

Administrative Compliance Framework Curacao



MINISTERIO DI
FINANSA

CRS-Seminair May 7th 2026
Notices Working Group

Notices CRS- Working Group

Opening

CRS 2.0

Compliance Strategy & RFI-Universe

CRS Risk assessment

Comprehensive Audits

International collaboration & effectiveness

MDES Portal

Sanctions and enforcement framework

Steps AEOI implementation & Timeframe

- Mock session with technical assistance OECD
- On site visit OECD 29 September- 2 October 2025
- Draft report January 2026
- Meeting APRG regarding draft report March 2026
- **Process April-June 2026 Deliver updates and or statistics**
- June 30, 2026 submit updated ACFQ
- October 2026 Meeting APRG regarding reports all jurisdictions
- November 2026 Publication all reports with final rating



KEY RECOMMENDATIONS



1

Continue to implement activities to identify potential RFIs, including regulated, non-regulated Entities and the correct application of generic categories of NRFIs in practice.



2

Continue to develop and implement overall Risk Assessment

- Implement effective strategy for case selection that covers a representative subset of Curaçao's FI population.



3

Ensure that RFIs comply with their reporting obligations

- Implement (effective) procedures to ensure (timely & accurate) reporting of data.
- Ensure all Controlling Persons of Passive NFEs are identified and, if applicable, reported.
- Continue to develop and implement verification activities to ensure an appropriate coverage of issues.
- Implement activities to ensure that valid self certifications are always obtained for New Accounts, including regarding the application of day two procedures.



4

Continue awareness activities

- Develop and implement activities to ensure RFIs understand the definition of undocumented accounts and report these accounts (only) in the strict circumstances provided for in the AEOI Standard.



5

Ensure that the enforcement framework effectively addresses and deter noncompliance by RFIs

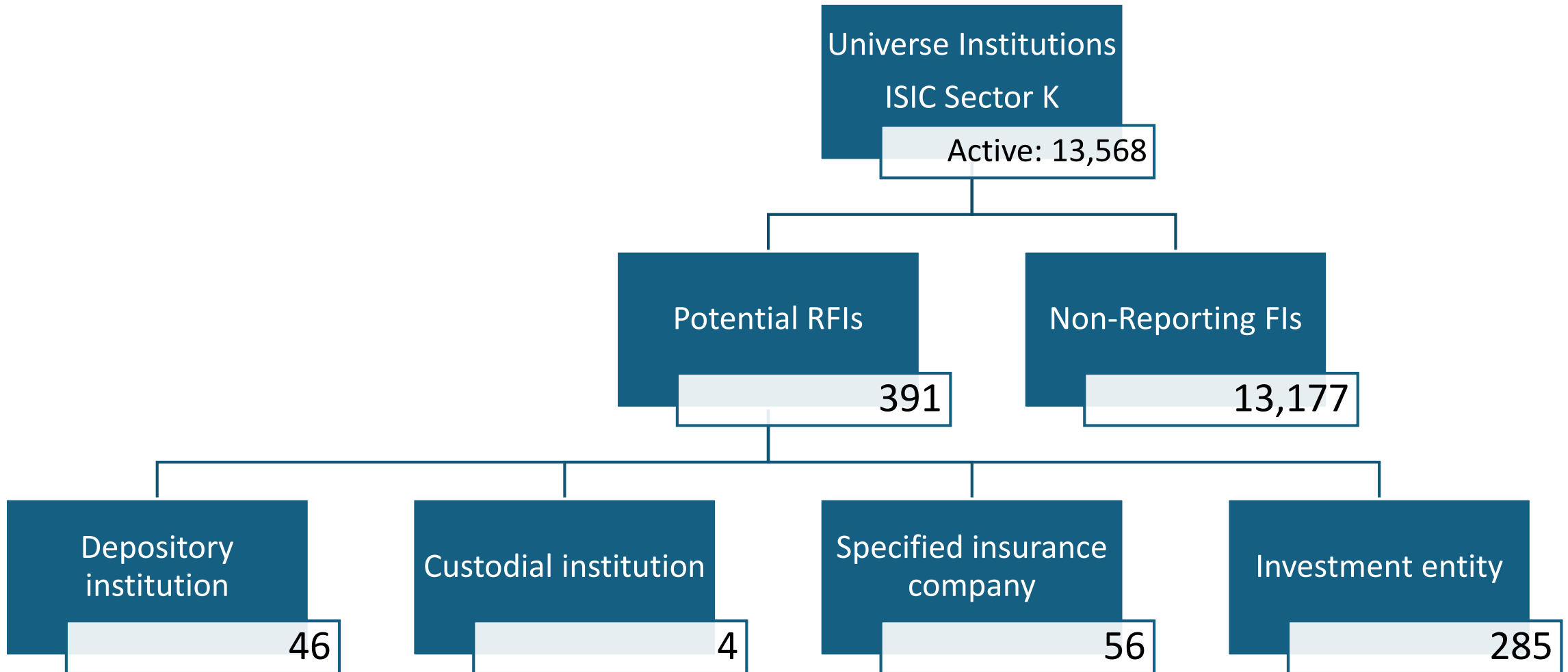
- Require a retrospective correction of non-compliance, where appropriate, for a period of up to five years.



These recommendations will further enhance the effectiveness of Curaçao's AEOI framework and support full compliance with the CRS Standard.

Adequate reporting by RFI's

Universe of Reporting Financial Institutions



Determining FI Population

Successful Compliance Strategy

- Determining the FI population
 - Current Focus:
 - TCSPs
 - Trusts
 - Family-owned entities (new policy)
 - Nonreporting FIs

Nudge activities, sector specific workshops or meetings

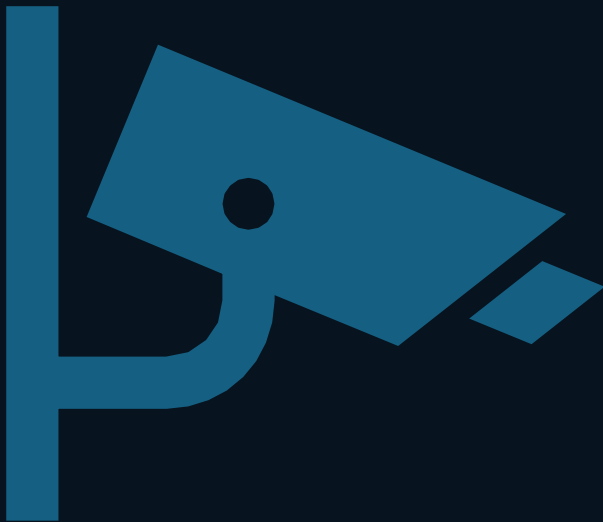
Overall Risk Assessment Strategy

Jurisdiction specific Risk Assessment

- Identify high-risk FI-sectors Curacao
- Determine FI-universe
- Detect misclassified entities
 - Primarily high-risk unregulated/undetected institutions
- Identify potential RFIs that are NOT reporting

Entity level Risk Assessment

- CRS-Reporting Risk
 - Incomplete/Late reporting
 - Data quality issues
 - Audit/Review History
 - IT & Security
- Institutional risks
 - Compliance Culture
 - Internal controls and documentation
 - Training & Awareness



Overall Risk Assessment Information Sources

Internal Sources

- Lists of regulated institutions
- CRS reporting (MDES-portal)
- Exchange of information requests
- Corporate tax returns
- Information obtained through the activities under the enforcement framework
 - Previous Outreach/Nudge activities
 - Previous CRS-compliance checks
 - PIQ partner jurisdictions
 - Tax audit findings

External Resources

- **Data/Information provided by FIs**
- Central Bank Supervisory Activities AML/CFT
- FIU AML/CFT trend information
- FATCA information
- Trust/company service provider (TCSP) registries
- Business registries
- Trend information other Governmental Agencies or umbrella organizations financial sector

Overall Compliance Strategy

Compliance & Enforcement activities

Legal Entity Analysis

- Primary purpose is to define the scope of entities that are in or out of scope of CRS annual reporting (e.g. RFI, NRFI, NFE, etc).
- Periodic Information Questionnaire to high-risk jurisdiction specific sectors
- Entity Classification Audit focused on undetected or wrongfully classified FI's

CRS-Report Analysis

- Desk Based Audit
 - Assess the effectiveness of the RFI's (written) internal controls and due diligence procedures
 - Identify whether further enforcement or on-site audit is required
- Documentation Review Audit (Compliance/Monitoring)
 - Assess CRS-compliance by analysing whether the written policies and procedures are implemented in practice and if all verification and documentation requirements are met
 - Identify whether further enforcement activities are required
- **Comprehensive Audits (Due Diligence/Risk-Based)**
 - Test whether written policies and procedures are effectively implemented in practice
 - Detect systemic weaknesses or deliberate non-compliance practices.
 - Provide assurance based on the completeness and reliability of the CRS-report

Adequate reporting by RFI's

MDES Registration Requirements

- FI's in Curaçao that are not exempt (LIBB/CRS) must register with the tax authority if they have reporting obligations under CRS.
 - Some types of institutions are explicitly exempt (NRFI's for example certain government entities or pension funds), these should check whether they fall under an exemption.
- Even if a financial institution has no reportable accounts in a given period, but is required to provide CRS data if such situations arise, it must still register.
- NIL-Reporting although not formally required in Curacao, is allowed.



Adequate reporting by RFI's

MDES Registration Requirements

- MDES experienced performance issues during the latest reporting period in March.
- Issues partially caused due to processing of large XML files with errors in current MDES v3.3.
- Newer MDES v3.4 and v3.5 will contain improvements to performance and improvements to signaling common XML errors when uploading better.
- Peer input on matching the data received from Curacao
- Since last year we have a member of the crs team that is responsible for the validation of data received.
- Non valid or missing TINs (tin structures are not being taken into account)
- DOBs (missing or dummy DOB's)
- Addresses outside the receiving countries



Sanctions and Enforcement Framework

Warnings

- Within the framework of the LIBB and the LB LIBB, there is the possibility to issue a written warning to the offender prior to imposition of the fine.
- Issue of the warning is not mandatory in all cases.
- No warning will be issued in case of repeated violations or other aggravating circumstances.
- Purpose of the warning is to give the entity the opportunity to rectify the violation, without imposing a fine immediately.



Sanctions and Enforcement Framework

Content Warning Letters

- A clear description of the violation observed.
- The relevant statutory or policy-based provisions on which the obligation is based.
- A reasonable term within which the offender shall be given the opportunity to comply with the obligation.
- Referral to the fact that – if rectification does not take place within the term set thereto- an administrative fine may still be imposed.



Sanctions and Enforcement Framework

AEOI Fine policy

- AEOI refers to the compliance with the obligations to submit fiscal data to the tax authority, pursuant to Article 22 LIBB
- Number of times default has been observed in the previous 4 years shall be taken into account.
- Fines will be imposed for the following categories
 1. Late complete submission of the data (XCG 100.000 /XCG 150.000)
 2. Timely and incomplete submission of the data (XCG 100.000/ XCG150.000)
 3. Late and incomplete submission of the data (XCG 125.000/XCG 175.000)
 4. Noncompliance with the obligation to exchange data (XCG 250.000)





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THANK YOU

Curaçao Administrative Compliance Framework