all books related to businesses).	Partly implemented.	Burgelijk wetboek boek 2 adjusted. Other books per 1-9-2021, including labor (employer is allowed to adjust (under special circumstances) labor contract (not dissolve). This can be considered an important step towards flexibilization of the labor market as of September 1 <sup>st</sup> 2021.	
<b>Blind spots: improvements/actions missing</b>			
Policy for admission and expulsion ('toelating en uitzetting') creates impediment for foreign entrepreneurs/investors; review and modernize legislation and policy.			
...			

C.2 Capital market			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Review and optimize financial sector regulation to improve risk appetite and ease opening of bank accounts	Not implemented.	Prioritize.	D. Financiële sector. Include in assessment taking place under measures D.1 and D.2 of the Landspakket.
Intensify competition in banking sector.	Not implemented.	Banks enjoy healthy profits and interest rate margins remain sizable, which reflect, in part, weak competition among banks. Banks have liquidity buffers that largely surpass the regulatory requirements Banks are flushed with excess liquidity and credit growth is relatively modest. The high capital	

		asset ratio is in part a result of a lack of bankable projects outside of the tourism sector, and also relates to the CBA's large exposure rule, which requires banks to maintain high capital buffers in case of large exposures to debtors.	
<b>Blind spots: improvements/actions missing</b>			
Modernize regulation and policy concerning bankruptcy; provide path for bankrupt entrepreneurs/investors to start business again.			
...			

C.3 Product markets			
Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Introduce competition law and establish Fair Trade Authority.	Partly implemented. Competition law, policy and implementation plan all prepared and ready for implementation.	Consumer protection policy and economic regulation of utility sectors should be integrated in policy and Fair Trade Authority. In Aruba's 'Nota Energiebeleid' the establishment of an independent regulator for the energy sector and the development of a regulatory framework is foreseen.	B. Kosten en effectiviteit publieke sector Landspakket. In the assessment under measure B.2 of the Landspakket, the efficiency of the state owned enterprises providing utility services should be related to the development of economic regulation in Aruba.
Finalize Corporate Governance Code legislation for State Owned Enterprises.	Partly implemented.		B. Kosten en effectiviteit publieke sector Landspakket. In the assessment under measure B.2 of the Landspakket, the corporate governance framework for SOE's should be included.
Improve quality of services and more competitive tariffs of the harbor.	Not implemented.	See Ecorys report on harbors in Caribbean part of the Kingdom.	
<b>Blind spots: improvements/actions missing</b>			
Development of economic regulation policy and consumer protection policy. Development of integration strategy with Fair Trade Authority Aruba.	Not implemented.		
...			

#### C.4 Consumer protection



Improvement/action	Status of implementation	Remarks	Interaction with other reforms
Empower consumers. Several adjustments in legislation including competition act.	Partly implemented. Competition law, policy and implementation plan all prepared and ready for implementation.		
Include consumer authority in competition authority.	Not implemented.	Develop consumer protection policy and integrate with Fair Trade Authority.	
<b>Blind spots: improvements/actions missing</b>			
Development of economic regulation policy and consumer protection policy. Development of integration strategy with Fair Trade Authority Aruba.	Not implemented.		
...			