

# Sint Maarten

## Overall findings

### Overall determination on the legal framework: Not In Place

Sint Maarten's legal framework to implement the AEOI Standard is not in place. This is because Sint Maarten has not put in place a domestic legislative framework requiring Reporting Financial Institutions to conduct the due diligence and reporting procedures (CR1) nor an international legal framework to exchange the information with all Interested Appropriate Partners (CR2).

The methodology used for the peer reviews and that therefore underpins this report is outlined in Chapter 2.

## Conclusions on the legal framework

### General context

Sint Maarten has not yet implemented the necessary legal frameworks.

### Detailed findings

The detailed findings for Sint Maarten are below, organised per Core Requirement (CR) and sub-requirement (SR), as extracted from the AEOI Terms of Reference ([www.oecd.org/tax/transparency/documents/aeoi-terms-of-reference.pdf](http://www.oecd.org/tax/transparency/documents/aeoi-terms-of-reference.pdf)).

***CR1 Domestic legal framework: Jurisdictions should have a domestic legislative framework in place that requires all Reporting Financial Institutions to conduct the due diligence and reporting procedures in the CRS, and that provides for the effective implementation of the CRS as set out therein.***

### Determination: Not In Place

Sint Maarten has not put in place a domestic legislative framework requiring Reporting Financial Institutions to conduct the due diligence and reporting procedures, therefore the CR1 Domestic legal framework is determined to be not in place. As no such framework is in place a detailed analysis in relation to each SR has not been possible.

***CR2 International legal framework: Jurisdictions should have exchange relationships in effect with all Interested Appropriate Partners as committed to and that provide for the exchange of information in accordance with the Model CAA.***

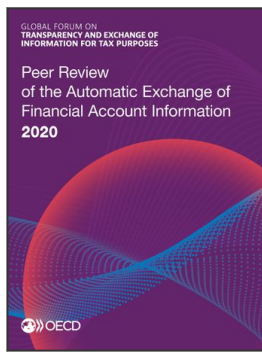
### Determination: Not In Place

Sint Maarten has not put in place the international legal framework to exchange the information with all of Sint Maarten's Interested Appropriate Partners, therefore the CR2 International legal framework is determined to be not in place. As no such framework is in place a detailed analysis in relation to each SR has not been possible.

## Comments by the assessed jurisdiction

Notwithstanding the many setbacks that Sint Maarten has faced during the last few years, political instability and a major hurricane among others, Sint Maarten can announce that its primary legislation is finally in place and we are working diligently on having our secondary legislation put 'in place'. This is currently in the legislative process and our hopes are that this also can be finalized expeditiously. Only after this legislation is in place a notification to the Co-ordinating Body Secretariat pursuant to Section 7 of the Multilateral Competent Authority Agreement on Exchange of Financial Account Information, signed on behalf of the Competent Authority of Sint Maarten, can be considered in order to receive an 'In Place' determination regarding Sint Maarten's International legal framework.

Sint Maarten has started working on the Action Plan to meet the Confidentiality and Data safeguard requirements. The target date for this to be completed is September 2021.



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