



MINISTERIAL DECREE

of the **MAY 22 2026**

**MINISTER OF TOURISM, ECONOMIC AFFAIRS, TRAFFIC AND
TELECOMMUNICATION (TEATT)**

**MINISTER OF PUBLIC HOUSING, SPATIAL PLANNING, ENVIRONMENT AND
INFRASTRUCTURE (VROMI)**

NR.: 806/2026

Considering:

- that the Verordening elektriciteitsconcessies ("Electricity Concession Ordinance") provides the legal basis for the granting of an electricity concession and the regulatory oversight of the concession holder;
- that the Electricity Concession of 16 July 2010 of NV GEBE (the "Electricity Concession") assigns the Minister of Public Housing, Spatial Planning, Environment and Infrastructure ("VROMI") the responsibility to supervise compliance by NV GEBE (the "concession holder") with the conditions of the Electricity Concession;
- that the Minister of VROMI, as competent authority under the Electricity Concession Ordinance, bears the responsibility to ensure that the concession holder complies with all obligations arising from the Ordinance and the Electricity Concession;
- that a structured, oversight of concession obligations has not been established for more than 15 years, and, as such, there is a need for ongoing periodic monitoring to ensure alignment with regulatory, operational, and safety requirements, as well as for a multiannual plan as prescribed by articles 5 and 6 of the Electricity Concession;
- that effective supervision of the concession holder requires a formally designated Supervisor capable of carrying out technical, operational and financial oversight on behalf of the Minister of VROMI, as provided for by Chapter V of the Electricity Concession Ordinance;
- that no Supervisors have previously been designated pursuant to the Electricity Concession Ordinance, and that the absence of such designation has limited the ability of the Minister of VROMI to exercise structured and continuous oversight as intended by the Ordinance;
- that reliable and transparent oversight of the electricity sector is essential for the national interest, the electricity supply and the protection of consumers;
- that recent adjustments to tariff components, specifically the fuel clause, underscore the need for verified data, transparent tariff methodologies and independent supervisory oversight to ensure

- that all tariff related decisions comply with the Electricity Concession and the Electricity Concession Ordinance;
- that Article 14 of the Electricity Concession imposes obligations on the concession holder to increase the share of sustainable energy in electricity generation and that effective supervision is necessary to monitor compliance with these obligations and to support the country's broader energy transition objectives;
 - that the transition toward more efficient and sustainable energy generation is essential for reducing Sint Maarten's dependency on imported fuels and stabilizing long-term electricity costs for consumers;
 - that Article 5 sub. h and sub. i of the Landsverordening Bureau Telecommunicatie en Post (BTP Ordinance) explicitly authorizes the Minister of Tourism, Economic Affairs, Traffic and Telecommunication ("TEATT") to assign certain tasks to the Bureau of Telecommunications and Post ("BTP") under or pursuant to national ordinances, thereby providing the administrative basis for BTP to execute tasks under the Electricity Concession Ordinance;
 - that the Government of Sint Maarten has identified the need to formally establish a Supervisor as provided for under the Electricity Concession Ordinance, and that such designation is necessary to ensure that concession compliance by the concession holder in accordance with the legal framework established in the Ordinance;
 - that the Bureau of Telecommunications and Post possess the institutional capacity and regulatory experience, and technical expertise necessary to execute supervisory tasks under the Electricity Concession Ordinance;
 - that the Minister of TEATT, as the competent minister within the meaning of Article 1 of the Prijzenverordening, holds authority under Articles 2, 4 and 5 of that Ordinance to set price-related requirements in the public interest, to demand information relevant to tariff formation, and to mandate the inspection of books, records and other data carriers; and that the pricing of electricity, water and fuel as utility services constitute services within the meaning of the Prijzenverordening, thereby engaging the supervisory and investigative powers of the Minister of TEATT under that Ordinance in respect of utility tariff compliance and price transparency;

Given:

- **Verordening elektriciteitsconcessies (AB 2013, GT no. 147)**
- **Landsverordening Bureau Telecommunicatie en Post (AB 2013, GT no. 466)**
- **Prijzenverordening (AB 2013, GT no. 761)**
- **The Electricity Concession of 16 July, 2010 No. 644**
- **The Electricity Concession amendment of 9 May, 2014 No. 878/2014**



**The Minister of Tourism, Economic Affairs, Traffic and Telecommunication
And
The Minister of Public Housing, Spatial Planning, Environment and Infrastructure**

HAVE DECIDED

Article 1

1. Pursuant to Article 5 paragraph h of the *Landsverordening Bureau Telecommunicatie en Post* (the BTP Ordinance), the Minister of TEATT hereby assigns the supervision of the Electricity Concession to the Bureau Telecommunication and Post (BTP).
2. Pursuant to Article 20 paragraph 1 of the *Verordening elektriciteitsconcessies* (Electricity Concession Ordinance), The Minister of VROMI hereby designates the natural persons who occupy the following operational functions within BTP as the Supervisor ("Toezichthouder").
 - a. The Director.
 - b. Head of Technical Department.
 - c. Senior Inspector(s).
 - d. Technical and Financial Auditor(s).
3. The Minister of VROMI shall issue an official, personalized identification card (*legitimatiebewijs*) to each natural person occupying the functions designated in paragraph 2, in accordance with Article 21 of the Electricity Concession Ordinance. Supervisors shall carry and display this identification credential at all times during the execution of their duties.

Article 2

1. The supervisors designated pursuant to Article 1 are fully authorized to exercise the statutory investigative and monitoring powers granted under Article 20, paragraph 2, of the Electricity Concession Ordinance, consisting of:
 - a. Requesting all relevant information;
 - b. Demanding inspection of all books, documents, and other data carriers, and taking copies or temporary possession thereof;
 - c. Subjecting goods to examination and testing, and taking temporary possession or samples thereof;
 - d. Entering all places, with the exception of dwellings, without the express consent of the occupant, accompanied if necessary, by persons designated by them.

Article 3

1. The Minister of TEATT hereby mandates BTP, within the meaning of Article 5 paragraph h of the BTP Ordinance, to exercise the power to demand information from any person as provided for in Article 4 of the Price Ordinance (*Prijzenverordening*), on behalf of and under the responsibility of the Minister, exclusively in respect of the pricing of electricity, water and fuel as utility services provided by a concession holder, including tariff structures, tariff components and fuel clause calculations.
2. BTP shall have the authority to review, analyze and advise the Minister of TEATT on existing or future tariff structures, methodologies, and fuel clause calculations of the concession holder.
3. BTP shall advise the Minister of TEATT on the application of Article 2 of the Price Ordinance (*Prijzenverordening*), including in respect of the tariff structures, fuel clause calculations and



pricing methodologies of the concession holder, where findings from its supervisory activities give rise to consideration of price-related measures in the public interest.

4. The exercise of the powers referred to in this Article shall be reported to the Minister of TEATT in accordance with the reporting obligations set out in Article 8 of this Decree.

Article 4

1. The designated supervisors shall continuously monitor, review, and assess the concession holder's compliance with all statutory obligations under the Electricity Concession Ordinance, the Price Ordinance, and the terms of the Electricity Concession.
2. The Supervisor shall explicitly verify compliance with Article 14 of the Electricity Concession regarding sustainable energy benchmarks and identify any technical, financial or operations impediments delaying the energy transition.
3. BTP shall report its objective findings and data assessments to the Minister of VROMI and the Minister of TEATT on a quarterly basis, or earlier if warranted by the circumstances or at the request of either Minister.

Article 5

1. The concession holder is legally required to fully cooperate with the designated supervisors, and mandated BTP officials and provide all data, access, financial books, and logistical assistance reasonably requested for the execution of their supervisory and tariff-verification tasks, pursuant to Article 20, paragraph 5, of the Electricity Concession Ordinance and Article 5 of the Price Ordinance.
2. Any failure by the concession holder to comply with a lawful demand made by a supervisor or mandated official shall constitute a direct violation of national legislation. In such event, the Minister of VROMI or the Minister of TEATT, within their respective statutory jurisdictions, is authorized to initiate enforcement actions, including administrative coercion (bestuursdwang) pursuant to Article 22 of the Electricity Concession Ordinance, or the application of legal penalties.

Article 6

The designated supervisors shall handle all operational, commercial, financial, and proprietary data acquired during their investigations with strict confidentiality, in full compliance with the statutory secrecy obligations laid down in Article 30 of the Electricity Concession Ordinance.

Article 7

The concession holder shall, within five (5) working days following the entry into force of this Decree, designate a senior corporate representative to serve as the primary focal point for all formal communication and data exchange with the designated supervisors.

Article 8

1. BTP shall compile and submit structured periodic reports to both Minister of VROMI and the Minister of TEASTT containing:
 - a. The current compliance status of the concession holder;
 - b. Technical and operational findings from on-site inspections;
 - c. financial observations relevant to tariff structures, accounting methodologies, and the fuel clause;



d. Specific matters requiring executive or political intervention by the Ministers.

2. The reports referred to in paragraph 1 shall be submitted on a quarterly basis, or immediately if urgent circumstances arise or upon a direct joint or individual request by the Ministers.

Article 9

Pursuant to Article 17, paragraph 4, of the BTP Ordinance, the assignment of supervisory and price control tasks under this Decree shall be formally incorporated into the annual performance contract of BTP, and the corresponding budget framework shall be adjusted accordingly to ensure effective execution.

Article 10

This Decree shall enter into force on the date of publication in the National Gazette.

Philipsburg,

The Minister of Tourism, Economic Affairs, Transportation and Telecommunication

The Minister of Public Housing, Spatial Planning, Environment and Infrastructure

Copy to be sent to:

- The Council of Ministers
- The Parliament of Sint Maarten
- The Secretary General of TEA/Maarten
- The Secretary General of VROMI;
- The Bureau of Telecommunication and Post;
- NV GEBE.

Bezwaar en beroepsprocedure:

Bezwaar:

Tegen deze beschikking kan door belanghebbende(n) op grond van artikel 55 jo 56, eerste lid, Landsverordening Administratieve Rechtsspraak (LAR) binnen zes weken na de datum van verzending of uitreiking hiervan een bezwaarschrift ingediend worden bij het bestuursorgaan die deze beschikking heeft afgegeven.

Beroep:

In plaats van een bezwaarschrift kan door belanghebbende(n) op grond van artikel 7 jo. 16 van de Landsverordening Administratieve Rechtsspraak (LAR) binnen zes weken na de datum van verzending of uitreiking van deze beschikking een beroepschrift ingediend worden bij het Gerecht in eerste aanleg van Sint Maarten.

