



MECHANISMS TO FACILITATE PRIVATE INVESTMENT



PERÚ

Ministerio
de Economía y Finanzas

PRO
INVERSION
Invest in Peru

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MECHANISMS TO FACILITATE PRIVATE INVESTMENT

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Edited by Private Investment Promotion Agency – ProInversión
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LEGAL STABILITY AGREEMENT

It is an instrument that promotes private investment that is materialized by entering into an agreement considered a contract - law, through which the Peruvian State grants guarantees of legal stability to national and foreign investors and companies receiving investment, for the period of validity of this agreement.

1. WHICH ARE THE GUARANTEES RECOGNIZED BY THE PERUVIAN STATE?

TO THE INVESTOR

- Stability of non-discrimination right.
- Stability of the Tax Income Regime.
- Stability of the right to use the most favorable exchange rate available on the market.
- Stability of the regime of free disposal of foreign currency and the right of free remittances of profits, dividends and royalties (in the case of foreign capital).

TO THE INVESTMENT RECEIVING COMPANY

- Stability of the Income Tax Regime.
- Stability of employment contract regimes.
- Stability of the export promotion regimes used by the company.



2. WHO CAN ENTER INTO AN AGREEMENT?

The legal stability agreement may be entered into by investors and investment receiving companies, in the cases of:

- Contributions to the capital stock of an established or to be established company.
- Risk investments that they enter into with third parties.
- Investments in companies awarded concession contracts.
- Investments that require acquiring more than 50% of shares owned by a State Owned Enterprise (SOE), in the process of privatization.



TERM OF VALIDITY

The validity of the agreements is 10 years.*

(*) In the case of concessions, the term of validity is subject to the term of validity of the concession.



Requirements to be met by the investor

The investor must comply with one of the three investment commitments indicated below:



Make minimum capital stock contributions of US\$ 10 million in the **mining and hydrocarbon** sectors, within 2 years.



Make minimum capital stock contributions of US\$ 5 million in **any other economic sector**, within 2 years.



Make capital stock contributions to the company benefiting from a concession contract, considering the minimum amounts established above.



Requirements to be met by the investment receiving company



That at least one of its investors has entered into the corresponding Legal Stability Agreement.

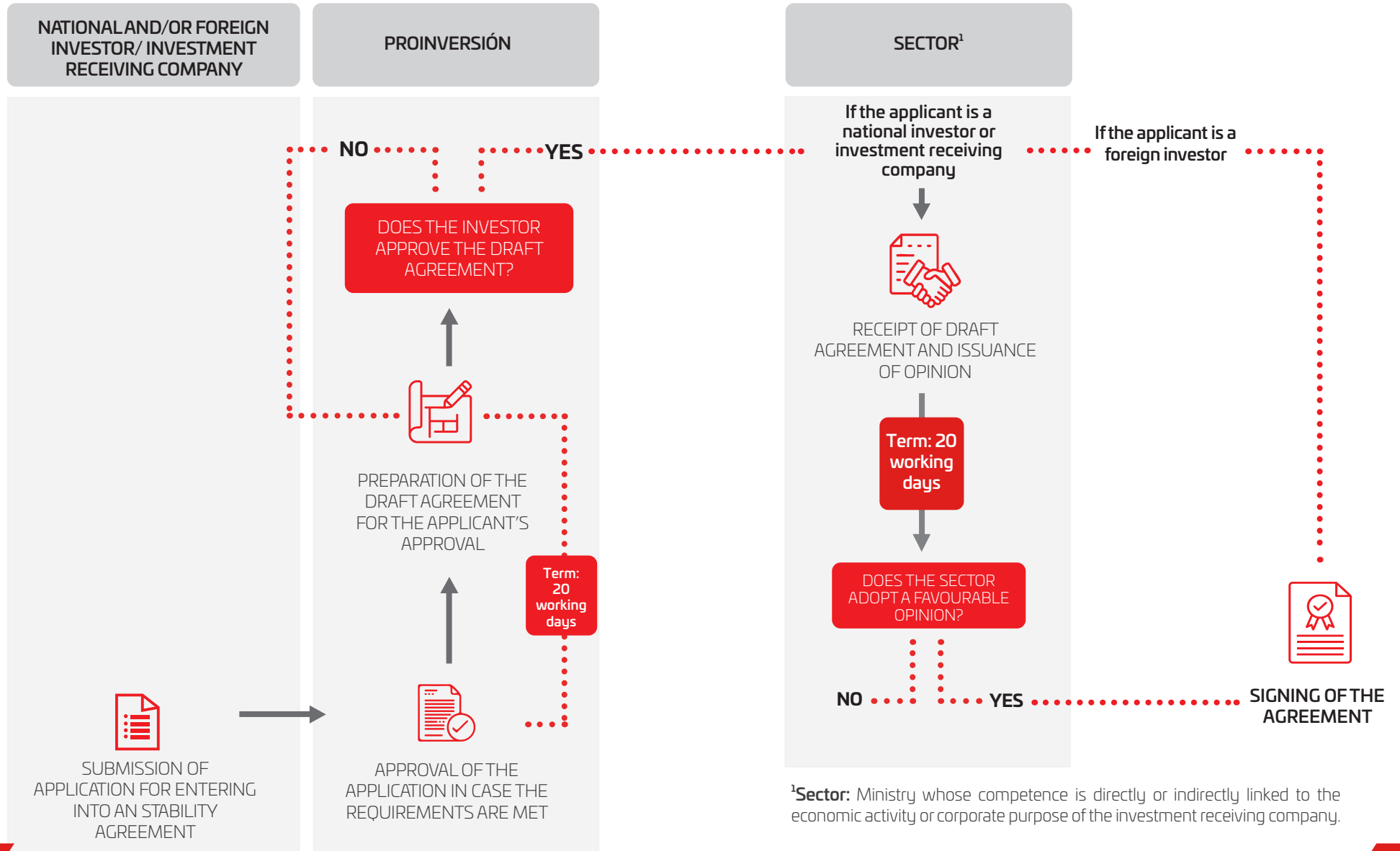


In case tax stability is requested, the contributions to be received must represent an increase of 50% of the total value of capital stock and reserves and must be used to increase the productive capacity or technological development of the company.

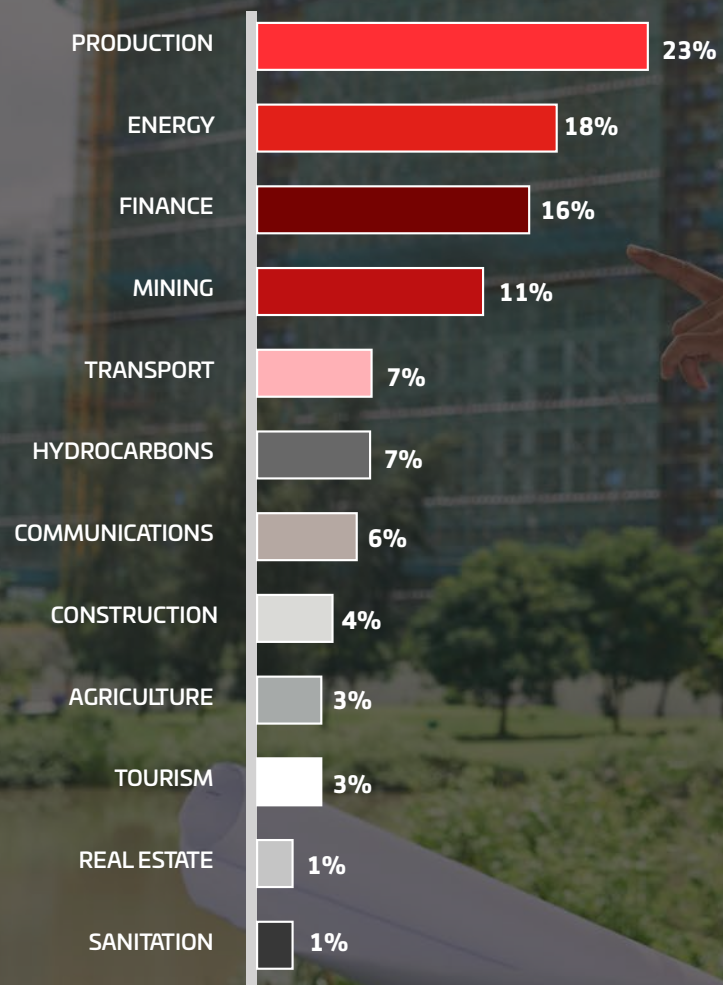


That the company is a beneficiary of a concession contract, if the agreement is requested to have the same period of validity as the concession contract.

3. WHAT IS THE PROCEDURE FOR ENTERING INTO AN AGREEMENT?



+ than US\$ 36 billion committed through
the Legal Stability
Agreements*



(*) At the end of the year 2024.

SPECIAL REGIME FOR EARLY RECOVERY OF THE VALUE ADDED TAX – VAT

It is a **financial benefit** that provides liquidity to the **owner of an investment project**, through the return of the VAT for the acquisitions and/or imports of goods, services and construction contracts made during the pre-operational stage of the project.

1. WHAT ARE THE BENEFITS OF THE REGIME?



FOR THE INVESTOR

- Higher liquidity in the pre-operational
- stage of the project.
- Lower financial cost of the project.
- Higher profitability of the project.



FOR THE PERUVIAN STATE

- Acceleration of reinvestment of capital flow.
- Attraction of new investors to the country.
- Higher employment rate, improving the projection of tax revenues

2. WHO CAN ACCESS THE REGIME?

All **natural or legal persons** who are **holders of an investment project** that is in the pre-operational stage, in any sector of economic activity, provided that it generates third-category income.



REQUIREMENTS



The investor must be the holder of an investment project that has a **pre-operational stage of no less than two (2) years.**



The investment commitment of the project must not be less than **US\$ 5 million**, excluding VAT. In the case of the **agriculture sector**, there is **no minimum investment amount.**

3. WHAT IS THE PROCEDURE FOR ACCESSING THE REGIME?

FLOW CHART OF THE PROCEDURE

Application for admission to the Special Regime for Early Recovery of the VAT

START OF THE PROCEDURE IN PROINVERSIÓN



(*) Ministry of Economy and Finance

(**) List of goods, services and construction contracts

4. HOW TO MAKE THE BENEFIT EFFECTIVE?

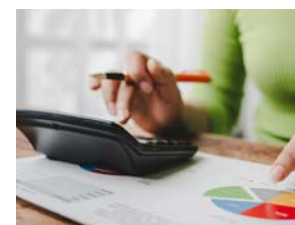
To obtain the return of the VAT, the beneficiary must submit to SUNAT*:



1. The application for refund at any Taxpayer Service Center**.



2. The detailed list of payment vouchers, credit or debit notes, and other payment documents.



3. Written document establishing the amount of the VAT requested as a refund.

IMPORTANT:

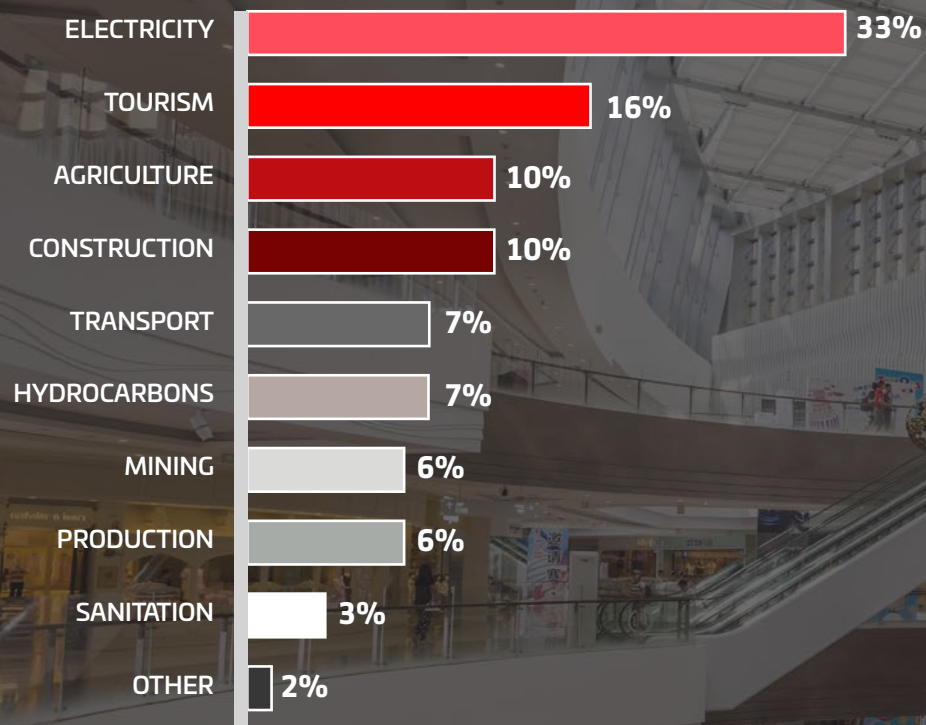
SUNAT will proceed to make the refund effective, through non-negotiable checks or deposit on current or savings accounts, within five (5) working days from the day after the application is submitted.

(*) The National Superintendency of Customs and Tax Administration - SUNAT, is Peru's tax administration agency

(**) The minimum amount that must be accumulated to request the return of the VAT, by application of the Regime, will be 36 UIT (Tax Units), in force at the time of submission of the application. The value of tax units changes every year.

+ than US\$ 59 billion of investment

committed through the
Special Regime for Early
Recovery of VAT*



(*) At the end of the year 2024.

TAX REFUND REGIME

It is a **tax benefit** granted to the **holder of a public work** of infrastructure and public services, through the tax refund equivalent to the VAT for the acquisitions and/or imports of goods, services and construction contracts carried out during the pre-operational stage of the public work, provided they are destined for operations not taxed with VAT.

1. WHAT ARE THE BENEFITS OF THE REGIME?



FOR THE INVESTOR

- Higher liquidity in the preoperational stage of the project.
- Lower financial cost of the project.
- Higher profitability of the project.



FOR THE PERUVIAN STATE

- Acceleration of reinvestment of capital flow.
- Attraction of new investors to the country.
- Higher employment rate, improving the projection of tax revenues.

2. WHO CAN ACCESS THE REGIME?

All **legal entities** that have signed a Concession Contract for public works of infrastructure and public services, under Supreme Decree N° 059-96-PCM and amending regulations, such as legislation issues regarding Public Private partnership; as well as, **state owned enterprises** of Private law carrying out infrastructure and public services works.



REQUIREMENTS



The legal entity must make investments in a public infrastructure and public service work that has a **pre-operational stage of no less than two (2) years.**

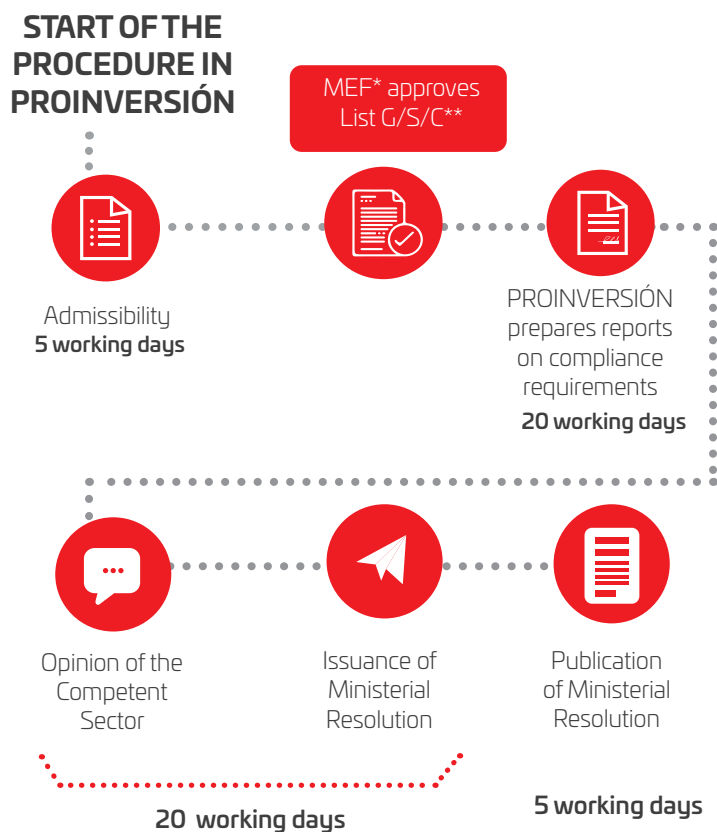


The investment commitment of the project must not be less than **US\$ 5 million**, excluding VAT.

3. WHAT IS THE PROCEDURE FOR ACCESSING THE REGIME?

FLOW CHART OF THE PROCEDURE

Application for acceptance into the Tax Refund Regime.



(*) Ministry of Economy and Finance

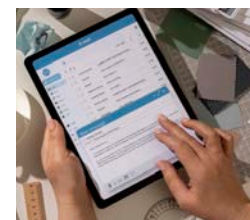
(**) List of goods, services and construction contracts

4. HOW TO MAKE THE BENEFIT EFFECTIVE?

To obtain the refund of the VAT, the beneficiary must submit to SUNAT*:



1. The application for refund at any Taxpayer Service Center**.



2. The detailed list of payment vouchers, credit or debit notes, and other payment documents.



3. Written document establishing the amount of the VAT requested as a refund.

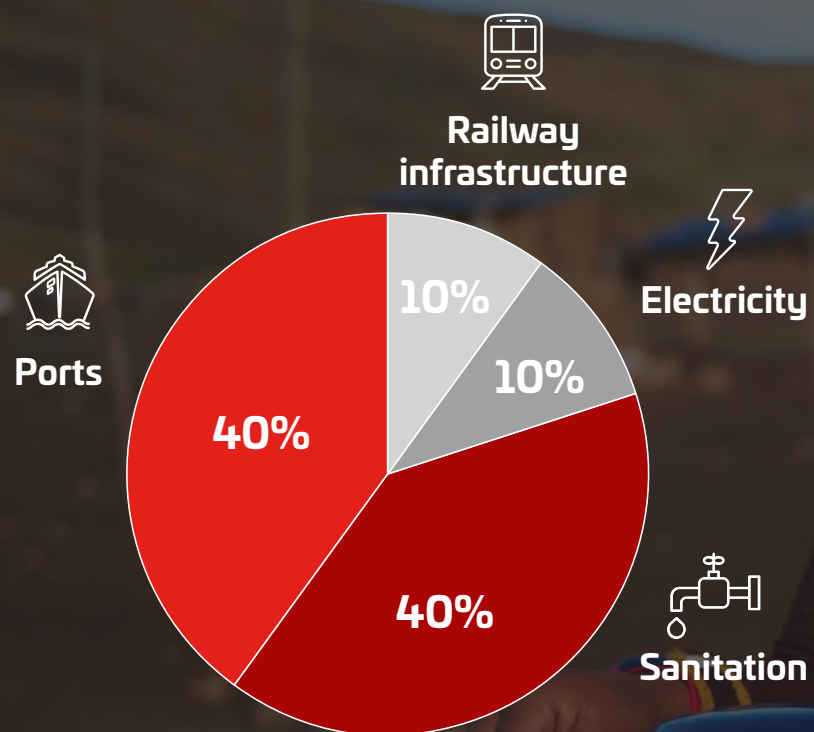
IMPORTANT:

SUNAT will proceed to make the refund effective, through non-negotiable checks or deposit on current or savings accounts, within **(5) working days** from the day after the application is submitted.

(*) The National Superintendency of Customs and Tax Administration - SUNAT, is Peru's tax administration agency

(**) The minimum amount that must be accumulated to request the return of the VAT, by application of the Regime, will be 36 UIT (Tax Units), in force at the time of submission of the application. The value of tax units changes every year.

+ than US\$ 3 billion committed
of investment through the Tax
Refund Regime*



(*) At the end of the year 2024.

Scan the QR and learn more



Legal Stability Agreement

Contact:

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Special Regime of Early Recovery of the Value Added Tax

Contact:

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Tax Refund Regime

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