



# AFKONDIGINGSBLAD VAN SINT MAARTEN

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Jaargang 2022

No. 38

## **Regulation of the Minister of Tourism, Economic Affairs, Traffic and Telecommunications of July 26, 2022 to establish the prices of specific consumer goods that make up the basket of goods. (Regulation maximum prices basket of goods)**

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THE MINISTER OF TOURISM, ECONOMIC AFFAIRS, TRAFFIC AND  
TELECOMMUNICATIONS,

Having considered that, it is desirable to establish maximum prices for specific consumer goods, in order to keep these goods affordable to the population, amidst rising prices.

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. Wholesaler: an enterprise whose business is importing or producing goods locally and selling those goods to the retailer;
- d. Wholesale price: the price of a good charged to the retailer;
- e. Retailer: an enterprise whose business is to sell goods to consumers;
- f. Retail price: the price of a good sold to consumers;
- g. Cost price: the purchase price of the goods sourced by the Wholesaler;
- h. Margin: the margin is a percentage set by the government by which the cost price of a good is increased in order to determine the maximum wholesale price and the maximum retail price.

## **Article 2**

It is prohibited for wholesalers to offer or sell goods listed in the Annex to this regulation at a wholesale price using higher margins on the cost price than indicated in the Annex, during the period that this regulation is in effect.

## **Article 3**

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

## **Article 4**

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.

## **Article 5**

This ministerial regulation shall be cited as follows: Regulation maximum prices basket of goods.

## **Article 6**

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 Monday August 1, 2022 and ends on a date to be determined by the Minister.

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

The twenty-sixth July 2022  
The Minister of Tourism, Economic Affairs,  
Traffic and Telecommunications

Uitgegeven de *negenentwintigste* juli 2022  
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 for basic commodity goods, as was previously established via National decree containing general measures re-establishing maximum food prices (A.B. 2013, GT no. 125). The Minister believes that this is necessary at this time, in order to maintain affordable prices for basic consumer goods amidst rising prices, due to international developments.

As a result of the aforementioned, it has been determined that establishing maximum prices on pre-determined goods is in the best interest of the public.

### **Article specific**

#### **Article 1**

This article governs the definitions mentioned in this ministerial regulation.

#### **Articles 2 and 3**

The maximum prices have been calculated by applying wholesaler and retailer margins to the cost price. Given that the cost price, does not take into consideration, the cost of freight (shipping), insurance nor any other costs incurred by the Purchasing Agent/ Wholesaler, the Ministry of TEATT in consultation with the wholesalers and retailers, determined acceptable (wholesaler and retailer) margins.

The final consumer prices have been included in the Annex to allow for easy reference by consumers.

The max. wholesaler margins have also been included in the Annex to ensure that for the referenced products, wholesalers apply the established margins.

#### **Article 4**

This article indicates that the prices outlined in the Annex of this regulation will supersede any other prices mentioned in another regulation until this regulation expires.

#### **Article 5**

This article mentions the citation title.

## **Article 6**

This article regulates the starting period. The urgency of these regulations stems from the current situation, in which prices of commodity goods continue to be a point of concern and the effect thereof on the cost of living and consumer spending power. This 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