

Law on the Promotion of Foreign Trade in Services Law No. 29646

Export Services Department

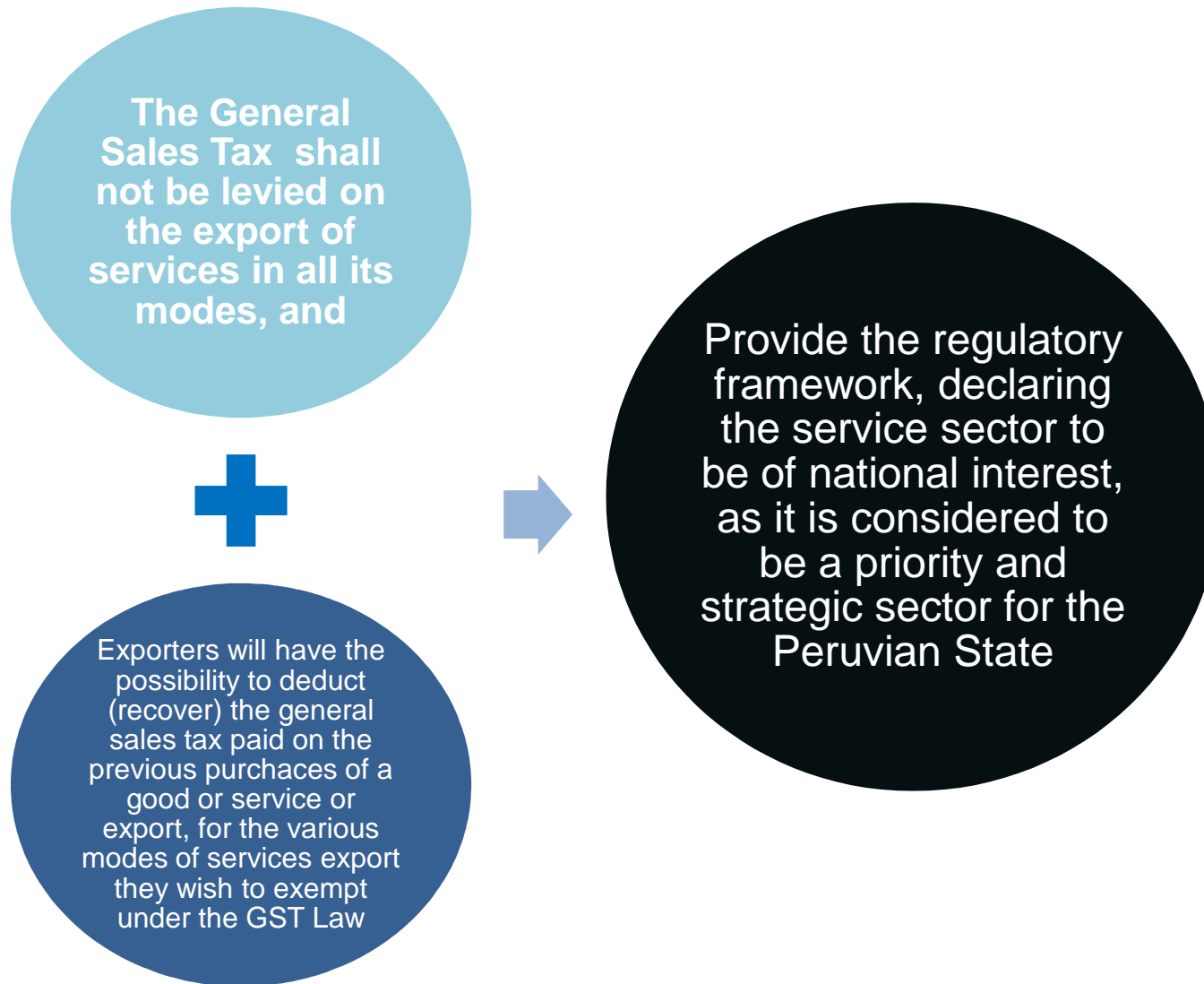
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Purpose and Scope of the Law



The recognition of the four modes of service export, recognized by the WTO and CAN

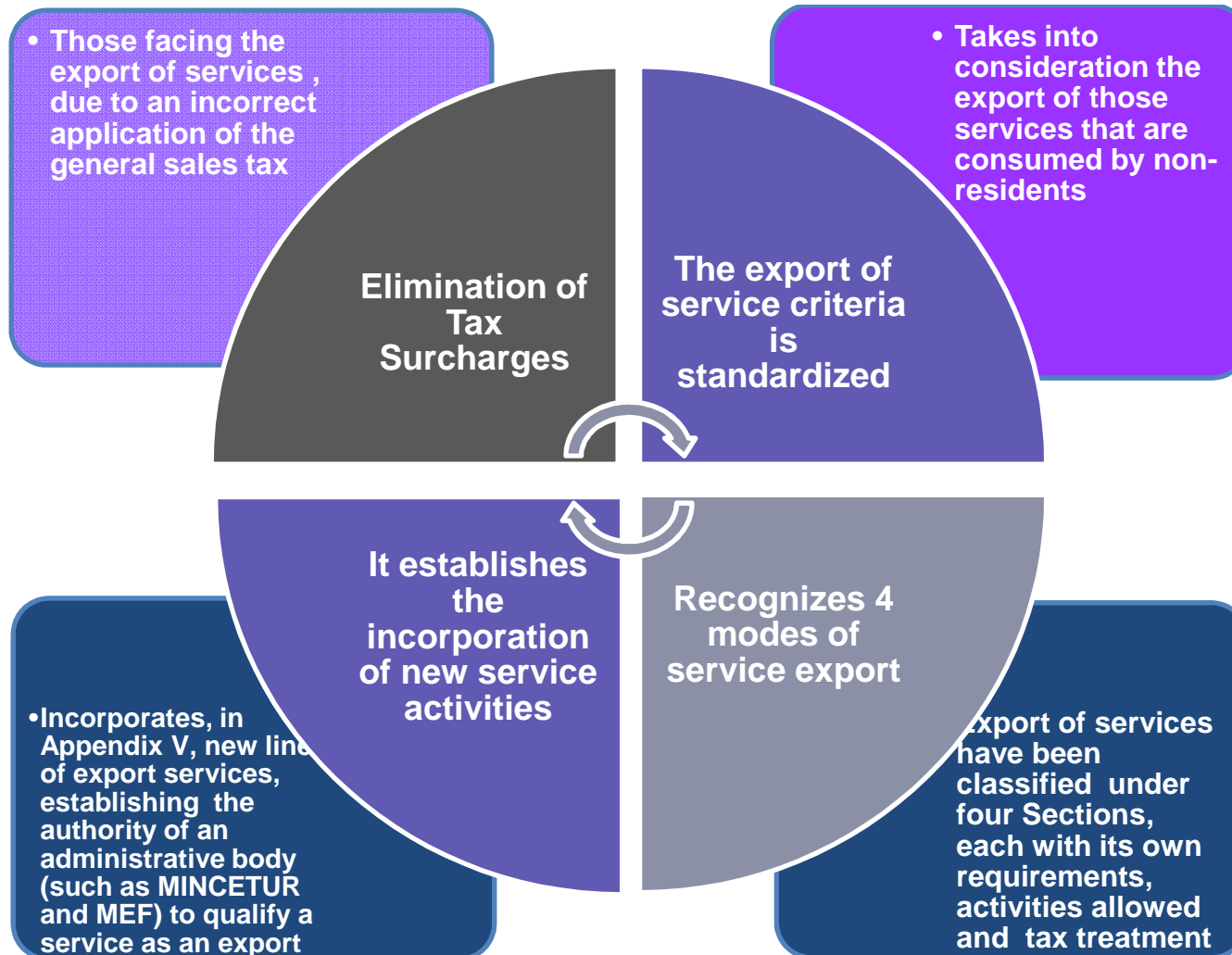
Mode 1 - Cross -border trade :
Where services are supplied
from the territory of the
supplier to the territory of the
consumer

Mode 2 - Consumption
abroad: Where the service
consumer moves abroad to
obtain a service

Mode 3 - Commercial presence:
Where services are supplied in
the territory of the consumer,
through the commercial
presence of the supplier

Mode 4 - Presence of a natural
person: Where a natural person
from one country is present in
the territory of another to
supply a service

Mayor Contributions of the Law



Mayor Contributions of the Law



PERÚ

Ministry of
Economy and Finance



PERÚ

Ministry of Foreign Trade
and Tourism

It establishes that the MEF and MINCETUR are the entities responsible for developing policies that promote trade in services

Appendix V of the Law is amended for the purposes of :

- Cross-border trade (Section A);
- Home consumption (Section B);
- Home consumption type 2 (Section C);
- Professional services provided abroad (Section D)

“Prior to this rule, sub-paragraph A was regarded as the only mode”

Mayor Contributions of the Law

The following was established regarding the sector's promotion:

The creation of a Multi-Sectoral Committee responsible for the development of foreign trade in services

The Multi-Sectoral Committee is entrusted with the task of preparing the Strategic Development Plan for the sector; the Export Promotion Plan and; the Investment Attraction Plan

The creation of the Statistical Register of Exporters and INEI is entrusted with the task of developing a methodology for the registration of such information

MINEDU, in coordination with MINCETUR, is responsible for the design and implementation of the National Education and Training Plan, which aims to raise the quality of education in the field of foreign trade in services

Mayor Contributions of the Law

Services eligible for benefits under the Law

As of January 02, 2011, the activities outlined in Section A (Cross-border trade) and Section B (Home consumption) are not subjected to the general sales tax

Note: The activities mentioned in Sections C and D need to be regulated in order to establish return and refund mechanisms by MEF and SUNAT

Section C

- Public transport services
- Sale of food and beverages
- Tour Guide
- Human health, dentistry, body aesthetics
- Live performances, opera, ballet, etc...

Section D

- Services provided by professionals and technicians domiciled in the country

Section A (Cross-Border Trade)

Consulting services and technical assistance

Software design and creation services

Sectionaph B (Home consumption)

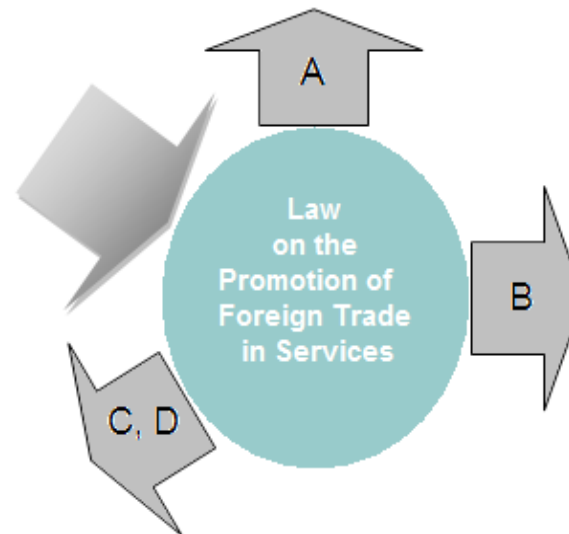
Equipment and machine repair services

Investment portfolio management services

Trailers, and the hiring of berths

Pilbtage, freight transhipment, handling

Food, transport and tourist guide services, as well as entry tickets to National folk shows, theaters, music concerts, the ballet, the zarzuela as part of the tour packages offered by tour operators domiciled in the country



Export of Services included in Appendix A

1. Consulting and technical assistance services.
2. Lease of movable property.
3. Advertising, marketing research and public opinion surveys.
4. Data processing, computer programs application and similar services, including among others:
 - Design services and development of design software and development of general-purpose and specific software, web page design, network and databases design, computer systems and application of information technologies for the specific use of customers.
 - Provision and operation services of online computer applications and infrastructure to operate information technologies.
 - Consulting services and technical assistance in information technologies, such as installation, parameterization training, maintenance, repair, testing, implementation and technical assistance.
 - Computer network management services, data centers and help desks.
 - Computer simulation and modeling of structures and systems using computer applications.
5. Placement and supply of personnel services.
6. Commission for credit placements.
7. Financing transactions.
8. Insurance and reinsurance.

Export of Services included in Appendix A

9. Telecommunications services required to complete [delivery] of telecommunications service originating from abroad; solely with respect to the compensation paid by foreign operators, according to the rules of the Convention of the International Telecommunication Union.
10. Mediation or the organization of tourism services offered by tour operators domiciled in the country on behalf of an agency or tour operator domiciled abroad.
11. Temporary transfer of use and usufruct rights of national audiovisual works and other national works expressed by a process analogous to cinematography, such as television productions or any other production of images, to non-domiciled persons for broadcasting abroad.
12. The supply of electric power to individuals domiciled abroad, provided it is used abroad, includes any charges inherent to it under Peruvian laws.
13. Telephone support services, as well as services of any other nature that call centers and contact centers provide to firms or consumers, not domiciled in the country, whose clients or potential clients are domiciled abroad, provided they are used abroad.
14. Provision of mercantile commission services for non-domiciled persons related to the sale in the country of foreign-origin products, provided the commission agent is acting as an intermediary between a domiciled and non-domiciled person and the commission is paid from abroad.

Export of Services included in Appendix B

1. Maintenance and repair of movable property services.
2. Investment portfolio management services in the country.
3. Ancillary services needed to provide international freight transport services referred to in Appendix II, paragraph 3) of the Law, provided that such services are performed in the primary customs area and are provided to international freight forwarders who are not domiciled in the country or to persons who are not domiciled in the country.

Ancillary services referred to in the preceding paragraph are as follows:

- a) Towage.
- b) Mooring or unmooring of buoys.
- c) Rental of berths.
- d) Use of the area of operations.
- e) Mobilization of cargo between ship's holds.
- f) Freight transshipment.
- g) Loading and unloading of cargo and/or empty containers.
- h) Handling of cargo.
- i) Stevedoring [services].
- j) Hauling cargo to and from storage areas.
- k) Pilotage [services].
- l) Aircraft Ground Support (ramp).
- m) Route air navigation [services].
- n) Landing/takeoff.
- o) Parking aircrafts.

Export of Services included in Appendix B

4. Renovation, repair, maintenance and preservation services for aircrafts and vessels flying a foreign flag provided to persons domiciled abroad, provided that they be economically used outside the country. These services are extended to all parts and components of vessels and aircrafts.
The provision of such services shall enjoy the status of technical assistance referred to in Section A paragraph 1.
5. Business support services delivered via an outsourced shared services center domiciled in the country, providing technical or professional services such as accounting, treasury, technological, computing and logistic support, contact centers, laboratories and the like.
Payment vouchers issued to non-domiciled persons for these services may not be used toward payment for services provided to person domiciled in Peru, whom shall receive a separate payment voucher.
6. Food, transport and tourist guide services, as well as entry tickets to National folk shows, theater, music concerts, the ballet, the zarzuela as part of the tour package offered by tour operators domiciled in the country, included in a register created specifically for such purposes, to agencies, tour operators or individuals not domiciled in the country, in all cases.
The Ministry of Economy and Finance shall introduce appropriate penalties for agencies who misuse the registry.

Export of Services included in Appendixes C and D

- **Services to which Article 76 paragraph 2 of the Law relates, for which a VAT refund may be requested:**

VAT refund may be requested for the following personal services:

1. Public transport services.
2. Sale of Food and beverages services.
3. Tour guides.
4. Human health services, dentistry and body aesthetics.
5. Live theatre performances, the zarzuela, classical music concerts, the zarzuela, classical music concerts, the opera, operetta, the ballet circus and National folk shows.

- **D. Services provided abroad to which Article 34-A of the Law relate, for which a tax credit may be allowed for:**

6. Services provided by professionals and technicians domiciled in the country".