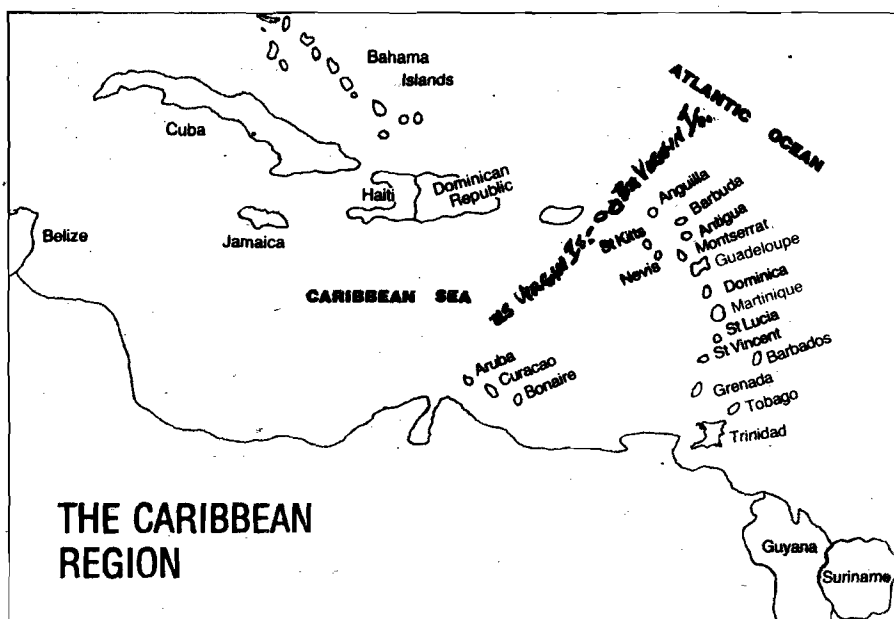


**C**ARIBBEAN  
**D**EVELOPMENT  
AND  
**C**O-OPERATION  
**C**OMMITTEE



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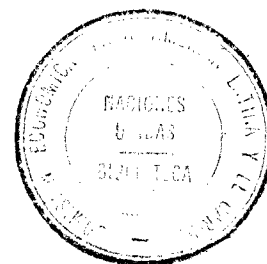
ORIGINAL: ENGLISH

ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN  
Subregional Headquarters for the Caribbean

CARIBBEAN DEVELOPMENT AND CO-OPERATION COMMITTEE

TRADE PROCEDURE GUIDE (PART XVI)

NETHERLANDS ANTILLES



**UNITED NATIONS**

ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN  
Subregional Headquarters for the Caribbean



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TRADE PROCEDURES GUIDE (PART XV)  
NETHERLANDS ANTILLES

1.       IMPORT REGIME

1.1.     Customs Duty Policy

The Netherlands Antilles, comprising the island territories of Aruba, Bonaire, Curaçao, Saba, St. Eustatius and the Southern half of the Island of St. Maarten, is an autonomous part of the Kingdom of the Netherlands and therefore maintains its own tariff system. There is a single schedule of duties which applies to goods from all countries (Bulletin International des Douanes). The Brussels Tariff Nomenclature is used.

The Tariff applies only to the Leeward Islands - Aruba, Bonaire and Curaçao, since the Windward Islands - St. Maarten, St. Eustatius and Saba have no customs duties and in effect operate as free ports.

The Netherlands Antilles as part of the Kingdom of the Netherlands joined the General Agreement on Tariffs and Trade (GATT) on 22 August 1967 and operates a liberal import policy based on the GATT principles of non-discrimination and most favoured nation treatment.

As a result the Netherlands Antilles has a free trading system that guarantees equitable and reasonable access to its markets. Since 1 January 1976 no preferential treatment has been granted to products of a developed country.

Within its tourist promotion policy, the Antillean Government has introduced duty free concessions on a number of tourist articles, such as perfumery, table linen, table covers, photographic and cinematographic cameras and projectors.

1.1.1.   Customs Tariff

1.1.1.1. Import Duties

Import duties shall be levied in respect of the importation of goods into Aruba, Bonaire and Curaçao.

The value of all goods shall be taken to be the normal price, that is to say, the price they would fetch, at the date of declaration for

delivery, at the place of introduction on a sale in the open market between buyers and sellers acting independently of each other (Customs value).

The normal price shall include:

- (a) All costs in respect of the sale and delivery of the goods at the place of the first unloading of the goods in the Netherlands Antilles;
- (b) The value resulting from the use of designs, drafts, models or other technical artistic or scientific products, author's rights, patents or other rights, the right to use a foreign trade mark pertaining to such goods or under which they shall be sold, even after manufacture or transformation.

Currently import duties are applied as follows:

basic goods (foodstuff)	-	0%
general	-	5.5%
semi-luxury goods	-	8-12%
luxury goods	-	22%

0% import duty applies to: corn meal, rice, potatoes, sardines, butcher's meat, pork, fresh chicken, corned beef, sausages, hams, powdered milk, cheese.

5.5% import duty applies to: vegetable and fruit preserved, coffee, tea, spices, onions, garlic, tomatoes, cucumbers, carrots, building material, photographic equipment, etc.

8-12% import duty applies to: wall tiles, playing cards and toy-cards, saddlery and harness, live trees and other plants, bulbs, roots, cutflowers and ornamental foliage, refrigerators.

22% import duty applies to: airconditioning machines, lobster, motor vehicles (parts and accessories), television (parts and accessories), flying machines, etc.

Under the Investment Incentives Program (1962), the Netherlands Antilles permits duty-free entry of broad categories of imports including

raw materials, equipment and machinery for agriculture (including dairying), petroleum refining, mining, well drilling, port construction, commercial development and new hotels.

Vehicles to be used in public transportation are free of duty, also telegraphic equipment and materials and machinery for exporting industries.

Duties are payable only in Netherlands Antilles currency at the time goods are cleared for entry by the customs authorities.

Ad valorem duties are based on the c.i.f. value at the custom house. The true value for duty purposes is the competitive sales price and includes the cost of packing, insurance and shipment.

The imports of margarine, sugar, beverages and live animals are charged specific duties. Duties, when applicable, are based on net weight. Gross weight of the merchandise (for documentation purposes) includes, receptacles, wrappings, bales, or packing of any kind.

Net weight includes only the immediate or internal packaging.

Excise duties are levied on spirits, cigarettes, gasoline, and beer.

#### 1.1.1.1. Market protection

A specific surcharge is levied to protect local industries on imports of:

non-alcoholic beverages (f.100 per hectoliter)	
auto batteries	16%
sanitary napkins	60%
paper tissues	60%
toilet paper, kitchen paper rolls) serviettes )	70.5%
grocery kraft paperbags, plastic bags	95.5%
soap, detergent, bleach	95.5%
nails, fence wire	95.5%
reinforced steelmats	f.1 = per kg.
lemonade syrup	20%
peel of melon and citrus fruit	15.5%
bread	25.5%

fine bakersware	10.0%
illustrations on paper or paperboard	25.5%
ice cream	10.0%
mattresses	16.0%
radiators	16.0%
overalls	25.5%
wax candles	15.5%
wheat flour	30.0%
used cars/chicken eggs	prohibited
fresh cucumbers, fresh green peppers,) fresh eggplant and fresh hot peppers )	import regulation

These percentage or specific charges are paid over and above the regular import duties.

Upon request and in specific cases, an exception can be obtained of these levies, through the Department of Economic Affairs.

## 1.2 Trade Requirements

In general there is no import licensing system on the Netherlands Antilles.

On import, registration is required for a number of goods.

Importers must be registered with a local chamber of commerce.

For public policy reasons, items such as narcotics and explosives are subject to licensing controls and quantitative restrictions.

The Board of Health must register pharmaceuticals before they enter either the Netherlands Antilles market or the free ports and free zones.

### 1.2.1. Foreign Exchange Regulations

Exchange licenses, are issued (when required) by the Foreign Exchange Department of the Bank of the Netherlands Antilles (the Central Bank).

Payments for permitted imports are made freely.



Commercial banks are permitted to provide foreign exchange for almost all current transactions without prior approval up to the sum of US\$5,000.

For amounts in excess of US\$5,000, the purposes of use must be reported to the Central Bank.

There is an (exchange) remittance tax of 1.3% on sales of foreign exchange.

Purchases of foreign exchange by resident companies with non-resident status for exchange control purposes are exempt from the exchange tax.

#### 1.2.2. Import registration

Import registration is required for a number of goods. It does not apply to goods for non-commercial purposes or of a maximum c.i.f. value of N.A.f.100.

The registration programme was introduced to establish a government price control policy for certain essential products including rice, tea, coffee, baby food, powdered milk, vegetable oils, margarine, certain vegetables, meat and fish in certain forms, alcoholic beverages, cigarettes, pharmaceuticals, cement, new automobiles and certain other consumer items.

#### 1.2.3. Invoices

Documents should be forwarded to reach the customs of the Netherlands Antilles before arrival of the goods.

(i) Commercial Invoice: "There is no special form of commercial invoice necessary for shipment from the U.S.A." Commercial invoices are to be completed in triplicate on all drafts for collection in the Netherlands Antilles (import document model C). If an import license (registration) is required then the license number must be shown on the declaration of model C. The shipper's invoice may be used, however, clear documentation of the shipment must be provided for customs processing. Normal commercial information should be provided on this invoice e.g. marks, numbers, consignee's name, etc. Value of goods should be stated indicating whether f.o.b.

or c.i.f. The Netherlands Antilles tariff number should be shown and for easy facilitation at customs both the unit and total value with cost of packing, shipping and insurance should be included. Commissions should be shown separately.

(ii) Consular Invoice: Not required.

(iii) Proforma Invoice: May be requested by the importer.

(iv) Invoice of goods shipped (or packing list): While not a compulsory document, if provided will facilitate customs clearance of goods.

Data should, however, correspond with that provided in other documents.

#### 1.2.4. Bill of Lading

Four copies of the bill of lading are required with no regulations as to form for any particular shipment.

Normal practices are followed when completing this document which should show the name of the shipper, name and address of consignee, port of destination, description of goods, listing of freight and other charges, number of bills of lading in the full set, and date and signature of the carrier's official acknowledging receipt on board of the goods for shipment.

Bills made out "to order" are accepted.

Air cargo shipments require Air Waybill (in lieu of bills of lading) with the number of copies issued based on requirements of the importer and of the airline used. IATA or ICAO rules may also require documents covering shipments of dangerous and/or restricted goods.

Mail and parcel post shipments require postal documentation (Customs declaration, Form 2966-A) inside the package in place of bill of lading or Air Waybill for shipments exceeding US\$120. In other cases a green customs label CI, Form 2976, "Authority for Customs to Open International Mail" must be completed and placed by the sender on the address side of each letter or package containing dutiable merchandise; each package of dutiable prints; and each small packet.

Dutiable merchandise is permitted in the letter mails, subject to the maximum weight and size permitted.<sup>1/</sup>

Insured parcels must and ordinary parcels may be sealed.

1.2.5. Certificates

Certificate of Origin (only in-transit)

For the local importation Certificates of Origin are not required. However, if one is requested by the importer, in case of letter of credit, then two copies are necessary.

Data should conform with data in other documents.

This certificate should be certified by a recognized chamber of commerce.

Certificate of Insurance

Normal commercial practices obtain. For Curaçao the insurance coverage should extend, to at least 15 days after arrival in the warehouse.

1.2.6. Technical Specifications

Weights and measures are expressed in the Metric System.

Electric current in the islands are as follows:

Aruba: A.C. 60 cycles, 115/230 volts, (Lago Colony)  
127/220 volts (Oranjestad, San Nicholas)  
1,3 phases; 2,3,4 wires.

Bonaire: A.C. 50 cycles, 127/220 volts 1,3 phases;  
2,3,4, wires.

Curaçao: A.C. 50 cycles, 127/220 volts (Willemstad)  
223/380 volts (Emmastad); 1,3, phases, 2,3,4, wires.

St.Maarten: A.C. 60 cycles, 120/208 volts.

1.2.7. Advertising Material

Printed advertising matter of no commercial value including photographs, engravings, catalogues, price lists, and pamphlets may enter duty free.

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<sup>1/</sup> Maximum Weight is 44 lbs. dimensions: length is 3 ft. 6 ins; length and girth combined is 6 ft.

#### 1.2.8. Labelling and Marking

No label regulations nor special requirements are enforced. Incorrect or misleading origin markings are however prohibited and labels on pharmaceutical items must contain the exact formula of the product. Weights and volumes should usually, be given in metric units.

Exporters to the Netherlands Antilles should ascertain whether or not this country is currently adhering to the U.N. recommendations for the labelling and packing of hazardous and/or restricted goods in a standardized manner and style.<sup>2/</sup>

#### 1.2.9. Brands or Trademarks

There are regulations covering the use of brands or trademarks.

A trademark can be registered through a proxy, with the Bureau for Industrial property of the Netherlands Antilles.

The exclusive right will be given to the first applicant to use a trademark in the Kingdom of the Netherlands.

Under Netherlands Antilles law registration is not compulsory but is advisable since registration establishes the assumption of first use which, unless proven otherwise will stand.

The validity is in principle for unlimited time, but has to be periodically renewed.

#### 1.2.10. Packing

Except in the case of hazardous and/or restricted materials there are no specific regulations.

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<sup>2/</sup> In 1965 the Intergovernmental Maritime Consultative Organization (IMCO, now IMO) adopted the International Dangerous Goods Code, which includes the U.N. labelling system. It is now adhered to partially by more than 30 countries. With respect to packing, labelling and documentation, if goods are going by air IATA and/or ICAO regulations must be met. For goods going by boat, the latest IMO requirements are usually made by the shipper.

According to sound shipping practices, the packages should bear the consignee's mark, including Port mark, and they should be numbered unless the shipment is such that the contents can be readily identified without numbers. Net weight of contents should be specified, for customs purposes, when relevant.

1.3 Port and Warehousing Procedures

Goods entering Curaçao by air are stored free for the first two days and charged a set fee per day thereafter.

Goods arriving by sea are stored for the first five days at one rate, and at higher rates for two additional periods of 14 days in a public warehouse.

From 30 days up to a period of one year goods may be removed for storage in a private or public warehouse or be sold at a public auction.

1.4 Specimens and Samples

Samples of no commercial value of import duty are free. Value is determined by the customs authorities.

Valuable samples may be brought in and entered under bond upon payment of a deposit, which will be approximately 10% of the value as assessed by the administrator of customs.

1.5. Shipping Restrictions

There are no restrictions as to the imports of wheat, flour, fresh and frozen meats, live animals and birds depending upon the land of origin, all foodstuffs, copyrighted books, certain base metal coins, parathion and certain explosives.

There are restrictions on the imports of the following goods which are forbidden:

- (a) Live goats, sheep and pigs, their meat products and manures from South-America;
- (b) Hides;

- (c) Dogs and cats from Southern and Central-American countries with the exception of those from Suriname and Guyana;
- (d) Monkeys from the mainland of South-America;
- (e) Reprints from creations in literature, science or art of which copyrights exist in the Netherlands, Suriname, the Netherlands Antilles or in States with which treaties have been signed in respect thereto;
- (f) Copper, bronze, nickel coins and plates for such as coins, other than by the Central Government;
- (g) Parrots and parakeets.

The prohibition regarding the import of sheep and goats is not valid when they originate from the Paraguana Peninsula or from the Estado Lara in Venezuela, provided the necessary health regulations are satisfied. Imports of beef are also permitted, provided the necessary health regulations are satisfied.

#### 1.6 Distribution Channels

Most of the goods for local consumption are handled by the private sector.

There are two free trade zones, one on Aruba and one on Curaçao, catering for the tourist trade and for export.

The islands of Saba, St. Eustatius and St. Maarten neither levy customs duties nor excise duties on imports.

#### 1.7 Agents or Representatives

No special requirements.

### 2. EXPORT REGIME

#### The European Economic Community

The Kingdom of the Netherlands is not a customs union.

The Netherlands belong to the customs territory of the E.C. whereas the Netherlands Antilles form an independent Customs territory.

The Netherlands Antilles, however, have been an associate member of the E.E.C. since 1964 (Treaty of Rome).

The present association agreement arranged by the Council Decision of 16 December 1980 on the Association of the Overseas Countries and Territories with the European Economic Community is almost similar to the Lomé II Convention (A.C.P. states) and runs from 1 January 1981 to 1 March 1985.

(For petroleum products, however, there is a so-called oil protocol and for rum there is a rum protocol).

This special status within the E.E.C. means that approximately 99% of all products of Antillean origin can be imported duty free and without quotas into the E.E.C.

Exceptions apply to some agricultural products for which there exists a market arrangement.

The main rule governing the origin criteria is that there must be a jump of tariff heading of the Brussels Tariff Nomenclature such that the product attains a different heading from those under which any of the "foreign" materials or parts comprising it are classified ("BTN jump").

There is also a list A, a list B and a list C in which additional requirements are enumerated for certain products.

A cumulative principle is also permitted which permits products originating from the E.E.C., the A.C.P. and other O.C.T. to be considered as wholly or partly obtained in the Netherlands Antilles, depending on the processing in these countries (direct shipment clause to the E.E.C.).

Certificates of Origin (EUR.1) are provided by the Customs Authorities on the judgement of the Department of Economic Affairs.

Antillean products also enjoy preferential treatment in the E.E.C. as well as other industrialized countries such as the U.S.A., Canada, Japan, Australia, under the Generalized Scheme of Preferences (GSP).

## 2.1. Export procedures

For exports the Model E - document is required.

In general there are no customs requirements.

## 2.2. Exports subject to special requirements

No special requirements are needed for general exports. The export and import of gold in any form other than jewellery (monetary gold), requires a license issued by the Central Bank.

### 2.2.1. Export Permit (Not Applicable)

Export licenses are not required. However, the Foreign Exchange proceeds from exports must be surrendered to an authorized bank within six months of shipment.

## 2.3. Export Incentives

Materials and machinery for export-oriented industries are admitted duty free (See 1.1.1.1.).

For promoting exports, there is a free zone facility where firms pay a 2% profit tax instead of the prevailing rate which varies from 27% - 34%.

Further benefits can be derived from the Investment Incentives Program (1962).

In 1980 the Export Promotion Division at the Department of Economic Affairs was established to implement the export promotion policy of the Central Government.

Its tasks are, inter alia, to provide advisory trade information and motivation, desk research and market research, visits, trade missions and feedback through seminars/conferences.

### 2.3.1. Direct Incentives

Market protection is given in some cases in the form of levies on specific items (See 1.1.1.2.).

There are other incentives schemes proposed under the Investment Incentives Programme.



#### 2.3.1.1. Direct Tariff Incentives

In order to protect local industries, a number of items have been placed on a prohibited or restricted list or imported only on a quota basis (See 1.1.1.2.).

Under the Investment Incentives Program, the Netherlands Antilles permit duty-free entry of broad categories of imports for use in the local industry (See 1.1.1.1.).

These include raw materials, equipment and machinery for agriculture, petroleum refining, mining, well drilling, port construction, commercial development and new hotels.

#### Tax Exemptions or Reductions

A tax holiday is granted on materials to be used for construction, expansion, initial furnishing and equipping of hotels and various industries.

#### Compensatory Taxes

Government fixes the factory prices and maximum trade margins for local industries either by ministerial degree or by a gentleman's agreement with the Minister of Economic Affairs.

#### 2.3.1.2. Direct Credit Incentives

Pre-shipping and post-shipping credit may be granted.

#### 2.3.1.3. Certificates

Tax refund certificate

Tax guarantee or tax payment certificate

Tax compensation certificate

#### 2.3.2. Indirect Incentives

"Draw back" schemes based on the "carry forward" principle are available.

An incentive grant scheme may be granted to any local company at the discretion of the Department of Economic Affairs, towards meeting the costs of visits to overseas markets for the purpose of market

promotion or product development (maximum amount available of N.A.F.12.000).

### 2.3.3. Free Zones (trade and industrial free ports)

There are two free trade zones in the Netherlands Antilles located at Oranjestad in Aruba and Willemstad in Curaçao.

Goods may be imported into these areas free of customs duties or excise taxes. However, taxes become payable if goods are transferred out of the zones to the domestic market (See 2.3.).

Within the free trade zones goods may be stored, packed, handled, manufactured, exhibited or taken out of bond (no processing industries). Regulations state that if these goods are only stored, then they must be traded principally with other countries.

Approximately 25% of the total sales can be transferred out of these zones and marketed locally.

A number of goods on which excise duties are being levied are prohibited in the zones and include absinthe, printed matter, copyrighted in the Netherlands, spirits, coins, certain explosives, arms and ammunition and certain species of animals (See 1.5.). Narcotics are also subject to special restrictions.

The islands of Saba, St. Eustatius and St. Maarten do not levy customs neither excise duties on imports or exports, thus they may be considered free ports.

## 3. MULTILATERAL AND INTEGRATION SCHEMES

3.1. Bilateral: Bilateral relations are conducted by the Kingdom of the Netherlands on behalf of the Netherlands Antilles.

### 3.1.1. Rum Protocol with the E.E.C. (Quota regulation for rum)

An annual quota is fixed for the period 1 January 1981 to 1 March 1985 for rum, arrack and tafia (subheading 22.09 CI of the Common Customs Tariff) originating in the Netherlands Antilles (O.C.T.). These products may be imported into the community free of customs duties in accordance with the following provisions:

(i) The annual tariff quota shall be fixed each year for a period running from 1 July to 30 June on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, equal to the amount of imports during the best of the last three years for which statistics are available.

(ii) The annual tariff quota shall be equal to the basic annual quantity determined pursuant to the above mentioned plus a growth rate of 18%. The quota shall be fixed on that basis.

(iii) However, the Council, acting unanimously on a proposal from the Commission, may each year increase or reduce the growth rate laid down in paragraph 2 in the light of community consumption and production and developments in trade flows within the community and between the community, the countries and territories and the A.C.P. States.

3.1.2. Oil Protocol (Under the Treaty of Rome - 1964)

The Netherlands Antilles has the right to supply refined petroleum products to the community on a duty-free basis, resulting from the Association Agreement with the E.E.C. and irrespective of the rules of origin of Member States.

The limited quota of 2 million tonnes a year is apportioned as follows:-

Germany	625.000 tonnes
Belgium	200.000 tonnes
France	75.000 tonnes
Italy	100.000 tonnes
Netherlands	1.000.000 tonnes

There is, however, a safeguarding clause which states that the Member States have the right at any time to re-apply customs duties, in the event that imports of refined petroleum products lead to real market difficulties.

3.2. Multilateral (not applicable.)

3.3 Integration Schemes (Not applicable)

4. AGENCIES AND INSTITUTIONS INVOLVED IN FOREIGN TRADE

Department of Economic Affairs  
De Rouvilleweg 7  
Willemstad  
CURACAO

Department of Economic Development  
Oranjestad  
ARUBA

Department of Economic Affairs  
St. Maarten

Central Bank  
CURACAO

Curaçao Industrial and International Trade Development Co.  
(CURINDE N.V.)  
Scharlooweg 16  
CURACAO

5. NATIONAL AND INTERNATIONAL FAIRS

No international or national trade fairs are organized in the Netherlands Antilles.

6. CHAMBERS AND ASSOCIATIONS OF COMMERCE

Chamber of Commerce Curaçao  
Chairman: Mr. H. Salas Jr.  
Address: Pietermaai 21  
Willemstad  
Curaçao, Netherlands Antilles  
Telex No. 1055  
Telephone No. 611455

Curacao Trade and Industry Association  
Chairman: Mr. R. Willems  
Address: Pietermaai 21  
Willemstad  
Curaçao, Netherlands Antilles  
Telephone No. 611210

Curacao Manufacturers and Industry Association (ASINA)  
Chairman: Mr. R. Lucia  
Address: "Curaçao Wire Products" Industriehal Zeelandia  
Curaçao, Netherlands Antilles  
Telephone Nos. 613780/613783

Chamber of Commerce Aruba  
Chairman: Mr. M. van der Ree  
Address: Zoutmanstraat 21  
Aruba Netherlands Antilles  
Telephone Nos. 21566/23423

Aruba Trade and Industry Association (ATIA)  
Chairman: Mr. Don Mansur  
Address: Zoutmanstraat 21  
Oranjestad  
Aruba, Netherlands Antilles  
Telephone Nos. 21566/23423

Aruba Manufacturers and Industry Association (ARMIA)  
Chairman: S.F. Jonkhout  
Address: Arendstraat 107-A  
Oranjestad  
Aruba, Netherlands Antilles  
Telephone No. 25120

Chamber of Commerce Bonaire  
Chairman: Mr. N.E. Evertsz  
Address: Pedro Luis Brionstraat z/n  
Kralendijk  
Bonaire, Netherlands Antilles  
Telephone No. 8995

Chamber of Commerce St. Maarten  
Chairman: Mr. F. Bryson  
Address: Front Street  
Philipsburg  
St. Maarten, Netherlands Antilles  
Telephone No. 3590

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