



AFKONDIGINGSBLAD VAN SINT MAARTEN

Jaargang 2021

No. 63

Regulation of the Minister of Tourism, Economic Affairs, Traffic and Telecommunications of September 24, 2021 to establish the prices of specific consumer goods in connection with the 2021 Hurricane Season (Regulation maximum prices in connection with the 2021 Hurricane season)

The Minister of Tourism, Economic Affairs, Traffic and Telecommunications,

Having considered that the 2021 hurricane season has begun, it is desirable to establish maximum prices for specific consumer goods, in order to prevent suppliers from increasing prices as a result increased demand.

In view of Article 2 of the Pricing Ordinance;

DECISION:

Article 1

In this regulation the following definitions are applicable:

- a. The Minister: The Minister of Tourism, Economic Affairs, Traffic and Telecommunications;
- b. Maximum price: the price to be indicated by the minister, as explained in article 2, first paragraph, section a, of the Pricing Ordinance;
- c. State of emergency: A state of emergency declared by National decree, as described in article 1, paragraph 1, of the National Ordinance Emergency.

Article 2

It is prohibited to sell goods listed in the Annex of this regulation at a higher price than indicated in the Annex, during the period that a State of Emergency is in effect.

Article 3

In cases where the maximum price of any item or good mentioned in the Annex of this regulation are also mentioned in an existing ministerial regulation, then the maximum prices of the other regulation shall not be applicable for the period mentioned in article 2.

Article 4

This ministerial regulation shall be cited as follows: Regulation Maximum Prices in connection with the 2021 Hurricane season.

Article 5

As a result of the urgency regarding this ministerial regulation as referred to in article 127, third paragraph, of the Constitution, this ministerial regulation will enter into effect on the first day after the official publication of the ministerial regulation and ends on November 30, 2021.

This regulation along with the elucidation will be placed in the Official Publication.

The *twenty-fourth* September 2021
The Minister of Tourism, Economic Affairs,
Traffic and Telecommunications

Uitgegeven de *zevenentwintigste* september 2021
De Minister van Algemene Zaken
Namens deze,
Hoofd afdeling Juridische Zaken & Wetgeving

ELUCIDATION

The Pricing Ordinance aims to regulate the prices of certain goods and services in the public interest. Article 2, first paragraph, under a, of this national ordinance gives the Minister of Tourism, Economic Affairs, Traffic and Telecommunications the authority to set maximum prices with regard to the offering, sale and rental of goods, or the offering and provision of services.

The aim of the ministerial regulation is to establish maximum prices in connection with the 2021 Hurricane season, in order to prevent price increases of goods and services due to increased demand before or after a hurricane or other natural disaster. It is customary for this to be done on an annual basis.

As a result of the aforementioned, it has been determined that establishing maximum prices on predetermined goods, in connection with the 2021 hurricane season is in the best interest of the public.

Article specific

Article 1

This article governs the definitions mentioned in this ministerial regulation.

Article 2

The determination of the maximum prices has been calculated by applying a sampling method of the prices of the goods on the list. The sample was taken during the months of February and May 2021. The average price of the items was calculated over the aforementioned observation periods. These calculated prices then form the fixed maximum prices for items included on the list.

Article 3

This article indicates that, while a state of emergency has been declared and is in effect, the prices outlined in the Annex of this regulation will supersede any other prices mentioned in another regulation until this regulation expires on November 30, 2021.

Article 4

This article mentions the citation title.

Article 5

This article regulates the starting period. The urgency of these regulations stems from the 2021 hurricane season and the potential price increases that may result. The application of emergency legislation to maintain public order, in case Sint Maarten is affected by a (severe) hurricane, necessitates an appeal to Article 127 of the Constitution jo. article 17, second paragraph, part b of the National Ordinance Constitutional Court.

The Minister of Tourism, Economic Affairs,
Traffic and Telecommunications