

## Banking and Finance

**A**n official notice issued by the Venezuelan Central Bank (VCB) was published in the Official Gazette of November 9. It establishes the interest rates applicable to obligations derived from employment relationships (16.49% and 15.50%); to the acquisition of vehicles under the “balloon payment” method (16.49%); to transactions with credit cards (29% and 17%); and to the credit transactions intended for the tourism sector (11%).

## Tax

**T**he National Integrated Service of Customs and Tax Administration (“SENIAT”) issued Ruling No. SNAT/2012/0059, which establishes the **rate applicable to the calculation of late payment interest** accrued during **October 2012**. Said Ruling provides that the weighted average interest rate for loans of the six (6) principal commercial and universal banks of the country with the highest volume of deposits, excluding portfolios with prime rates, set by the VCB for October 2012 is **18.13%**, which rate is to be increased 1.2 times for the calculation of late payment interest accrued during October 2012. Said Ruling was published in the Official Gazette of November 19.

Decree No. 9.295 was published in the Official Gazette of November 20. Said Decree **exempts** the holders, natural or legal persons, of Agricultural Bonuses issued by the Fondo de Desarrollo Nacional, S.A. (“FONDEN”) and Petróleos de Venezuela, S.A. (“PDVSA”) **from payment of income tax** on the interest obtained from said Bonuses, subject to the conditions therein prescribed. The **duration** of this benefit

of exemption established in the Decree will be of **five (5) years** after its entry into force. The Decree became effective upon its publication in the Official Gazette.

## Consumer Protection

**A** Joint Resolution of the Ministries of the Popular Power for Planning and Finance, for Commerce, for Agriculture and Lands, for Nourishment, and of Industries was published in Official Gazette of November 27. Said Resolution establishes the **maximum price of sale** of precooked corn flour, white rice, and ground coffee by the **industry, wholesalers, and retailers**. Article 10 of the Resolution provides that the resolutions that fixed prices for the aforesaid products on a prior date are **repealed**. The Resolution became effective upon its publication in the Official Gazette.

The Ministry of the Popular Power for Nourishment issued Resolution No. 065-12. Said Resolution **extends for forty-five (45) business days** the period of time established in the Sole Paragraph of article 16 of the Joint Resolution of the Ministries of the Popular Power for Health, for Commerce, for Science, Technology, and Innovation, and for Nourishment, published in the Official Gazette of July 25, 2012, whereby the Integral System of Control of Medicines (*Sistema Integral de Control de Medicamentos – “SICM”*) was implemented and the guidelines and criteria to govern the issue of the Single Guide for Transportation, Monitoring, and Control of Medicines intended for commercialization and distribution in the national territory were established. Based on the foregoing, the military authorities must refrain from requiring the Single Guide for Transportation, Monitoring, and Control of

Medicines, intended for commercialization and distribution in the national territory, for a period of forty-five (45) business days as from the effective date of the Resolution. The Resolution was published in the Official Gazette of November 28 and became effective on November 30, 2012.

### **Miscellaneous**

#### **Chart for calculation of construction value (Bs. /M2) by types of dwelling units under lease**

**T**he Ministry of the Popular Power for Housing and Habitat issued Resolution No. 203. The purpose of said Resolution is to **establish the construction values** pursuant to the Law for Regularization and Control of Leases and Dwelling Units (the "Law"), **in order for their legal application to the calculations of fair value to be determined by the National Superintendence of Housing Lease** (*Superintendencia Nacional de Arrendamiento de Viviendas* - SUNAVI). The Resolution determines that an inspection chart will be applied to single-family or multifamily dwelling units in order to obtain the points for the determination of the Construction Value, with the purpose of applying the Replacement Value (RV) indicated in the Regulations to the Law, according to the constructive aspects and details that distinguish the real property. The Resolution establishes that the **lessees that acquire a real property** according to the methods therein provided and that **wish to sell said real property are bound to do it under the same calculation methods**. The Resolution became effective on November 20, date of its publication in the

Official Gazette and the values specified in the same will be valid until December 31, 2013.

#### **General Rules on bidding processes for sale and exchange of public property**

Administrative Ruling No. 004-2012 issued by the Superintendence of Public Property was published in Official Gazette of November 19. Said Ruling contains the **general rules on bidding processes for sale and exchange of public property**. According to the provisions of the Ruling, the persons who take part in the processes of sale of public property must meet the conditions, terms and periods of time established in the same. The Ruling was published again in the Official Gazette of November 20, due to the existence of discrepancies in its originals.

#### **Misión Vivienda – Prohibition against suspension of activities in December 2012.**

Resolution No. 205, issued by the Ministry of the Popular Power for Housing and Habitat, was published in Official Gazette of November 26. Said Resolution orders all national and/or foreign, natural and legal persons, public or private entities that are executing works of social interest or providing services within the frame of the *Gran Misión Vivienda Venezuela* **to continue with the relevant activities without interruptions during the month of December 2012**, due to which there will be no days off for Christmas, all with the purpose of completing the projects in the shortest time possible. The Resolution became effective upon its publication in the Official Gazette

Caracas, December 18, 2012.

NOTE: THIS NEWSLETTER SHOULD NOT BE CONSTRUED AS LEGAL ADVICE ON ANY SPECIFIC MATTER AND ITS CONTENT ARE INTENDED AS A MANAGEMENT ALERT AS TO CURRENT DEVELOPMENTS IN VENEZUELA, ANY SPECIFIC LEGAL QUESTIONS REGARDING THE POSSIBLE APPLICATION OF NEW OR PROPOSED LEGISLATION TO PARTICULAR SITUATIONS SHOULD BE ADDRESSED TO TRAVIESO EVANS ARRIA RENGEL & PAZ.