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GENERAL ADMINISTRATIVE PROCEDURE LAW

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LEGAL PROVISIONS

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TITLE II THE ADMINISTRATIVE PROCEDURE

CHAPTER I GENERAL PROVISIONS

Article 29º.- Definition of the administrative procedure

Administrative procedure means the series of acts and proceedings processed in entities leading to the issue of an administrative act producing individual or individualizable legal effects on interests, obligations or rights or the parties.

Article 30º.- Classification of administrative procedures

Administrative procedures carried out by parties, as required by law, before entities to exercise or fulfill their interests or rights, are classified according to provisions hereof, in: automatically approved or previously evaluated procedures by the entity and the latter is subject, in turn, in case of a lack of a timely decision, to a positive procrastination or negative procrastination. Each entity indicates these procedures in their Unified Text for Administrative Procedures - TUPA, following the criteria established in this system.

Article 31º.- Automatic approval procedure regime

31.1 In the automatic approval procedure, the request is considered as approved as from its submission before the competent authority to process it, if and when it meets the requirements and the documentation is complete as required by the entity's TUPA.

31.2 In this procedure, entities do not issue any confirming express decision on the automatic approval, and shall only carry out the subsequent supervision. If, however, during the automatic approval procedures it is necessary to issue a document the lack of which results in the user not being able to exercise his right, the maximum deadline for its issuance is five working days, notwithstanding longer periods of time established by special laws prior to the effective date hereof.

31.3 As a proof of the automatic approval to the party's request, a copy of the document or the form submitted with the official reception seal without any

observations and indicating the application registry number, date, hour and signature of the receiving agent is sufficient.

- 31.4 Automatic approval procedures, subject to the presumption of truthfulness, include those leading to the securing of licenses, authorizations, affidavits and certified copies or the like necessary for continuous professional, social, economic or working activities in the private sector, if and when they do not affect third-party rights and notwithstanding a future supervision carried out by the administration.

Article 32º.- Subsequent supervision

- 32.1 Subsequent supervision means that the entity in charge of an automatic approval procedure or prior evaluation is obliged to officially verify through the specimen system, the authenticity of the statements, documents and information and translations provided by the parties.
- 32.2 The supervision includes no less than 10% of all dossiers subject to the automatic approval modality, with a maximum of 50 dossiers per semester, or more, taking into account the impact fraud, false information, documents or statements submitted can have on the general interest, the economy, safety or health of citizens. This supervision should be carried out every six months according to the guidelines issued by the Presidency of the Cabinet for such purpose.
- 32.3 In the event fraud, or false statements, information or documents submitted by the party is verified, the entity shall consider that the requirements for all its effects has not been met and shall communicate to the hierarchically higher authority, if applicable, to declare the nullity of the administrative act based on such statement, information or document, and impose whoever has made use of this statement, information or document a fine in favor of the entity consisting on approximately two to five Taxing Units effective on the payment date; and, in addition, if the conduct is part of the information foreseen in title XIX Offenses against Public Faith of the Criminal Code, this should be communicated to the Government Attorney General's Office so it can file the corresponding criminal action.

Article 33º.- Previous assessment procedure with positive procrastination

Previous assessment procedures are subject to a positive procrastination, in the following assumptions:

1. Requests which consideration enable the exercise of pre-existing rights, except if powers of public administration are transferred through them or enables carrying out activities that are instantly exhaust its exercise.
2. Appeals addressed at questioning the dismissal of a request when the particular has opted for the application of a negative administrative procrastination.
3. Procedures in which the importance of the final decision cannot directly affect contracting parties other than the petitioner, through the limitation, prejudice or affectation of their legitimate interests or rights.
4. All other procedures at the request of one of the parties not subject to the restrictive negative procrastination included in the following article, except in the procedures of grace petition and consultation governed by their specific regulation.

Article 34º.- Previous assessment procedures with negative procrastination.

- 34.1 Previous assessment procedures are subject to negative procrastination in the case of the following assumptions.

- 34.1.1 When the request deals with topics of public interest, and affects health, the environment, natural resources, citizen safety, the financial and insurance system, the securities market, national defense and the historical cultural heritage of the nation.

34.1.2 When they question previous administrative acts, except appeals in the case of item 2 of the previous article.

34.1.3 When they are trilateral procedures and those that generate obligation of giving or doing under the charge of the State.

34.1.4 Registration procedures.

34.1.5 Those, who in virtue of the express law, are liable to be applied this administrative procrastination modality.

34.2 The authorities are empowered to classify procedures included in items 34.1.1. and 34.1.4 in a different way in their TUPA, when they consider that their effects are in the interest of the applicant, without significantly putting the general interest at risk.

Article 35º.- Maximum period of time for the previous assessment administrative procedure.

The period between the beginning of an administrative assessment procedure until the respective decision is issued cannot exceed thirty (30) business days, except if procedures are established which compliance requires a longer period of time.
(...)

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MINISTRY OF FOREIGN AFFAIRS - OFFICE OF CONSULAR AFFAIRS - AUTHENTICATION N° 122653 - The preceding signature of Maria APAESTEGUI SILVA is hereby authenticated without judging the content of the document. - Lima, December 04, 2007 - (seal and signature) Virgilio Z. ARENAZA PICKMANS - Department of Authentications - Office of Consular Formalities - Round seal: Republic of Peru - Ministry of Foreign Affairs - Office of Consular Formalities - Authentications - (raised seal)
