

*Bufete Aguirre® Soc. Civ.*ABOGADOS
Fundado en 1940**FIRM NEWS**

- *Between April 25 to 28, 2017 Senior partner Fernando Aguirre B. attended the Special Institute on International Mining and Oil & Gas Law, Development and Investment de Rocky Mountain Mineral Law Foundation in Quito, Ecuador. He participated in a panel on the subject of lithium development in Argentina, Bolivia and Chile, having written an extensive article on the matter which will be published as part of the materials of the Institute.*
- *Between May 14-17, 2017 partner Ignacio M. Aguirre U. attended the AIPN 2017 International Petroleum Summit organized by the Association of International Petroleum Negotiators, in Houston, Texas.*
- *Partners Perla Koziner and Milenka Saavedra attended the International Trademark Association (INTA) Annual Meeting from May 21 to 24 in Barcelona, Spain. With 10,668 registrants, the 2017 Annual Meeting was the largest ever held by INTA.*

**SUBJECT:
TAXES****1. Electronic Notifications and Notices**

Normative Resolution of Board of Directors No. 101700000005 of March 17, 2017, of the National Taxes Service establishes the regulations on Electronic Notifications and Notices through the Tax e-mailbox of the virtual office. It also regulates the sending of notices or announcements of tax implications through the Tax e-mailbox of the Virtual Office.

The notification by electronic means will reach taxpayers of the General Regime. It is mandatory for the Main Taxpayers (PRICOS) as of June 1, 2017; by the Great Taxpayers (GRACOS) as of September 1, 2017; and by the rest of the taxpayers as of March 1, 2018.

Among the general aspects of the Electronic Notification, the most important Administrative Acts involved are:

- Formal Collection of Taxes or request for Compliance of other obligations.
- Initial Sanctioning Resolution
- Determinative Resolution;
- Sanctioning Resolution;
- Proviso that initiates Tax Enforcement;
- Warrant for fines;
- Administrative Resolution on CEDEIMs; applications;
- Administrative Resolution on Repetition Action;
- Administrative Resolution on Payment Facilities;
- Administrative Resolution on Dosage for Public Shows;
- Administrative Order on Statute of Limitation;
- Administrative Resolution on Exemptions;
- Administrative Resolution on Rectification;
- Final Resolution of Summary Proceedings;
- Administrative Resolution on Awards in Processes of Procurement of Goods; and
- All administrative acts issued by the Tax Administration.

Source: www.impuestos.gob.bo

2. Sales through Consignees, Simplified Tax Regime and to persons not registered in the National Taxpayers Register.

Normative Resolution No. 101700000014 of June 22, 2017, of the National Taxes Service, regulates the application of Supreme Decree No. 3050 of January 11, 2017, on the tax treatment applicable to persons or entities that sell goods and / or services through agents or consignees in exchange for a commission; as well as to the sale of goods and / or services to taxpayers enrolled in the Simplified Tax Regime and natural persons not registered in the National Taxpayers Register.

The Resolution details the characteristics that the commission or consignment agreements must meet, establishes the obligation to present such contracts in copy to the Tax Administration office and describes the invoicing procedure. Information related to the sale of goods and / or services through consignees is to be sent to the tax administration as per the specifications detailed in the Resolution.

Also, the Resolution contains rules to be complied by persons or entities that sale goods and / or services under the Simplified Tax Regime, who are instructed to send information to the Tax Administration as per specifications detailed in the Resolution.

The Resolution indicates that individuals or entities whose sale goods and / or services to individuals NOT registered in the National Registry of Taxpayers, in one or more monthly periods or accumulated in one year, are higher than the limit established for the Simplified Tax Regime must report once a year through the Virtual Office or using the Suppliers Module of the application Information Agents, in accordance to the specifications contained in the Resolution.

In accordance to the Resolution, persons or entities that sell goods and / or services directly or through agents or consignees, as well as to taxpayers enrolled in the Simplified Tax Regime and natural persons not registered in the National Taxpayers Register are appointed as Information Agents.

The Module for registration of the information will be available in the website web www.impuestos.gob.bo as of September 1, 2017.

The Resolution details the tax contraventions of the Information Agents that are sanctioned in accordance to the corresponding Normative Board Resolution. Payment of fines does not release from the obligation of remittance or presentation of information as foreseen in the Resolution.

Commission or consignment agreements in force, signed before publication of the Resolution, must be modified in order to comply with Supreme Decree No. 3050 and the Resolution until August 31, 2017 and presented to the Tax Administration until the last working way of September 2017.

Normative Board Resolution N° 101700000010 of May 5, 2017, is repealed.

The Resolution will enter into force as of September 1, 2017.

Source: www.impuestos.gob.bo

1. Modification of Procedures of the Commercial Registry

Within the framework of the Law on De-bureaucratization for the Creation and Operation of Economic Units (No. 779 of January 21, 2016), Ministerial Resolution MDPyEP / Despacho / No. 141-2017 of the Ministry of Productive Development and Plural Economy, dated June 1, 2017, approves the modifications to the "Manual of Procedures of the Commercial Registry". The modifications will be implemented gradually, generating the option of making use of electronic tools in order to reduce the burden of requirements and costs to users.

The modifications apply to the following procedures, implementing the "Virtual Form for Registration" and reservation of Company Name or Denomination:

- Procedure No. 2: Registration of Individual Merchant or Sole Proprietorship.
- Procedure No. 3: Registration of Limited Liability Company (*Sociedad de Responsabilidad Limitada*), Collective Company (*Sociedad Colectiva*) or Limited Partnership (*Sociedad en Comandita Simple*).
- Procedure No. 4: Registration of Corporation (*Sociedad Anónima*) or Corporation established in a unique act (*Sociedad en Comandita por Acciones Constituida por Acto Único*).
- Procedure No. 5: Registration of Corporation (*Sociedad Anónima*) or Corporation established by subscription of Shares (*Sociedad en Comandita por Acciones Constituida por Suscripción Pública de Acciones*).
- Procedure No. 6: Registration of Mixed Corporation (Sociedad de Economía Mixta).
- Procedure No. 7: Registration of Company Incorporated Abroad (name reservation does not apply to this procedure)
- Procedure No. 55: Registration of Financial Entity for Housing (Entidad Financiera de Vivienda).

Physical presentation of documents and verification of commercial name will be admitted alternatively to the Virtual Form until December 29, 2017

Also, in accordance to the Unique Additional Disposition of Law 779 of January 21, 2016, that modifies Art. 331 of the Commercial Code, the procedure for registration of the Annual Memoir is cancelled and instead it must be prepared and publicized in PDF non-editable format in the Electronic Gazette of the Commercial Registry.

For the application of the Manual of Procedures of the Commercial Registry in force, the requirement of "publication in a national newspaper" will be understood as "publication in the Electronic Gazette of the Commercial Registry". Presentation of publications in newspaper will be admitted alternatively until December 29, 2017.

Use of the electronic tool excludes from complying with the following requirements in the above-mentioned procedures:

- Identification card (Procedure No. 2), in case of foreign owners or legal representatives, document evidencing entrance/stay permits (Procedures Nos. 3, 4, 5, 6 y 7).
- Opening Balance Sheet signed by the legal representative.

The result of the search of the commercial name and reservation with the electronic tool cannot be cause of observation by the Commercial Registry during the registration process of the procedures detailed above. Payment for the registration of the entity includes the reservation of the commercial name when it is done electronically. Depending on the type of entity, the reservation of the name will be valid for up to 20 working days.

Fuente: www.fundempresa.org.bo

2. Electronic Gazette of the Commercial Registry and new Tariffs

Within the framework of the Law on De-bureaucratization for the Creation and Operation of Economic Units (No. 779 of January 21, 2016), Ministerial Resolution MDPyEP/Despacho/No. 142-2017 of the Ministry of Productive Development and Plural Economy, dated June 1, 2017 approves the Regulations of the Electronic Gazette of the Commercial Registry and the Tariffs for Publications. The resolution entered into force on June 1, 2017.

The purpose of the Gazette is to:

- Centralize and file the publications of the commercial activities.
- Publicize online the commercial activities in accordance to applicable regulations.
- Systematize the generated information.
- Close the digital gap of the economic units in regards to their commercial activities

The following entities are Subject to the Regulations: the Vice-ministry of Industrial Production in Medium and High Scale, the Commercial Registry and all economic units that publicize commercial activities in accordance to applicable rules.

The Regulations identifies the types of users of the Gazette and contains the rules for the creation and modification of user profiles and enabling of accounts.

Documents to be listed with the Gazette, which content is of the sole responsibility or the user, are:

- Public Deeds of Incorporation of Commercial Companies and Companies Established Abroad.
- Modification, clarification and complementation to Public Deeds of Incorporation of Commercial Companies.
- Transfer of shares (applicable to limited liability companies, not corporations)
- Capital increase and reduction.
- Mergers
- Dissolution and winding up of Commercial Companies
- Split of a company.

The user must file the requirements of the corresponding procedure with the Commercial Registry, which approval and payment will lead to the immediate publication that will be notified to the user. In case of observations, the user shall clarify them in order to proceed with the publication and complete the procedure.

Also, the Resolution details the types of summoning and calls that must be done through the Gazette, which among others are: the summoning to shareholders meetings, transfer of enterprises and the project for the distribution of capital (the later requiring previous approval).

The Regulations also contains instructions for payment of the publications in the Gazette and mandates for the permanent update of the information regarding commercial activities; procedures to make the publications and statistics. Finally, the Regulations contains provisions on the safety measures, storage and custody of the information.

Fuente: www.fundempresa.org.bo

**SUBJECT:
ARBITRATION**

Modifications to the Law on Conciliation and Arbitration

Law No. 936 of May 3, 2017 contains amendments and additions to Articles 78 and 135 of Law 708 of June 25, 2015, Law on Conciliation and Arbitration.

Among the most significant changes, it establishes the powers of judicial authorities of Public Courts in Civil and Commercial Matters according to:

1. Where the arbitration must take place.
2. Where the arbitration clause or arbitration agreement was concluded and.
3. The domicile, main establishment or habitual residence of any of the defendants, at the choice of the plaintiff.

The Law also provides that the Plurinational State of Bolivia may sign Friendly Settlement Agreements within the framework of the Inter-American System of Human Rights, creating a body composed by the Attorney General's Office, the Ministry of Foreign Affairs and the Ministry of Justice and Institutional Transparency.

Source: Official Gazette No. 961

**SUBJECT:
ENVIRONMENT**

1. Law on Sustainable Fishing and Aquaculture

Law No. 938 of May 3, 2017, Law on Sustainable Fishing and Aquaculture, regulates, promotes, encourages and manages the use of fishing and aquaculture resources in the national territory, with the aim of developing integral and sustainable Fishing and Aquaculture. The National Registry of Fishing and Aquaculture will be implemented to organize, update and disseminate information on fishing and aquaculture activities, in coordination with the Autonomous Territorial Authorities.

The Decentralized Public Fishing and Aquaculture Institution "PACU" - IPD - "PACU", as an operational entity, under the Ministry of Rural Development and Lands, is the competent authority in the Fishing and Aquaculture sector.

The State, through the Ministry of Rural Development and Lands, shall promote the development and diversification of fishing and artisanal aquaculture, subject to regulations.

Source: Official Gazette No. 961

2. Environmental License

Supreme Decree No. 3197 of May 31, 2017 empowers the National Competent Environmental Authority (AACN) to grant, in an exceptional way to environmental regulations, environmental licenses to AOP Activities, Works or Projects when they fulfill the following conditions:

- A. Are framed in a declaration of disaster and / or emergency situation, at national level;
- B. They emerge from a declaration of social interest, public utility or interest of the central level of the State, established by Law or Supreme Decree; and
- C. They are the responsibility of the central level of the State, or in concurrence with the autonomous territorial entities, whose execution may be delegated to a private or public entity.

Source: Official Gazette N° 969

**SUBJECT:
MISCELLANEOUS**

1. Law on Micro and Small Enterprises

Law No. 947 of May 11, 2017, Law on Micro and Small Enterprises has the purpose of potentiating, strengthening and developing micro and small enterprises, establishing development policies, supported commercialization, registration processes, consumer incentives and promoting goods produced by micro and small enterprises, within the framework of the plural economy, prioritizing associative structures, aimed at improving the quality of life and *well living* (Vivir Bien).

Micro and Small Enterprises shall have following main characteristics:

- Be sustainable in the intensive use of the personal and family workforce of the holder, and actively incorporate waged labor.
- Combine economic activity based on the holder's knowledge and practical experience.
- Apply machines and working tools, with limited access to markets and financing.
- Produce mainly for the domestic market.
- Dedicate to activities of transformation and marketing of its manufactured products and/or services.

These Micro and Small Enterprises can be (a) Productive Subsistence Units; (b) Productive Units of Simple Reproduction; (c) Productive Units of Extended Reproduction.

They are classified according to the value of annual sales, the number of workers and equity.

The Ministry of Productive Development and Plural Economy will implement Micro and Small Enterprises Single Registration System, a Productive Information System as well as Development Policies.

Source: Official Gazette N° 965

2. Basic Rules of the Administration of Goods and Services

Supreme Decree No. 3189 of May 17, 2017 amends Paragraph II of Article 30 of Supreme Decree No. 0181 of June 28, 2009, on Basic Rules of the Administration of Goods and Services.

Among its most relevant changes are the preferences to margins and adjustment factors such as:

1. For Bolivian Companies: in the modalities of ANPE and Public Bidding, a margin of preference of 5% will be applied with a numerical factor of adjustment of 0,95 in the following cases:
 - a. To proposals by construction companies, where the Bolivian partners have a share equal or greater to fifty-one percent (51%).
 - b. Proposals for accidental associations by construction companies, where Bolivian associates have a participation equal to or greater than fifty one percent (51%).
2. Generation of Employment: In the Public Bidding mode, a margin of preference for employment generation will be granted to the proponent who applies a formula indicated in the Decree, at the time of preparing its proposal.

Source: Official Gazette N° 0966

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