

Order of the Minister of the Interior and Kingdom Relations of [date], no. [...], laying down rules for the provision of subsidies for projects that strengthen the sustainable earning capacity in Aruba, Curaçao, St. Maarten, Bonaire, St. Eustatius, and Saba (Subsidy scheme for the strengthening of the sustainable earning capacity ACS and BES)

The Minister of the Interior and Kingdom Relations,

Having regard to Sections 2(1)(d), 3, and 4(1) of the Framework Act Other BZK Subsidies and Sections 6(5)(b), 8(1) and (2), 11(2) and (3), 13 preamble and (c), 14 and 18(1) of the Framework Decree BZK Subsidies;

Resolves:

Section 1. Definitions

For the purpose of this order the following is understood as:

sustainable earning capacity: economic growth that Aruba, Curaçao, St. Maarten, Bonaire, St. Eustatius or Saba, with a positive impact on social benefits and burdens, can generate on a long-term structural basis, either individually or collectively;

phase A: phase during which activities take place that are required for the preparation of the submission of a subsidy application in phase B and the implementation of projects in phase B, namely preparatory studies, (technical and economic) feasibility studies, evaluation, testing and validation studies, including in the form of software, or technical support measures, including preliminary activities required to define and develop a project for phase B;

phase B: phase during which activities take place as defined in Section 3(2) and (3);

Framework Decree: [Framework Decree BZK Subsidies](#);

Minister: Minister of the Interior and Kingdom Relations;

consortium: an unincorporated group, other than a company, composed of at least two participants, formed for the purpose of the performance of activities as referred to in Section 3(2) and (3).

Section 2. Purpose of the order

Purpose of this order is to strengthen the sustainable earning capacity, with a view to an economically, socially, and environmentally sustainable future for the planet and for present and future generations in all countries of the Kingdom, by making subsidies available for investments that contribute to sustainable, economic development of the Caribbean part of the Kingdom as well as for investments for activities necessary for their preparation.

Section 3. Subsidy activities and conditions

1. On application, the Minister provides a subsidy for phase A if the applicant has previously submitted an application for a quick scan as referred to in Section 4.

2. On application, the Minister provides a subsidy for phase B, if the applicant has previously submitted an application for a quick scan as referred to in Section 4, for activities that make a positive contribution to the strengthening of the sustainable earning capacity and that relate to:

- a. the mitigation of the effects of climate change and shaping of the energy transition;
- b. the strengthening of the quality of education and the improvement of the educational infrastructure;

- c. the improvement of the digital infrastructure of the government and the strengthening of the public services to citizens and businesses;
 - d. the improvement of the basic infrastructure;
 - e. the improvement of the cost efficiency in the food production;
 - f. the sustainabilisation of economic sectors.
3. Financial resources can be made available for phase B for activities that at least:
- a. strengthen the sustainable earning capacity;
 - b. relate to investments that are not structural;
 - c. relate to investments that are additional to private investments;
 - d. relate to investments that are additional to existing or planned public investments and that do not fall within an existing government scheme; and
 - e. do not conflict with the government policy of Aruba, Curaçao or St. Maarten or the government policy insofar as it concerns activities in Bonaire, St. Eustatius or Saba, respectively.
4. The Minister can grant a subsidy to a natural person or a legal entity governed by private law that carries out the activities at its own risk and expense, provided that a subsidy is only granted to a natural person who is running a business.
5. The natural person or legal entity under private law as referred to in the fourth subsection must be domiciled or established in Aruba, Curaçao or St. Maarten or on Bonaire, St. Eustatius or Saba, respectively, and carry out the subsidy activities within the relevant territory. In the event of a legal person under private law with an affiliated undertaking within the meaning of Section 2(2) of the de minimis order that is located in a territory forming part of the internal market of the European Union, separate accounts must be kept for the eligible activities to ensure this.
6. The Minister can grant the subsidy to a participant of a consortium of natural persons or legal entities as referred to in the fourth subsection.

Section 4. Application for quick scan

1. An applicant considering submitting an application for a subsidy must first apply for a quick scan.
2. An application for a quick scan as referred to in the first subsection includes details of the applicant, details of the contact person at the applicant, including the name, telephone number, and email address, a brief description of the proposed activities in phase A or phase B, and, if available, the number under which the applicant is registered with the Chamber of Commerce.
3. The Minister issues an opinion no later than six weeks after the submission of the application for a quick scan.
4. A quick scan as referred to in subsection 1 can be applied for up to six weeks prior to the deadlines specified in Section 5(10) and (11).
5. The first subsection is not applicable to an applicant in phase B if a quick scan in phase A has already been requested.

Section 5. Subsidy thresholds, method of distribution, and application period

1. The subsidy threshold for phase A is €5,000,000 for Aruba, Curaçao, and St. Maarten, of which €1,731,333.33 for activities in Aruba, €2,076,833.33 for activities in Curaçao, and €1,191,833.33 for activities in St. Maarten.
2. The subsidy threshold for phase B is €80,000,000 for Aruba, Curaçao, and St. Maarten, of which €29,432,666.66 for activities in Aruba, €30,306,166.66 for activities in Curaçao, and €20,261,266.66 for activities in St. Maarten.
3. With effect from 1 January 2028, the distribution of the amount of the subsidy thresholds between Aruba, Curaçao, and St. Maarten as referred to in the first and second subsections, respectively, ceases.
4. The subsidy threshold for phase A is €1,500,000 for Bonaire, St. Eustatius, and Saba, of which €864,175 for activities in Bonaire, €333,925 for activities in St. Eustatius, and €301,900 for activities in Saba.
5. The subsidy threshold for phase B is €25,500,000 for Bonaire, St. Eustatius, and Saba, of which €14,690,975 is for activities on Bonaire, €5,676,725 for activities on St. Eustatius, and €5,132,300 for activities on Saba.
6. With effect from 1 January 2028, the distribution of the amount of the subsidy thresholds between Bonaire, St. Eustatius, and Saba as referred to in the fourth and fifth subsections, respectively, ceases.
7. Distribution of the available funds per island takes place on the basis of order of receipt of the applications.
8. If an applicant has not complied with a requirement for consideration of the application laid down by this order and has had the opportunity to supplement the application upon application of Section 4:5 of the General Administrative Law Act then the day on which the application complies with the relevant requirement shall be considered as the date of receipt.
9. If the Minister has received more than one complete application on the day the subsidy threshold is reached then the Minister determines the order of precedence between them by drawing lots.
10. Subsidy applications as referred to in Section 3(1) can be submitted up to and including 1 December 2028 17:00 UTC -4.
11. Subsidy applications as referred to in Section 3(2) and (3) can be submitted from six months after the entry into force of the scheme until 30 June 2029 17:00 UTC -4.

Section 6. Information requirements subsidy application phase A

1. Without prejudice to Section 11(3) of the Framework Decree, an application for a subsidy as referred to in Section 3(1) includes a specification of the intended activities to be subsidised with the following information:
 - a. number of the quick scan registration, details of the applicant, including contact details and, if available, the number under which the applicant is registered with the Chamber of Commerce;
 - b. details of the contact person at the applicant, including name, telephone number, and email address;
 - c. an estimate of the costs to be incurred;
 - d. an estimate of the duration of the activities;
 - e. a description of the financing consisting of the requested subsidy amount and its substantiation and an estimate of the expected financing from other sources;

f. a description of the activities envisioned in phase B, and how these activities aim to strengthen the sustainable earning capacity, and a set-up of a study into their technical and economic feasibility.

2. If the activities in phase B shall be carried out by a consortium then the subsidy application shall also include, as far as possible, a description of the intended other participants and their roles, and the information referred to in subsection 1(c) and (d) shall relate to the consortium as a whole.

3. Chamber of Commerce is understood as:

- a. in Aruba: Chamber of Commerce and Industry;
- b. in Curaçao and St. Maarten: Chamber of Commerce and Industry,
- c. on Bonaire, St. Eustatius, and Saba: Chamber of Commerce and Industry.

Section 7. Information requirements subsidy application phase B

1. Without prejudice to Section 11(3) of the Framework Decree, an application for a subsidy as referred to in Section 3(2) contains at least:

- a. number of the quick scan registration, details of the applicant, including contact details and, if available, the number under which the applicant is registered with the Chamber of Commerce as referred to in Section 6(3);
- b. details of the contact person at the applicant, including name, telephone number, and email address;
- c. a description and substantiation of the positive contribution of the activities to the strengthening of the sustainable earning capacity;
- d. a description and substantiation of the technical and economic feasibility of the activities;
- e. a strategic substantiation of the activities;
- f. a plan of activities;
- g. if the application is submitted by a consortium, a (draft) consortium agreement.

2. The description and substantiation as referred to in subsection (1)(c) contains at least:

- a. how the activities contribute, directly or indirectly, collectively and individually, to the strengthening of the sustainable earning capacity;
- b. how to ensure continuation of the results and their financing after the activities have been completed.

3. The strategic substantiation as referred to in subsection (1)(e) contains at least:

- a. a description and substantiation of the objectives of the activities;
- b. a substantiation of the effectiveness and efficiency of the activities.

4. The plan of activities as referred to in subsection (1)(f) contains at least:

- a. a description of the activities and milestone planning and a description of the activities and milestone planning per participant, in the case of a consortium;
- b. a financing plan, budget, and liquidity forecast including at least a description of the scope of the subsidy requested, the anticipated costs and revenue of the activities, and, where appropriate, the financial contributions from other participating parties and other income, including subsidies, used to finance the activities to which the subsidy relates;

- c. a description of the participants, including their knowledge, experience, and capabilities, as well as those of the parties involved in the performance of the activities, insofar as it is relevant to assessing the quality of the participants, in the case of a consortium;
- d. a description of the cooperation and governance;
- e. a substantiation of the feasibility of the activities.

Section 8. Grounds for rejection

Without prejudice to Sections 12, and 13 of the Framework Decree, the Minister rejects a subsidy application:

- a. if the application concerns a subsidy as referred to in Section 3(1); and
 - 1°. the proposed activities in phase B do not comply with the provisions set forth in Section 3(2) or (3);
 - 2°. the provisions set forth in Section 3(4) and (5), 4 or 6 were not complied with;
 - 3°. if there is insufficient confidence that the activities in phase B will directly or indirectly make a positive contribution to the strengthening of the sustainable earning capacity;
- b. if the application concerns a subsidy as referred to in Section 3(2); and
 - 1°. Section 3(2) to (5), 4 or 7 has not been complied with;
 - 2°. if there is insufficient confidence that, also taking the strategic substantiation of the activities into account, the quality of the plan of activities and the proposed cooperation and governance, the activities contribute directly or indirectly to the strengthening of the sustainable earning capacity;
- c. the subsidy to be granted for activities:
 - 1°. in phase A in Aruba, Curaçao, and St. Maarten would exceed €300,000; or
 - 2°. in phase A on Bonaire, St. Eustatius, and Saba would exceed €100,000; or
 - 3°. in phase B in Aruba, Curaçao, and St. Maarten would be less than €6,000,000; or
 - 4°. in phase B on Bonaire, St. Eustatius or Saba would be less than €2,000,000;
 - 5°. would, under Section 3(2) and (e), be less than €2,000,000;
- d. to the extent that the subsidy to be granted to a participant of a consortium would be less than €125,000;
- e. to the extent that it is considered implausible that the activities in phase B can be completed within 15 years;
- f. in so far as the activities have already been the subject of another subsidy or are reimbursed in some other way.

Section 9. Advisory Committee Strengthening Sustainable Earning Capacity ACS and BES

- 1. There is an Advisory Committee Strengthening Sustainable Earning Capacity ACS and BES.
- 2. The task of the Advisory Committee is to advise the Minister on the provision of subsidy for investments as referred to in Section 2.

3. The Advisory Committee adopts a working method as to how it carries out its tasks and makes this public.
4. The members of the Advisory Committee are appointed by the Minister and can be suspended and dismissed by the Minister at their own request or due to unsuitability, incompetence or other serious grounds.
5. The Minister asks the Advisory Committee for an opinion on the application of the ground for rejection referred to in Section 8 preamble and (b)(2).
6. The Minister can ask the Advisory Committee to advise on:
 - a. the assessment of applications as referred to in Section 3(1), (2) and (3) respectively, on the basis of Sections 2 and 3;
 - b. whether the costs, for which a subsidy is requested, are eligible under Section 6 of the Framework Decree; and
6. The Minister makes an opinion as referred to in subsection 1 public.

Section 10. Advance

Without prejudice to Section 23(3) of the Framework Decree, the Minister determines the amount of the advance for a calendar year prior to a calendar year on the basis of the annual plan referred to in Section 10(1)(a) and (1). For the calendar year in which the subsidy is granted, the advance shall be fixed in the decision to grant the subsidy.

Section 11. Obligations of the subsidy recipient

1. Without prejudice to Section 21 of the Framework Decree, the subsidy recipient is required to:
 - a. if the eligible costs as included in the milestone schedule in the subsidy decision deviate from the budget by more than 25%, report this to the Minister;
 - b. at times to be determined in the subsidy decision, provide to the Minister:
 - 1° an annual plan for the next calendar year that includes at least a budget and a description of the planned activities and the milestones to be achieved;
 - 2° an annual report on the past calendar year that, in any case, contains a summary of costs incurred, activities carried out, and milestones reached, and an explanation of deviations from the annual plan for that calendar year and the provisions of the subsidy decision.
2. The Minister can, at the prior request of the subsidy recipient, grant an exemption from the obligation as referred to in subsection 1 for a delay or an essential change in the manner in which the activities are carried out, unless this is detrimental to the objectives of the activities. Rules can be imposed on the exemption.
3. In deviation from the first subsection, the subsidy recipient only provides an annual report for the calendar year in which the subsidy is granted, and the explanation of deviations shall relate only to deviations from the provisions set forth in the subsidy decision.
4. In the decision granting the subsidy, the Minister can:
 - a. by way of derogation from the first subsection, determine that an obligation as referred to in Section 21 of the Framework Decree is not applicable;
 - b. include other obligations.

Section 12. Entry into force, expiry period, and transitional law

1. This order takes effect on Bonaire, St. Eustatius, and Saba on 1 January 2025.
2. This order takes effect at a time to be determined by decree of the Minister, which can be different for Aruba, Curaçao, and St. Maarten.
3. This order expires with effect from 1 January 2030, on the understanding that it continues to apply to subsidies granted or applied for under this order before 30 June 2029.

Section 13. Official title

This order can be referred to as: Subsidy Scheme Strengthening Sustainable Earning Capacity ACS and BES

This order shall be published in the Official Gazette with the explanatory memorandum.

The State Secretary for the Interior and Kingdom Relations,
Digitisation and Kingdom Relations

Alexandra C. van Huffelen