

CASINO LICENSE APPLICATION FORM

ATTENTION!

- Closely read enclosed Casino License Conditions.
- The Gaming Control Board only processes complete and duly signed applications.
- No rights can be derived from the application form.

Signature

The application must be signed by the natural person or persons authorized to sign in accordance with the articles of incorporation.

With your signature you assert:

1. that you are applying for a casino license as referred to in article 3 of the National Ordinance Curaçao Casino Sector (OB 1999, 97 as amended), in order to operate the casino that forms part of the hotel building or complex indicated in this application form,
2. that this application form was filled in completely and truthfully, and
3. that you will comply with all relevant legal and license requirements.

Applicant:

Date:

- Application for:** Existing casino operations
 New casino operations

	Signatory 1	Signatory 2	Signatory 3
Name (in full):			
Position:			
Passport nr.:			
Issuing country:			
Signature:			

Documents to be submitted (with reference to the Casino License Conditions):

- Authenticated high resolution color copies of valid passports of the persons signing the application.

To be filled out by the Gaming Control Board:



I. THE APPLICANT

Please provide information on the casino license applicant, being the legal person that is the owner of the hotel real estate or the hotel operator of the hotel to which the casino pertains or shall pertain.

Applicant's data

Please provide information of the local legal entity applying for a casino license.

Applicant is: The owner of the hotel real estate
 The hotel operator

Official name:

Trade name:

Business address:

Legal structure: Limited Liability Company ["Naamloze Vennootschap" (NV)]
 Private Limited Liability Company ["Besloten Vennootschap" (BV)]

Documents to be submitted (with reference to the Casino License Conditions):

- The articles of incorporation and relevant regulations of the legal person of the applicant [2];
- The certificate of registration in the trade register of the Chamber of Commerce [1.3];
- The organizational structure, up to and including all Ultimate Beneficial Owners (UBO). UBO refers to the natural person(s), who ultimately own(s) or control(s) the legal entity and/or the natural person on whose behalf a transaction is being conducted.
- The business permit of the applicant [1.3];
- The shareholder register of the applicant;
- If the applicant is the hotel operator, written permission from the hotel real estate owner for a casino in the hotel premises [1.4];
- The applicant not already in the possession of a valid casino license for the hotel project to which the casino will pertain, must submit a business plan proving that the hotel and casino project are primarily aimed at the international market of tourism and that the casino is viable within the hotel project [4.4];
- The applicant who already holds a valid casino license, must submit [4.5]:
 - a 3 year prognosis including an overview of revenues and the expected operating costs for the hotel;
 - a 3 year prognosis including an overview per game type of the drop, payout, net-win and the expected operating costs for the casino;
 - for both the applicant and the casino operator, a year to date trial balance up to a minimum of 2 months prior to the month of submission of this application;
- Casino contract between applicant and casino operator incl. prohibition clause to grant credit to locals [7].

Primary contact person

Full name:

Position:

Email:

Telephone 1:

Telephone 2:

Document to be submitted:

Authenticated high resolution color copy of a valid passport

II. HOTEL OPERATIONS

Please provide information of the hotel to which the casino pertains or shall pertain.

Hotel operator

Official name:

Trade name:

Business address:

Hotel

Official name:

Trade name:

Number of hotel rooms:

Hotel address:

Belongs to a hotel chain? Yes
 No

If yes, name of chain:

Documents to be submitted (with reference to the Casino License Conditions):

- *Proof that the applicant is the owner of the hotel real estate [1.4] or if the applicant is the hotel operator, written permission of the owner of the hotel real estate to operate a casino on his premises and proof of ownership of the building;*
- *The organizational structure , up to and including all Ultimate Beneficial Owners (UBO). UBO refers to the natural person(s), who ultimately owns or controls the legal entity and/or the natural person on whose behalf a transaction is being conducted.*
- *Hotel license [4.3];*
- *If the hotel license is not yet issued, the applicant should attach a copy of the request to obtain a hotel license and copies of the permits, issued for the hotel by the Department of Urban Planning, the Fire Department and other bodies that issue permits regarding safety, fire prevention or public health for public buildings [4.3];*
- *The construction drawings or plans approved by the Department of Urban Planning, showing the total number of hotel rooms [4.2].*

III. CASINO OPERATIONS

Please provide information of the casino operations.

Casino Operator

Please provide information of the local legal entity to conduct the casino operations [3].

Official name:

Trade name:

Belongs to a casino chain? Yes
 No

If yes, name of chain:

Nr. of casinos in chain:

Active jurisdictions:

Business address of chain:

Documents to be submitted (with reference to the Casino License Conditions):

- A completed application form for a personal license, signed by the natural person(s) authorized to sign in accordance with the articles of incorporation of the legal person and all required documents;
- The organizational structure, up to and including all Ultimate Beneficial Owners (UBO). UBO refers to the natural person(s), who ultimately owns or controls the entity and/or the natural person on whose behalf a transaction is being conducted.

Casino

Official name:

Trade name:

Documents to be submitted (with reference to the Casino License Conditions):

- Standard Operating Procedures (SOP) [8.7];
- MICS to SOP Mapping Schedule [8.7];
- Casino floor plan;
- Surveillance and Safety Plan [8.8].

Opening hours

Please provide information of the opening hours of the casino. Note that opening hours can be set between 10:00 and 04:00 hrs [8.4].

Opening time:

Closing time:

Anti-Money Laundering and Combating the Financing of Terrorism

Dedicated Compliance Officer? Yes
 No

If yes, name of Compliance Officer: _____

Documents to be submitted with reference to the Casino License Conditions [8.9] and the Gaming Control Board Regulations for Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT):

If the application concerns an already operational casino, the applicant must submit:

- AML/CFT Policy Statement [4, GCB Regulations for AML/CFT];
- Procedures on the Customer identification and due diligence [5, GCB Regulations for AML/CFT];
- Customer AML/CFT information program [5.12, GCB Regulations for AML/CFT];
- Procedures on Terrorist Financing [6, GCB Regulations for AML/CFT];
- Policy and procedures regarding unusual transactions [7, GCB Regulations for AML/CFT];
- Procedures on reporting of unusual transactions [8, GCB Regulations for AML/CFT];
- Proof of registration with FIU (authorization to online unusual transaction reporting application);
- Job description of the Compliance Officer, including AML/CFT tasks (signed and dated) [9.7, GCB Regulations for AML/CFT];
- AML/CFT training program [10, GCB Regulations for AML/CFT].

If the application concerns a new casino, the applicant must submit:

- Draft AML/CFT Policy Statement [4, GCB Regulations for AML/CFT];
- Draft procedures on the customer identification and due diligence [5, GCB Regulations for AML/CFT];
- Draft customer AML/CFT information program [5.12, GCB Regulations for AML/CFT];
- Draft procedures on Terrorist Financing [6, GCB Regulations for AML/CFT];
- Draft policy and procedures regarding unusual transactions [7, GCB Regulations for AML/CFT];
- Draft job description of the Compliance Officer, including AML/CFT tasks [9.7, GCB Regulations for AML/CFT];
- Draft AML/CFT training program [10, GCB Regulations for AML/CFT].

Casino Manager

Please provide information of the casino manager [6].

Surname: _____
 First name (and initials): _____
 Address: _____
 Date and place of birth: _____
 Passport number: _____
 Place and date of issue: _____
 Email: _____
 Telephone number(s): _____

Documents to be submitted (with reference to the Casino License Conditions):

- An authenticated high resolution color copy of the passport of the proposed person;
- Such person's curriculum vitae, certificates, authenticated copies of diplomas and any other relevant documentary evidence [6.2, 6.3a];
- The employment agreement between the casino manager and the casino operator, including a prohibition clause to grant credit to locals [6.4];
- Completed request to release information form [6.3b].

Available games

Please supply information of the casino games to be offered [8.1]. May also be attached as an Annex.

Table games

Type of game table	Number of game tables

Slot machines

Type of slot machine	Number of slot machines

Other games

- Bingo
- Sports betting
- Card rooms
- Other

Documents to be submitted (with reference to the Casino License Conditions):

- The certifications and specifications of the slot machines [8.4];
- A copy of the game rules for all the games proposed by the applicant, including time, place and method of payment of prizes [8.3];
- List of slot machines including manufacturer, asset number, serial number, game theme, feature, main program ID, personality ID, currency, denomination, theoretical payback percentage, par sheets and net win calculation formula.
- For sports betting, a separate Sports Betting Questionnaire.

IV. APPLICATION FOR PERSONAL LICENSES

The applications for the personal licenses must be submitted together with this application [5].

Nr.	Applicant	For financial interest in:	Received by GCB	
			Application	Release Form
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Documents to be submitted (with reference to the Casino License Conditions):

- The completed Personal License Application Forms for the personal licenses, duly signed by the natural persons themselves and authorized representatives of the legal entities, including all required documents.

V. CHECKLIST OF INITIAL DOCUMENTS TO BE SUBMITTED

Please note that this listing is not limitative. The Gaming Control Board reserves the right to request additional documentation and information when deemed necessary.

Nr.	Description	Check
Casino License Applicant		
1	Completed and duly signed Casino License Application Form.	
2	Authenticated high resolution color copies of the passports of the person(s) who ha(s)(ve) signed the application.	
3	Authenticated high resolution color copy of the passport of the primary contact person.	
4	The articles of incorporation and relevant regulations of the legal person of the applicant. Please refer to article 2 of the Casino and License Conditions.	
5	The certificate of registration in the trade register of the Chamber of Commerce.	
6	The business permit of the applicant.	
7	The shareholder register of the applicant.	
8	The organizational structure of the applicant.	
9	Authenticated high resolution color copy of the passport of the director of the legal person of the applicant.	
10	Completed request to release information of the director of the legal person of the applicant.	
11	Completed request to release information form of the applicant, signed by the natural person(s) authorized to sign in accordance with the articles of incorporation of the legal person.	
12	Proof that the applicant is the owner of the hotel real estate.	
13	If the applicant is the hotel operator, written permission from the hotel real estate owner to operate a casino in the hotel premises.	
14	<i>The applicant that is not already in the possession of a valid casino license for the hotel project to which the casino will pertain, must submit a business plan proving that the hotel and casino project are primarily aimed at the international market of tourism and that the casino is viable within the hotel project.</i>	
15	<i>The applicant who already holds a valid casino license, must submit:</i> <ul style="list-style-type: none"> - a 3 year prognosis including an overview of revenues and the expected operating costs for the hotel; - a 3 year prognosis including an overview per game type of the drop, payout, net-win and the expected operating costs for the casino; - for both the applicant and the casino operator, a year to date trial balance up to a minimum of 2 months prior to the month of submission of this application. 	
16	Casino contract between the applicant and the casino operator including a prohibition clause to grant credit to locals.	
17	Hotel license.	
18	If the hotel license is not yet issued, the applicant should attach a copy of the request to obtain a hotel license and copies of the permits, issued for the hotel by the Department of Urban Planning, the Fire Department and other bodies that issue permits regarding safety, fire prevention or public health for public buildings.	
19	The construction drawings or plan approved by the Department of Urban Planning, showing the total number of hotel rooms.	

Casino Operator

20	For the Casino Operator, a completed application form for a personal license, signed by the natural person(s) authorized to sign in accordance with the articles of incorporation of the legal person.	
21	The articles of incorporation and relevant regulations of the legal person of the casino operator. Please refer to article 3.4 of the Casino and License Conditions.	
22	The certificate of registration in the trade register of the Chamber of Commerce.	
23	The business permit of the casino operator.	
24	The shareholder register of the casino operator.	
25	The organizational structure of the casino operator.	
26	Authenticated high resolution color copy of the passport of the director of the legal person of the applicant.	
27	Completed request to release information of the director of the legal person of the applicant.	
28	Completed request to release information form of the casino operator, signed by the natural person(s) authorized to sign in accordance with the articles of incorporation of the legal person.	
29	Standard Operating Procedures (SOP).	
30	MICS to SOP Mapping Schedule.	
31	Casino floor plan.	
32	Surveillance and Safety Plan.	

Casino Manager

33	Authenticated high resolution color copy of passport.	
34	Curriculum vitae, certificates, authenticated copies of diplomas and any other relevant documentary evidence.	
35	Employment agreement between the casino manager and the casino operator, including a prohibition clause to grant credit to locals.	
36	Completed request to release information form.	

Games

37	Independent gaming laboratory certifications of the slot machines.	
38	Game rules for all the games proposed by the applicant, including time, place and method of payment of prizes.	
39	List of slot machines including manufacturer, asset number, serial number, game theme, feature, main program ID, personality ID, currency, denomination, theoretical payback percentage, par sheets and net win calculation formula.	
40	For sports betting, a separate Sports Betting Questionnaire.	

AML/CFT Compliance: existing casino

41	AML/CFT Policy Statement.	
42	Procedures on the Customer identification and due diligence.	
43	Customer AML/CFT information program.	
44	Procedures on Terrorist Financing.	
45	Policy and procedures regarding unusual transactions.	
46	Procedures on reporting of unusual transactions	
47	Proof of registration with the FIU (authorization to online unusual transaction reporting application).	
48	Job description of the Compliance Officer, including AML/CFT tasks (signed and dated).	
49	AML/CFT training program.	

AML/CFT Compliance: new casino

50	Draft AML/CFT Policy Statement.	
51	Draft Procedures on the Customer identification and due diligence.	
52	Draft customer AML /CFT training program.	
53	Draft procedures on Terrorist Financing.	
54	Draft policy and procedures regarding unusual transactions.	
55	Draft job description of the Compliance Officer, including AML/CFT tasks.	
56	Draft AML/CFT Training program.	

Casino License Conditions

The conditions to be met to be eligible for a casino license.

In order to be eligible for a casino license, the following conditions are to be met:

1. The person of the applicant.

- 1.1 The applicant is the person who wants to be eligible for a casino license as referred to in article 3 of the National Ordinance Curaçao Casino Sector (O.B. 1999, 97 as amended), hereafter NOCCS.
- 1.2 The applicant must be a legal person according to the laws of Curaçao and must be established in Curaçao,
- 1.3 The applicant must be registered with the Chamber of Commerce, and must hold a business permit.
- 1.4 The applicant must be:
 - a) the owner of the hotel real estate, or
 - b) the hotel operator of the hotel of which the casino forms part, provided that the owner of the hotel real estate has granted express written approval for the casino operation.

2. The articles of incorporation of the applicant.

- 2.1 The articles of incorporation of the legal person of the applicant must have been approved by the Gaming Control Board.
- 2.2 Approval of the articles of incorporations of the applicant will be withheld in any case:
 - a) if the articles of incorporation do not contain provisions that restrict share transfers to the extent that share transfers are only possible to persons, who already hold a personal license that pertains to the casino license of said legal person;
 - b) if the articles of incorporation of the legal person contain the possibility to create a right of pledge (“pandrecht”) on its shares, but do not contain the requirement that the intended pledgee must hold a valid personal license that pertains to the casino license of said legal person;
 - c) if the articles of incorporation of the legal person contain the possibility to create a right of usufruct (“recht van vruchtgebruik”) on its shares, but do not contain the requirement that:
 - i. the usufructuary, immediately after the creation of his right of usufructuary, must apply for a personal license that pertains to the casino license of said legal person; and
 - ii. if the usufructuary obtains via his right of usufructuary all or part of the voting rights and/or other control rights of the shares, he must (prior to and during the use of these rights) hold a valid personal license that pertains to the casino license of said legal person; or
 - d) if the articles of incorporation do not prohibit changes thereof without the express written approval of the Gaming Control Board.

3. The casino operator.

- 3.1 The applicant must propose a casino operator, i.e. the legal person who shall conduct the operation of the casino for the applicant.
- 3.2 The proposed casino operator must have obtained written approval by the Gaming Control Board to act as a casino operator for the casino to which the application pertains.
- 3.3 The above mentioned approval will be denied in any case:
 - a) if actions and antecedents of the proposed legal person give rise to reasonable suspicion of inappropriate use of the legal person of the casino operator; or
 - b) if the articles of incorporation of the legal person are not approved by the Gaming Control Board.
- 3.4 Approval of the articles of incorporation will be withheld in any case:
 - a) if the articles of incorporation do not contain provisions that restrict share transfers to the extent that share transfers are only possible to persons, who already hold a personal license that pertains to the casino license of said legal person;

- b) if the articles of incorporation of the legal person contain the possibility to create a right of pledge (“pandrecht”) on its shares, but do not contain the requirement that the intended pledgee must hold a valid personal license that pertains to the casino license of said legal person;
- c) if the articles of incorporation of the legal person contain the possibility to create a right of usufruct (“recht van vruchtgebruik”) on its shares, but do not contain the requirement that:
 - i. the usufructuary, immediately after the creation of his right of usufructuary, must apply for a personal license that pertains to the casino license of said legal person; and
 - ii. if the usufructuary obtains via his right of usufructuary all or part of the voting rights and/or other control rights of the shares, he must (prior to and during the use of these rights) hold a valid personal license that pertains to the casino license of said legal person;
- d) if the articles of incorporation do not prohibit changes thereof without the express written approval of the Gaming Control Board; or
- e) if the statutory objective of the legal person is not limited to the operation of a casino.

4. The hotel and the hotel project.

- 4.1 The casino must be part of a hotel, i.e. a hotel building or hotel complex in accordance with the NOCCS.
- 4.2 The hotel must have at least 150 hotel rooms.
For the assessment of this condition, "hotel room" is defined as: a guest-unit providing overnight accommodation to one or two adults and which to that purpose is permanently furnished with one or two beds. If the guest-unit includes separate, lockable bedrooms, then each bedroom will be considered to be one hotel room.
- 4.3 The hotel must comply with applicable regulations regarding fire prevention, safety and health, as well as the regulations of the Department of Urban Planning with regard to among others accessibility, parking facilities and geographic allocation.

NOTE: The applicant can prove this either by submitting a copy of the applicable hotel license or by submitting the applicable statements or reports of the police, fire department and governmental departments responsible for urban planning, public health etc.

- 4.4 The applicant who does not already have a valid casino license for the hotel project for which the application is submitted, must prove by means of a written business plan:
 - a) that the hotel project and, consequently, the casino are primarily aimed at the international market and
 - b) that the casino is viable within the hotel project.
- 4.5 The applicant who already holds a valid casino license must prove that the hotel project and, consequently, the casino are primarily aimed at the international market of tourism and must submit:
 - a) a 3 year prognosis including an overview of revenues and the expected operating costs for the hotel;
 - b) a 3 year prognosis including an overview per game type of the drop, payout, net-win and the expected operating costs for the casino;
 - c) for both the applicant and the casino operator, a year to date trial balance up to a minimum of 2 months prior to the month of submission of the casino license application.

NOTE: Internationally acceptable solvability and liquidity ratios will be applied by the Gaming Control Board in the assessment of the business plans and prognosis. The applicant is urged to observe such ratios as part of the fit and proper test.

5. Fit-and-proper requirements.

- 5.1 Actions and antecedents of any legal person or natural person who (through position, investments or otherwise) has a significant direct or indirect control over the legal person of the casino license holder or the casino operator, may not give rise to reasonable suspicion of (mis)use of that legal person for illegal activities.
- 5.2 Any person, holding a direct or indirect financial interest in the operation of the casino legal body of the casino license applicant and/or the casino operator, as referred to in article 9 of the NOCCS, must hold a personal license that pertains to the casino license.
This applies to natural persons as well as legal persons, and includes but is not limited to:
 - a) every shareholder in the legal person of the casino license holder,
 - b) every shareholder in the legal person of the casino operator,
- c. every person who holds a direct or indirect financial interest in the legal person of the license holder and/or of the casino operator.
- 5.3 If the financial stakeholder, referred to in 5.2, is a legal person, then personal licenses are also required for all persons that hold a financial interest in that financial stakeholder.
- 5.4 For a *person holding a financial interest* in the casino operations or in the legal person of the applicant or of the casino operator, a personal license will be issued only if actions and antecedents of the person concerned, do not give rise to reasonable suspicion of inappropriate use of the legal person of either the casino license holder or of the casino operator.
- 5.5 For a *casino operator*, a personal license will be issued only if actions and antecedents of the legal person do not give rise to reasonable suspicion of inappropriate use of the legal person of the casino operator.

6. The casino manager.

- 6.1 The casino manager is the natural person, who conducts the day-to-day management of the casino.
- 6.2 The person proposed as casino manager by the applicant, must have obtained **written permission** from the Gaming Control Board to act as a casino manager for the casino, to which the application pertains.
- 6.3 Abovementioned written permission will be *denied* in any case:
 - a) if it has not been proven to the satisfaction of the Gaming Control Board that the person, proposed by the applicant as casino manager is sufficiently knowledgeable,
 - b) if actions and antecedents of the proposed person give rise to reasonable suspicion that the interests of the participants in the games offered by the casino could be jeopardized.
- 6.4 The written agreement between the casino operator and the casino manager by virtue of which the casino manager conducts the day-to-day management of the casino, must prohibit the casino manager to grant credit to residents of Curaçao.

7. The casino contract.

- 7.1 The casino contract is understood to be the written agreement between the applicant and the casino operator by virtue of which the casino operator operates the casino.
- 7.2 The casino contract and all relevant underlying documents must have been approved by the Gaming Control Board.
- 7.3 Approval will be *withheld*, if the casino contract does not prohibit both the casino operator and the casino manager to grant credit to residents of Curaçao.

8. The casino operations.

- 8.1 The casino must offer at least both table games and slot machines. With regard to the game selection and the individual games, the following is required:
1. The game selection of the casino:
 - a) must be consistent with the size of the hotel to which the casino is connected, with regard to the ability to generate casino-income from the guests of the hotel itself,
 - b) must cater to the international demand created by the hotel's guests with regard to the completeness of the casino product, i.e. the casino must offer table games and slot machines, and
 - c) must sufficiently address the addictive nature of certain games with regard to the promotion of responsible gaming.
 2. The games offered must be fair.
- 8.2 The type and number of games, offered by the casino, must have been **established** by the Gaming Control Board.
- 8.3 The game rules must have been **approved** by the Gaming Control Board.
- 8.4 The Gaming Control Board must have granted **approval** for each type of slot machine.

NOTE: For every slot machine the applicant must submit a certification letter from an independent gaming laboratory approved by the Gaming Control Board, as well as the par sheet, the meter definitions and net win calculation for all slot machines.

- 8.5 The casino opening hours must have been **approved** by the Gaming Control Board.
- 8.6 The applicant must prove to the satisfaction of the Gaming Control Board that the casino operations meets the requirements of the Gaming Control Board Regulations, Minimum Internal Control Standards (MICS), and Technical Standards.
- 8.7 The written Standard Operating Procedures must have been **approved** by the Gaming Control Board. The applicant is required to submit the enclosed Gaming Control Board's "MICS to Standard Operating Procedures (SOP) Mapping Schedule" to prove full compliance with the MICS.
- 8.8 The Surveillance and Safety Plan must have been **approved** by the Gaming Control Board.
- 8.9 The casino operations must comply with the National Ordinance Identification when rendering Services (NOIS), National Ordinance Reporting Unusual Transactions (NORUT) and the Gaming Control Board Regulations for Anti-Money Laundering and Combating the Financing of Terrorism (GCB Regulations for AML/CFT).
The GCB Regulations for AML/CFT are an integral part of the casino license requirements.

9. The general interest.

- 9.1 The granting of the casino license may not endanger the public order, the public safety, the general interest or the legal order.
- 9.2 All provisions in force by or by virtue of the National Ordinance Curaçao Casino Sector (NOCCS) must have been met.
- 9.3 All information submitted by the applicant must be correct.
- 9.4 In the opinion of the Gaming Control Board there is no reason to expect that the applicant will not comply with the rules that are in force by or by virtue of the National Ordinance Curaçao Casino Sector or with the regulations, conditions and restrictions, pertaining to the casino license.