



## **Business License**

### ***The establishment of your company on St. Maarten***

At the time of an establishment of a company on St. Maarten, you will need to decide the organization form of your company. You can choose for a Sole Proprietor (One Man Business) or to incorporate the business. (Incorporation is the registration of a company by notarial act). St. Maarten has one legal body that is the most commonly used for incorporation of companies which is the Limited Liability Company (N.V.)

There are also other legal bodies on St. Maarten, e.g. the Private Limited Liability Company (B.V.), Partnership Firm (V.O.F.), Limited Partnership (Commanditaire vennootschap), Foundation (stichting), and Association (Vereeniging).

In principal, any business on St. Maarten must have a business license. Only businesses, which are one man businesses owned by people born in the Netherlands Antilles, do not need a business license. Here you will find information about the business license, the management license, the zoning plan and other permits and licenses you will need to start and to operate your company.

### ***Sole Proprietors***

A Sole Proprietor is a business where there is no distinction between the business assets and the personal assets. As owner you will be personally liable for all obligations of the business.

*Persons Eligible for a business license to operate a sole proprietorship is:*

1. Persons born in the Netherlands of Dutch nationality residing on Sint Maarten for 10 years or longer.
2. Persons who are naturalized Dutch.
3. Persons of foreign nationality registered at the Census office for 10 years or longer.
4. Persons of foreign nationality married to an Antillean.
5. Persons with a permanent residence permit.

*The Business License for a Sole Proprietor:*

All sole proprietors who are not owned by people born in the Netherlands Antilles need a business license to operate a business on St. Maarten. This means that Arubans born after 1986 also need a business license.

### *Request Procedure:*

A business license for a one man business can be requested by sending a letter to the Executive Council of the Island of St. Maarten. The letter must mention:

1. The name of the business
2. The name of the owner
3. The nature and objectives of the business
4. The investment capital
5. The location of the business

The Following documents must be submitted to the Department of Licenses

2. A letter addressed to the Executive Council requesting a business license. This request should be written in the Dutch language.
3. A copy of your passport
4. A copy of your curriculum vitae. (resume)
5. A copy of your diploma(s) certificate(s) (only needed in case to depict a certain expertise)
6. A copy of your police record. (not valid after six months)
7. The exact business location
8. Your present home or mailing address
9. Your present telephone number
10. A copy of Census registration form.
11. A copy your permanent residency permits.
12. A copy of your marriage book.

*Please take note that any request received by the department that is not sufficiently documented will not be processed.*

### ***Limited Liability Companies***

A limited liability company is a corporate body with shareholders, governed by corporate law and its articles of association.

#### *The Incorporation of Limited Liability Companies:*

The incorporation of limited liability companies is done by the execution of a notarial act. The establisher and/or incorporator do not have to be a citizen of the Netherlands Antilles but one of the directors has to be registered on St. Maarten. A limited liability company can have more than one director and needs a business license.

#### *The business License for Limited Liability Companies and Partnerships:*

A business license for limited liability companies and partnerships can be requested by sending a letter to the Executive Council of the Island of St. Maarten. The letter must mention:

1. The name of the business
2. The name of the owner
3. The nature and objectives of the business
4. The investment capital
5. The place of establishment

*The Following documents must be submitted to the Department of Licenses*

A letter addressed to the Executive Council requesting a business license. This request should be written in the Dutch language.

1. A copy of your passport of director(s)
2. A copy of your curriculum vitae. (resume) of director (s)
3. A copy of your diploma(s) certificate(s) of director (s) (only needed in case to depict a certain expertise)
4. A copy of your police record of director (s) with foreign nationality. (not valid after six months)
5. The exact address of business
6. Your present home or mailing address
7. Your present telephone number

*Please take note that any request received by the department that is not sufficiently documented will not be processed.*

#### *Notary:*

Entrepreneurs that are going to incorporate their company can also let the notary's office handle the request procedure for the business and management license including the payment of fees. Incorporation of a business can be done at any notary's office in the Netherlands Antilles. But the notarial act has to state that the establishment will be done on St. Maarten.

#### *Branches:*

Partnerships or limited liability companies, which are already incorporated on the Netherlands Antilles and want to open a branch, do not have to incorporate the branch. They only have to request a business license. All limited liability companies and partnerships e.g. N.V., B.V., Ca., SPA., Ltd, SRL, Inc., incorporated in foreign countries must first incorporate the business on the Netherlands Antilles and then request a business license on St. Maarten.

#### *Granting Procedure for a Business License:*

At the granting of the business license the Executive Council of the Island of St. Maarten is authorized to connect conditions concerning the nature and the place of the business as also concerning the creditworthiness of the applicant and the financing of the business. A business license can be refused in the interest of the public order, peace and general interest of St. Maarten.

#### *The changing of Data of a Business license:*

When changes occur in a business e.g. the name or location of a business changes etc. you must request the Executive Council of the Island of St. Maarten to make changes in your license. Changes can be requested by sending a letter to the Executive Council of the Island of St. Maarten.

#### **We would like to receive the following documents/information from you:**

1. A letter to the Executive Council requesting the change of your foreign address to your local address
2. Copy of the company's business license
3. Copy of your director's license

#### 4. Copy of Census Registration

##### *The Zoning Plan:*

To know where you may establish your company on St. Maarten you will have to contact VROM. They have a Zoning plan stating the location where companies may establish.

##### *Management License:*

All individuals born outside the Netherlands Antilles need a management license in order to start and to operate a business on St. Maarten. The Management license can be requested by letter addressed to the Executive Council of the Island of St. Maarten. A Management License is not necessary for an E.Z. (one man business). The letter must mention:

1. The name of the business
  2. The name, place and date of birth of the applicant
  3. The nationality of the applicant
  4. The nature and objective of the business
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2. The acquisition of the director's license does not allow you work on the island; a request must be submitted to the Immigration Department for a residence permit; if granted then you are allowed to work
  3. For some types of businesses an additional license is required: an operational license (example restaurant, hotel/guest, Casino car rental) the request for this license must also be submitted to the Executive Council.

##### ***Other Licenses and Permits***

Businesses that are going to sell drinks or food and/or rent accommodation also need to request for a beverage and horeca license. Those that do not have a Dutch Nationality must also have a residence and work permit. For more information about these licenses and permits, brochures are available at:

Department of Licenses, Public Vending and Economic Control. Zoutsteeg Str. #3 Philipsburg. Phone (599) 542 2986\* Fax: (599) 543 7822

##### ***Registration of Businesses***

After the business and management licenses have been granted, businesses must be registered at the Chamber of Commerce and Industry. A fee upon inscription.

***Office Hours 8:00 a.m. – 5:00p.m.***