DIARIO OFICIAL DEL BICENTENARIO

El Peruano

FUNDADO EL 22 DE OCTUBRE DE 1825 POR EL LIBERTADOR SIMÓN BOLÍVAR

YEAR OF THE FIGHT AGAINST CORRUPTION AND IMPUNITY Friday, January 25, 2019

MINISTRY OF JUSTICE AND HUMAN RIGHTS

Ordered Single Text of Law No. 27444, Law of Procedure General Administrative

SUPREME DECREE Nº 004-2019-JUS

NORMAS LEGALES

SPECIAL SEPARATE

SUPREME DECREE
Nº 004-2019-JUS

Supreme Decree that approves the Single Text Ordered from Law No. 27444 - Law of the General Administrative Procedure

THE PRESIDENT OF THE REPUBLIC

CONSIDERING:

That, through Law No. 27444, Law of the General Administrative Procedure, common rules are established for the actions of the administrative function of the State and regulates all administrative procedures developed in the entities, including special procedures;

That, through Legislative Decree No. 1272, Decree Legislative that modifies Law No. 27444, Law of the General Administrative Procedure and repeals the Law No. 29060, Law of Administrative Silence" is modified and some articles are incorporated into the aforementioned legal device;

That, through Supreme Decree No. 006-2017-JUS, the Single Ordered Text of the Law of the General Administrative Procedure;

That, subsequently, by Legislative Decree No. 1452, Legislative Decree that modifies the Law No. 27444, General Administrative Procedure Law; is modified and some numerals and articles are incorporated into the Law No. 27444, General Administrative Procedure Law;

That, according to the First Final Complementary Provision of Legislative Decree No. 1452, the entities of the Executive Branch are authorized to compile in the respective Single Ordered Text the modifications made to legal or regulatory provisions of general scope corresponding to the sector to which they belong. with the purpose of compiling all the regulations in a single text; and its approval is produced by supreme decree of the corresponding sector, and must have the prior favorable opinion of the Ministry of Justice and Human Rights;

That, the Third Final Complementary Provision of Legislative Decree No. 1452, provided that the Ministry of Justice and Human Rights, within a period of no more than 60 (sixty) business days from publication, incorporates the modifications contained in the standard to the Single Ordered Text of the Law of General Administrative Procedure, approved by Supreme Decree No. 006-2017-JUS;

In accordance with the provisions of paragraph 8) of article 118 of the Political Constitution of Peru; in Law No. 29158, Organic Law of the Executive Branch and in Legislative Decree No. 1452, Legislative Decree that modifies Law No. 27444, Law of General Administrative Procedure.

DECREE:

Article 1.- Approval of the Single Ordered Text of Law No. 27444, Law of General Administrative Procedure.

Approve the Single Ordered Text of Law No. 27444, Law of General Administrative Procedure, which consists of five (5) titles, nineteen (19) chapters, two hundred and sixty-five (265) articles, ten (10) Final Complementary Provisions, thirteen (13)

Transitory Complementary Provisions; and, three (3) Repealing Complementary Provisions.

Article 2.- Repeal

Repeal, as of the validity of this rule, the Single Ordered Text of Law No. 27444, Law of General Administrative Procedure, approved by Supreme Decree No. 006-2017-JUS.

Article 3.- Publication.

Order the publication of this Supreme Decree in the official newspaper El Peruano, in the Institutional Portal of the Peruvian State (www.peru.gob.pe) and in the Institutional Portal of the Ministry of Justice and Human Rights (www.minjus.gob. pe), the same day of publication of this standard.

Article 4.- Endorsement.

This Supreme Decree is endorsed by the Minister of Justice and Human Rights.

Given at the Government House, in Lima, at twenty-two days of the month of January of the year two thousand nineteen.

MARTIN ALBERTO VIZCARRA CORNEJO
Republic President

VICENTE ANTONIO ZEBALLOS SALINAS
Minister of Justice and Human Rights

SINGLE ORDERED TEXT OF THE LAW OF THE GENERAL ADMINISTRATIVE PROCEDURE

PRELIMINARY TITLE

Article I. Scope of application of the law

This Law will be applicable to all Public Administration entities.

For the purposes of this Law, it will be understood as "entity" or "entities" of the Public Administration:

1. The Executive Branch, including Ministries and Public Organizations;
2. The Legislative Branch;
3. The Judiciary;
4. Regional Governments;
5. Local Governments;
6. The Organizations to which the Political Constitution of Peru and the laws confer autonomy.
7. The other entities, organizations, special projects, and state programs, whose activities are carried out by virtue of administrative powers and, therefore, are considered subject to the common rules of public law, unless expressly mandated by law that refers them to another regime; and,

8. Legal entities under the private regime that provide public services or exercise an administrative function, by virtue of concession, delegation or authorization from the State, in accordance with the regulations of the matter.

The procedures processed by the legal entities mentioned in the previous paragraph are governed by the provisions of this Law, as applicable according to their private nature.

(Text modified according to article 2 of the Decree Legislative No. 1272)

Article II.- Contents

1. This Law contains common standards for the actions of the administrative function of the State and regulates all administrative procedures developed in the entities, including special procedures.

2. The laws that create and regulate special procedures may not impose less favorable conditions on those administered than those provided for in this Law.

3. The administrative authorities, when regulating special procedures, will comply with following the administrative principles, as well as the rights and duties of the subjects of the procedure, established in this Law.

(Text modified according to article 2 of the Decree Legislative No. 1272)

Article III.- Purpose

The purpose of this Law is to establish the applicable legal regime so that the actions of the Public Administration serve to protect the general interest, guaranteeing the rights and interests of those administered and subject to the constitutional and legal order in general.

(Text according to article III of Law No. 27444)

Article IV. Principles of administrative procedure

1. The administrative procedure is fundamentally based on the following principles, without prejudice to the validity of other general principles of Administrative Law:

1.1. Principle of legality.- Administrative authorities must act with respect to the Constitution,

the law and the right, within the powers attributed to it and in accordance with the purposes for which they were conferred.

1.2. Principle of due procedure.- Those administered enjoy the rights and guarantees implicit in due administrative procedure. Such rights and guarantees include, but are not limited to, the rights to be notified; to access the file; to refute the charges; to present arguments and present complementary allegations; to offer and produce evidence; to request the use of the floor, when appropriate; to obtain a reasoned decision, based on law, issued by a competent authority, and within a reasonable period of time; and, to challenge decisions that affect them.

The institution of due administrative procedure is governed by the principles of Administrative Law. The regulation of Procedural Law is applicable only to the extent that it is compatible with the administrative regime.

1.3. Principle of ex officio promotion.- The authorities must direct and promote the procedure ex officio and order the performance or practice of the acts that are convenient for the clarification and resolution of the necessary issues.

1.4. Principle of reasonableness.- The decisions of the administrative authority, when they create obligations, classify infractions, impose sanctions, or establish restrictions on those administered, must be adapted within the limits of the attributed power and maintaining the due proportion between the means to be used. and the public purposes that it must protect, so that they respond to what is strictly necessary for the satisfaction of its mission.

1.5. Principle of impartiality.- The administrative authorities act without any type of discrimination between those administered, granting them equal treatment and protection regarding the procedure, resolving in accordance with the legal system and with attention to the general interest.

1.6. Principle of informality.- The rules of procedure must be interpreted in a manner favorable to the admission and final decision of the claims of those administered, so that their rights and interests are not affected by the requirement of formal aspects that can be corrected within of the procedure, provided that said excuse does not affect the rights of third parties or the public interest.

1.7. Principle of presumption of truthfulness.- In the processing of the administrative procedure, it is presumed that the documents and statements formulated by those administered in the manner prescribed by this Law, respond to the truth of the facts that they affirm.

This presuntion allow test on contrary.

1.8. Principle of procedural good faith.- The administrative authority, the administrators, their representatives or lawyers and, in general, all participants in the procedure, carry out their respective procedural acts guided by mutual respect, collaboration and good faith. The administrative authority cannot act against its own acts, except in the cases of official review contemplated in this Law.

No regulation of the administrative procedure can be interpreted in such a way that it protects any conduct against procedural good faith.

1.9. Principle of speed.- Those who participate in the procedure must adjust their actions in such a way that the process is provided with the maximum possible dynamic, avoiding procedural actions that hinder its development or constitute mere formalities, in order to reach a decision in time. reasonable, without this relieving the authorities of respect for due procedure or violating the regulations.

1.10. Principle of effectiveness.- The subjects of the administrative procedure must make compliance with the purpose of the procedural act prevail over those formalities whose implementation does not affect its validity, do not determine important aspects in the final decision, do not diminish the guarantees of the procedure, nor cause defenselessness to those administered.

In all cases of application of this principle, the purpose of the act that is privileged over non-essential formalities must comply with the applicable regulatory framework and its validity will be a guarantee of the public purpose that is sought to be satisfied with the application of this principle. .

1.11. Principle of material truth.- In the procedure, the competent administrative authority It must fully verify the facts that serve as the basis for its decisions, for which it must adopt all the necessary evidentiary measures authorized by law, even when they have not been proposed by those administered or they have agreed to be exempt from them.

In the case of trilateral procedures, the administrative authority will be empowered to verify by all available means the truth of the facts proposed by the parties, without this meaning a substitution of the evidentiary duty that corresponds to them.

However, the administrative authority will be obliged to exercise said power when its pronouncement could also involve the public interest.

1.12. Principle of participation.- Entities must provide the necessary conditions to all those managed to access the information they manage, without expression of cause, except those that affect personal privacy, those linked to national security or those that are expressly excluded by law; and extend the possibilities of participation of the administrators and their representatives, in those public decisions that may affect them, through any system that allows dissemination, the service of access to information and the presentation of opinion.

1.13. Principle of simplicity.- The procedures established by the administrative authority must be simple, and all unnecessary complexity must be eliminated; That is, the requirements must be rational and proportional to the purposes to be met.

1.14. Principle of uniformity.- The administrative authority must establish similar requirements for similar procedures, guaranteeing that exceptions to the general principles will not become the general rule. Any differentiation must be based on duly supported objective criteria.

1.15. Principle of predictability or legitimate trust.- The administrative authority provides the administrators or their representatives with truthful, complete and reliable information about each procedure under their charge, so that, at all times, the administrator can have a certain understanding. about the requirements, procedures, estimated duration and possible results that could be obtained.

The actions of the administrative authority are consistent with the legitimate expectations of those administered reasonably generated by administrative practice and history, unless for the reasons that are explained, in writing, it decides to deviate from them.

The administrative authority is subject to the current legal system and cannot act arbitrarily. In this sense, the administrative authority cannot unreasonably and unmotivatedly vary the interpretation of the applicable regulations.

1.16. Principle of privilege of subsequent controls.- The processing of administrative procedures will be based on the application of subsequent inspection; The administrative authority reserves the right to verify the veracity of the information presented, compliance with substantive regulations and apply the relevant sanctions in the event that the information presented is not true.

1.17. Principle of the legitimate exercise of power.- The administrative authority exercises solely and exclusively the powers attributed to it for the purpose provided for in the regulations that grant it powers or powers, especially avoiding the abuse of power, whether for objectives other than those established in the general provisions or against the general interest.

1.18. Principle of responsibility.- The administrative authority is obliged to respond for damages caused to those administered as a consequence of the malfunctioning of the administrative activity, in accordance with the provisions of this law. The entities and their officials or servants assume the consequences of their actions in accordance with the legal system.

1.19. Principle of permanent access.- The administrative authority is obliged to provide information to the administrators who are part of an administrative procedure processed before them, so that at any time during the aforementioned procedure they can know its processing status and access and obtain copies of the documents. contained in said procedure, without

prejudice to the right of access to information that is exercised in accordance with the law of the matter.

2. The indicated principles will also serve as interpretive criteria to resolve issues that may arise in the application of the rules of procedure, as parameters for the generation of other general administrative provisions, and to fill gaps in the administrative order.

The list of principles stated above is not exhaustive.

(Text modified according to article 2 of the Decree Legislative No. 1272)

Article V.- Sources of the administrative procedure

1. The administrative legal system integrates an organic system that has autonomy with respect to other branches of Law.

2. They are sources of the administrative procedure:

2.1. The constitutional provisions.
2.2. International treaties and conventions incorporated into the National Legal System.
23. Laws and provisions of equivalent hierarchy.
2.4. The Supreme Decrees and other regulatory norms of other powers of the State.
2.5. The other regulations of the Executive Branch, the statutes and regulations of the entities, as well as those of institutional scope or coming from administrative systems.

2.6. The other rules subordinated to the previous regulations.

2.7. The jurisprudence from the jurisdictional authorities interprets administrative provisions. what

2.8. Resolutions issued by the Administration through its courts or councils governed by special laws, establishing interpretative criteria of general scope and duly published. These decisions generate administrative precedent, exhaust the administrative route and cannot be annulled at that headquarters.

2.9. The binding pronouncements of those entities expressly empowered to answer queries on the interpretation of administrative regulations that apply to their work, duly disseminated.

2.10. The general principles of administrative law.

3. The sources indicated in sections 2.7, 2.8, 2.9 and 2.10 serve to interpret and delimit the field of application of the positive order to which they refer.

(Text according to article V of Law No. 27444)

Article VI.- Administrative precedents

1. Administrative acts that, when resolving particular cases, expressly and generally interpret the meaning of the legislation, will constitute administrative precedents that must be observed by the entity, as long as said interpretation is not modified. These acts will be published in accordance with the rules established in this standard.

2. The interpretative criteria established by the entities may be modified if it is considered that the previous interpretation is not correct or is contrary to the general interest. The new interpretation cannot be applied to previous situations, unless it is more favorable to those administered.

3. In any case, the mere modification of the criteria does not authorize the ex officio review at administrative headquarters of the firm acts.

(Text according to article VI of Law No. 27444)

Article VII.- Function of the general provisions

1. Higher authorities can direct or guide in general the activity of those subordinate to them through circulars, instructions and other analogues, which, however, cannot create new obligations for those administered.

2. These provisions must be sufficiently disseminated, placed in a visible place in the entity if their scope is merely institutional, or published if it is external in nature.

3. Those administered may invoke these provisions in their favor, as long as they establish obligations for the administrative bodies in their relationship with those administered.

(Text according to article VII of Law No. 27444)

Article VIII.- Defi science of sources

1. The administrative authorities may not fail to resolve the issues proposed to them, due to deficiencies in their sources; In such cases, they will resort to the principles of the administrative procedure provided for in this Law; failing that, to other supplementary sources of administrative law, and only subsidiarily to these, to the rules of other legal systems that are compatible with its nature and purpose.

2. When the deficiency of the regulations makes it advisable, in addition to the resolution of the case, the authority will prepare and propose to the competent person the issuance of the norm that generally overcomes this situation, in the same sense as the given resolution. to the matter submitted to their knowledge.

(Text according to article VIII of Law No. 27444)

TITLE I

Of the legal regime of administrative acts

CHAPTER I

Of administrative acts

Article 1.- Concept of administrative act

1.1 Administrative acts are the declarations of entities that, within the framework of public law rules, are intended to produce legal effects on the interests, obligations or rights of those administered within a specific situation.

1.2 They are not administrative acts:

1.2.1 The internal administration acts of entities intended to organize or operate their own activities or services. These acts are regulated by each entity, subject to the provisions of the Preliminary Title of this Law, and those regulations that expressly establish it.

1.2.2 The material behaviors and activities of the entities.

(Text according to article 1 of Law No. 27444)

Article 2.- Modalities of the administrative act

2.1 When a law authorizes it, the authority, by express decision, may subject the administrative act to a condition, term or manner, provided that said elements incorporated into the act are compatible with the legal system, or when it is intended to ensure with them the fulfillment of the public purpose pursued by the act.

2.2 An accessory modality cannot be applied against the purpose pursued by the administrative act.

(Text according to article 2 of Law No. 27444)

Article 3.- Validity requirements of administrative acts

The validity requirements of administrative acts are:

1. Competence.- Be issued by the body authorized by reason of the subject, territory, degree, time or amount, through the authority regularly nominated at the time of issuance and in the case of collegiate bodies, meeting the requirements of session, quorum and deliberation essential for its issuance.

2. Object or content.- Administrative acts must express their respective object, in such a way that their legal effects can be determined unequivocally. Its content will comply with the provisions of the

legal system, which must be lawful, precise, physically and legally possible, and understand the issues arising from the motivation.

3. Public Purpose.- Adapt to the purposes of public interest assumed by the regulations that grant the powers to the issuing body, without being able to pursue through the act, even covertly, any personal purpose of the authority itself, favor of a third party, or another public purpose other than that provided for by law. The absence of rules indicating the purposes of a power does not generate discretion.

4. Motivation.- The administrative act must be duly motivated in proportion to the content and in accordance with the legal system.

5. Regular procedure.- Before its issuance, the act must be drawn up by complying with the administrative procedure provided for its generation.

(Text according to article 3 of Law No. 27444)

Article 4.- Form of administrative acts

4.1 Administrative acts must be expressed in writing, unless due to the nature and circumstances of the case, the legal system has provided for another form, provided that it allows proof of its existence.

4.2 The written act indicates the date and place in which it is issued, name of the body from which it emanates, name and signature of the intervening authority.

4.3 When the administrative act is produced through automated systems, the administrator must be guaranteed to know the name and position of the authority that issues it.

4.4 When several administrative acts of the same nature must be issued, a mechanical signature may be used or integrated into a single document under the same motivation, provided that the administrative parties on whom the effects of the act fall are identified. For all subsequent purposes, administrative acts will be considered as different acts.

(Text according to article 4 of Law No. 27444)

Article 5. Object or content of the administrative act

5.1 The object or content of the administrative act is that which the authority decides, declares or certifies.

5.2 In no case will an object or content prohibited by the regulatory order, nor incompatible with the factual situation provided for in the regulations, be admissible; nor imprecise, obscure or impossible to carry out.

5.3 It may not contravene constitutional or legal provisions or firm judicial mandates in the specific case; nor may it infringe general administrative rules coming from an authority of equal, lower or higher hierarchy, and even from the same authority that dictates the act.

5.4 The content must include all factual and legal issues raised by those administered, and may involve others not proposed by them that have been assessed ex officio, provided that the administrative authority grants them a period of no less than five (5) days to to explain their position and, where appropriate, provide the evidence they consider relevant.

(Text modified according to article 2 of the Decree Legislative No. 1272)

Article 6.- Motivation of the administrative act

6.1 The motivation must be express, through a concrete and direct relationship of the relevant proven facts of the specific case, and the exposition of the legal and regulatory reasons that, with direct reference to the above, justify the adopted act.

6.2 It can be motivated by the declaration of conformity with the foundations and conclusions of previous opinions, decisions or reports in the file, provided that they are accurately identified, and that due to this situation they constitute an integral part of the respective act. The reports, opinions or similar that serve as the basis for the decision must be notified to the administrator together with the administrative act.

6.3 The presentation of general formulas or formulas devoid of foundation for the specific case or those formulas that, due to their obscurity, vagueness, contradiction or insufficiency, are not specifically illuminating for the motivation of the act, are not admissible as motivation.

The fact that the hierarchical superior of the authority that issued the contested act has a different assessment regarding the evaluation of the evidence or the application or interpretation of the law contained in said act does not constitute grounds for nullity. This different assessment must lead to partially or totally upholding the appeal filed against the contested act.

6.4 The following acts do not require motivation:

6.4.1 The mere procedural decisions that drive the procedure.

6.4.2 When the authority considers the request by the administrator to be appropriate and the administrative act does not harm the rights of third parties.

6.4.3 When the authority produces a large number of substantially identical administrative acts, a single motivation is sufficient.

(Text modified according to article 2 of the Decree Legislative No. 1272)

Article 7.- Regime of internal administration acts

7.1 The internal administration acts are aimed at the effectiveness and efficiency of the services and the permanent purposes of the entities. They are issued by the competent body, their purpose must be physically and legally possible, their motivation is optional when hierarchical superiors give orders to their subordinates in the legally provided manner.

The regime of early effectiveness of administrative acts provided for in Article 17 can be applied to internal administration acts, provided that they do not violate public order rules or affect third parties.

7.2 Internal decisions of mere formality may be given verbally by the competent body, in which case the lower body that receives them will document them in writing and communicate them immediately, indicating the authority of the person using the formula, “By order of... .”

(Text modified according to article 2 of the Decree Legislative No. 1272)

CHAPTER II

Nullity of administrative acts

Article 8.- Validity of the administrative act

The administrative act issued in accordance with the legal system is valid.

(Text according to article 8 of Law No. 27444)

Article 9. Presumption of validity

Any administrative act is considered valid as long as its intended nullity is not declared by an administrative or jurisdictional authority, as appropriate.

(Text according to article 9 of Law No. 27444)

Article 10.- Grounds for nullity

The following are defects of the administrative act, which cause its nullity by operation of law:

1. Contravention of the Constitution, laws or regulatory standards.

2. The defect or omission of any of its validity requirements, unless one of the cases of conservation of the act referred to in article 14 arises.

3. Express acts or those resulting from automatic approval or positive administrative silence, through which powers or rights are acquired, when they are contrary to the legal system, or when the requirements, documentation or procedures are not met. essential for its acquisition.

4. Administrative acts that constitute a criminal offense, or that are issued as a consequence thereof.

(Text according to article 10 of Law No. 27444)

Article 11.- Competent instance to declare nullity

11.1 Those administered raise the nullity of the administrative acts that concern them through the administrative resources provided for in Title III Chapter II of this Law.

11.2 The ex officio nullity will be known and declared by the higher authority of the person who issued the act. If it is an act dictated by an authority that is not subject to hierarchical subordination, the nullity will be declared by resolution of the same authority.

The nullity raised through a reconsideration or appeal will be known and declared by the competent authority to resolve it.

11.3 The resolution declaring the nullity also provides what is convenient to make effective the responsibility of the issuer of the invalid act, in cases where manifest illegality is noted, when it is known by the hierarchical superior.

(Text modified according to article 2 of the Decree Legislative No. 1272)

Article 12.- Effects of the declaration of nullity

12.1 The declaration of nullity will have declarative and retroactive effect to the date of the act, except for rights acquired in good faith by third parties, in which case it will operate in the future.

12.2 Regarding the act declared null, those administered are not obliged to comply with it and public servants must oppose the execution of the act, justifying and motivating their refusal.

12.3 In the event that the flawed act has been consummated, or if it is impossible to reverse its effects, it will only give rise to the liability of the person who issued the act and, where appropriate, compensation for the affected party.

(Text according to article 12 of Law No. 27444)

Article 13.- Scope of nullity

13.1 The nullity of an act only implies that of the subsequent ones in the procedure, when they are linked to it.

13.2 The partial nullity of the administrative act does not affect the other parts of the act that are independent of the null part, unless it is its consequence, nor does it prevent the production of effects for which the act may nevertheless be suitable, except as provided by law in contrary.

13.3 Whoever declares the nullity, orders the conservation of those actions or procedures whose content would have remained the same if the defect had not been incurred.

(Text according to article 13 of Law No. 27444)

Article 14.- Conservation of the act

14.1 When the defect of the administrative act due to non-compliance with its elements of validity is not significant, the conservation of the act prevails, proceeding to its amendment by the issuing authority itself.

14.2 The following are administrative acts affected by non-transcendent defects:

14.2.1 The act whose content is imprecise or incongruent with the issues raised in the motivation.

14.2.2 The act issued with insufficient or partial motivation.

14.2.3 The act issued in violation of the non-essential formalities of the procedure, considering as such those whose correct execution would not have prevented or changed the meaning of the final decision in important aspects, or whose non-compliance would not affect the due process of the administrator.

14.2.4 When it is undoubtedly concluded in any other way that the administrative act would have had the same content, if the defect had not occurred.

14.2.5 Those issued with omission of non-essential documentation.

14.3 Notwithstanding the conservation of the act, the administrative responsibility of the person issuing the act remains.

vitiated, unless the amendment occurs without a party's request and before its execution.

(Text according to article 14 of Law No. 27444)

Article 15.- Independence of the defects of the administrative act

The defects incurred in the execution of an administrative act, or in its notification to those administered, are independent of its validity.

(Text according to article 15 of Law No. 27444)

CHAPTER III

Efficiency of administrative acts

Article 16. Efficacy of the administrative act

16.1 The administrative act is effective once the legally issued notification produces its effects, in accordance with the provisions of this chapter.

16.2 The administrative act that grants benefits to the administrator is understood to be effective from the date of its issuance, unless otherwise provided in the same act.

(Text according to article 16 of Law No. 27444)

Article 17. Anticipatory efficacy of the administrative act

17.1 The authority may provide in the same administrative act that it is effective in advance of its issuance, only if it is more favorable to those administered, and provided that it does not harm fundamental rights or good faith interests legally protected by third parties and that existed on the date to which the effectiveness of the act is intended to be traced back to the factual assumption justifying its adoption.

17.2 The declaration also has early effectiveness of nullity and the acts that are issued in amendment.

(Text according to article 17 of Law No. 27444)

Article 18. Obligation to notifi car

18.1 The notification of the act is carried out ex officio and its due diligence is the responsibility of the entity that issued it. The notification must be made on a business day and time, unless there is a different special regulation or continuous nature of the activity.

18.2 Personal notification may be carried out through the entity itself, by courier services specially contracted for this purpose, and in the case of remote areas, it may be arranged through the political authorities of the local area of the administration.

(Text modified according to article 2 of the Decree Legislative No. 1272)

Article 19. Dispensation of notification

19.1 The authority is exempt from formally notifying the administrators of any act that has been issued in their presence, provided that there is a record of this procedural action showing the attendance of the administrator.

19.2 It is also exempt from notifying if the administrator becomes aware of the respective act through direct and spontaneous access to the file, collecting a copy, leaving a record of this situation in the file.

(Text according to article 19 of Law No. 27444)

Article 20. Notification modalities

20.1 Notifications are carried out through the following methods, according to this respective order of priority:

20.1.1 Personal notification to the interested administrator or affected by the act, at their home.

20.1.2 By telegram, certified mail, telefax; or any other means that allows checking

reliably confirm its acknowledgment of receipt and who receives it, provided that the use of any of these means has been expressly requested by the administrator.

20.1.3 By publication in the Official Gazette or in one of the newspapers with the greatest circulation in the national territory, unless otherwise provided by law. Additionally, the competent authority orders the publication of the act in the respective Institutional Portal, if the entity has this mechanism.

(Text according to numeral 20.1 of article 20 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

20.2 The authority cannot replace any modality with another or modify the order of priority established in the previous section, under penalty of nullity of the notification.
You can attend additionally to those or others, if you deem it appropriate to improve the possibilities of participation of the administrators.

20.3 Treatment equal to that provided for in this chapter corresponds to summonses, summonses, document requirements or other similar administrative acts.

20.4. The administrator interested in or affected by the act who has entered in his writing an electronic address that appears in the file may be notified through this means as long as he has given his express authorization to do so. In this case, the order of priority provided in section 20.1 is not applicable.

The notification addressed to the email address indicated by the administrator is understood to have been validly carried out when the entity receives the response from the electronic address indicated by the administrator or it is generated automatically by a technological platform or computer system that guarantees that the notification has been made. The notification takes effect on the day it appears to have been received, in accordance with the provisions of paragraph 2 of article 25.

If an automatic reception response is not received within a maximum period of two (2) business days counted from the day after the notification was carried out via email, notification will be made by means of a document in accordance with section 20.1.1. re-computing the period established in section 24.1 of article 24.

For notification by email, the administrative authority, if it considers it pertinent, may use digital signatures and certificates in accordance with the provisions of the relevant law.

The entity that has technological availability may assign the administrator an electronic box managed by it, for the notification of administrative acts, as well as actions issued within the framework of any administrative activity, as long as it has the express consent of the administrator.

By supreme decree of the sector, after a favorable opinion from the Presidency of the Council of Ministers and the Ministry of Justice and Human Rights, the mandatory nature of notification via electronic mailbox may be approved.

In that case, the notification is understood to have been validly made when the entity deposits it in the electronic mailbox assigned to the administrator, taking effect on the day it is recorded to have been received, in accordance with the provisions of paragraph 2 of article 25.

Likewise, the implementation of the single electronic mailbox for communications and notifications from State entities addressed to those administered is established.
Through Supreme Decree endorsed by the Presidency of the Council of Ministers, the criteria, conditions, mechanisms and deadlines for the gradual implementation in public entities of the electronic single box are approved.

(Text according to numeral 20.4 of article 20 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

Article 21. Personal notification regime

21.1 Personal notification will be made at the address stated in the file, or at the last address that the person to whom it must be notified has indicated to the administrative body in another analogous procedure in the entity itself within the last year.

21.2 In the event that the administrator has not indicated an address, or if it does not exist, the authority must use the address indicated in the National Identity Document of the administrator. If it is verified that the notification cannot be made at the address indicated in the National Identity Document due to any of the circumstances described in section 23.1.2 of article 23, the notification must be carried out by publication.

21.3 In the act of personal notification, a copy of the notified act must be delivered and indicate the date and time in which it is carried out, obtaining the name and signature of the person with whom the procedure is understood. If the latter refuses to sign or receive a copy of the notified act, this will be stated in the minutes, considering it to have been notified. In this case, the notification will record the characteristics of the place where it has been notified.

21.4 Personal notification will be understood with the person who must be notified or his legal representative, but if either of the two is not present at the time of delivering the notification, it may be understood with the person who is at said address. , leaving a record of your name, identification document and your relationship with the administrator.

21.5 In the event of not finding the administrator or another person at the address indicated in the procedure, the notifier must record this in the minutes and place a notice at said address indicating the new date on which the next notification will become effective. cation.

If you cannot directly deliver the notification on the new date, a record will be left under the door along with the notification, a copy of which will be incorporated into the file.

(Text according to article 21 of Law No. 27444)

Article 22.- Notification to a plurality of interested parties

22.1 When there are several recipients, the act will be notified personally to all, unless they act united under the same representation or if they have designated a common address for notifications, in which case these will be made to said single address.

22.2 If more than ten people who have submitted a single request under common law should be notified, the notification will be made to the person who heads the initial document, instructing them to transmit the decision to their co-interested parties.

(Text according to article 22 of Law No. 27444)

Article 23.- Regime of publication of administrative acts

23.1 The publication will proceed in accordance with the following order:

23.1.1 On main roads, in the case of provisions of general scope or those administrative acts that interest an indeterminate number of administrators not involved in the procedure and without a known address.

23.1.2 Subsidiarily to other modalities, in the case of administrative acts of a particular nature when the law so requires, or the authority is faced with any of the following circumstances evident and attributable to the administrator:

- When another form of preferential notification is impracticable because the address of the administrator is unknown, despite the investigation carried out.
- When any other modality has been unsuccessfully practiced, either because the person who must be notified has disappeared, the address provided by the administrator is incorrect or he is abroad without having left a legal representative, despite the request made through the Consulate. respective.

23.2 The publication of an act must contain the same elements provided for notification indicated in this chapter; But in the case of publishing several acts with common elements, it may proceed jointly with the coincident aspects, specifying only the individual aspects of each act.

(Text according to article 23 of Law No. 27444)

23.3. Exceptionally, the publication of an act can be carried out as long as it contains the elements of identification of the administrative act and the summary of the operative part and that it is directed to the Institutional Portal of the authority where the administrative act is published in full, taking effect. within a period of 5 days from publication.

Likewise, the public administration, if requested by the recipient of the act, is obliged to deliver a copy of said administrative act.

The first copy of the administrative act is free of charge and must be issued and delivered on the same day it is requested, and for duly justified exceptional reasons, on the next business day. Through Supreme Decree of the Ministry of Justice and Human Rights, the guidelines for the publication of this type of acts are established.

(Numeral incorporated according to article 3 of the Decree Legislative No. 1452)

Article 24.- Deadline and content to make the notification

24.1 All notification must be made no later than within a period of five (5) days from the issuance of the act being notified, and must contain:

24.1.1 The full text of the administrative act, including your motivation.

24.1.2 The identification of the procedure within which it was issued.

24.1.3 The authority and institution from which the act comes and its direction.

24.1.4 The effective date of the notified act, and with the mention of whether it will exhaust the administrative route.

24.1.5 When it is a publication addressed to third parties, any other information that may be important to protect their interests and rights will also be added.

24.1.6 The expression of the appeals that apply, the body before which the appeal must be presented and the deadline to file them.

24.2 If, based on erroneous information contained in the notification, the administrator performs any procedural act that is rejected by the entity, the time elapsed will not be taken into account to determine the expiration of the corresponding deadlines.

(Text according to article 24 of Law No. 27444)

Article 25. Validity of notifications

The notifications will take effect in accordance with the following rules:

1. Personal notifications: the day they are been carried out.

2. Those sent by certified mail, official letter, email and similar: the day on which they are confirmed to have been received.

3. Notifications by publications: from the day of the last publication in the Official Gazette.

4. When, by express legal provision, an administrative act must be both personally notified to the person administered and published to protect the rights or legitimate interests of non-personalized or undetermined third parties, the act will produce effects from the last notification.

For the purposes of computing the beginning of the deadlines, the rules established in article 144 must be followed, with the exception of the notification of precautionary or precautionary measures, in which case the provisions of the numerals of the preceding paragraph must be applied.

(Text according to article 25 of Law No. 27444)

Article 26.- Defective notifications

26.1 In the event that it is demonstrated that the notification has been made without the formalities and legal requirements, the authority will order it to be redone, correcting the omissions that may have been incurred, without prejudice to the administrator.

26.2 The rejection of the challenge to the validity of a notification causes said notification to operate from the date on which it was made.

(Text according to article 26 of Law No. 27444)

Article 27.- Sanitation of defective notifications

27.1 The defective notification due to omission of any of its content requirements will have legal effects from the date on which the interested party expressly states that they have received it, if there is no evidence to the contrary.

27.2 The administrator will also be deemed to have been notified upon carrying out procedural actions by the interested party that allow it to be reasonably assumed that he had timely knowledge of the content or scope of the resolution, or files any appropriate appeal. The request for notification made by the administrator, so that any decision of the authority is communicated to him or her, is not considered such.

(Text according to article 27 of Law No. 27444)

Article 28.- Communications within the administration

28.1 Communications between administrative bodies within an entity will be carried out directly, avoiding the intervention of other bodies.

28.2 Communications of resolutions to other national authorities or the request to comply with procedural steps will always be sent directly under the notification regime without mere transfer actions due to internal hierarchies or transcription by intermediate bodies.

28.3 When any other authority or internal administrative body must have knowledge of the communication, an informative copy will be sent.

28.4 The documentary evidence of the remote transmission by electronic means between entities and authorities constitutes authentic documentation in itself and will give full faith to all its effects within the file for both parties, regarding the existence of the original transmitted and its reception.

(Text according to article 28 of Law No. 27444)

TITLE II

Of the administrative procedure

CHAPTER I

General disposition

Article 29. Defi nition of administrative procedure

An administrative procedure is understood to be the set of acts and procedures processed in the entities, leading to the issuance of an administrative act that produces individual or individualizable legal effects on the interests, obligations or rights of those administered.

(Text according to article 29 of Law No. 27444)

Article 30.- Electronic Administrative Procedure

30.1 Without prejudice to the use of traditional physical means, the administrative procedure may be carried out totally or partially through electronic technologies and means, and must be recorded in a file, an electronic document, containing the documents presented by those administered, by third parties and by other entities. , as well as those documents sent to the administrator.

30.2 The electronic administrative procedure must respect all the principles, rights and guarantees of due procedure provided for in this Law, without

that the right of defense or the equality of the parties is affected, and the pertinent measures must be provided for when the administrator does not have access to electronic means.

30.3 Administrative acts carried out through electronic means have the same validity and legal effectiveness as acts carried out by traditional physical means. Digital signatures and documents generated and processed through electronic technologies and means, following the procedures defined by the administrative authority, will have the same legal validity as handwritten documents.

30.4 Through Supreme Decree, endorsed by the Presidency of the Council of Ministers, guidelines are approved to establish the conditions and use of electronic technologies and means in administrative procedures, along with their requirements.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 31.- Electronic File

31.1 The electronic file is made up of the set of electronic documents generated from the initiation of the administrative procedure or service provided exclusively in a specific Public Administration entity.

31.2 The electronic file must have a unique and unalterable identification number that allows its univocal identification within the entity that originates it.
This number allows, in turn, its identification for the purposes of an exchange of information between entities or interested parties, as well as for obtaining copies of it if applicable.

31.3 Each electronic document incorporated into the electronic file must be numbered consecutively, so that a digital index is created which is electronically signed in accordance with law by the responsible personnel of the Public Administration entity in order to guarantee the integrity and its recovery whenever necessary.

(Article incorporated according to article 3 of the Decree Legislative No. 1452)

Article 32.- Qualification of administrative procedures

All administrative procedures that, by legal requirement, those administered to entities must initiate to satisfy or exercise their interests or rights, are classified in accordance with the provisions of this chapter, into: automatic approval or prior evaluation procedures by the entity , and the latter in turn subject, in case of lack of timely pronouncement, to positive silence or negative silence. Each entity indicates these procedures in its Single Text of Administrative Procedures - TUPA, following the criteria established in this regulation.

(Text according to article 30 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 33.- Automatic approval procedure regime

33.1 In the automatic approval procedure, the application is considered approved from the moment it is presented to the entity competent to review it, provided that it meets the requirements and delivers the complete documentation required in the entity's TUPA.

33.2 In this procedure, the entities do not issue any express statement confirming the automatic approval, and must only carry out the subsequent inspection. However, when the automatic approval procedures necessarily require the issuance of a document without which the user cannot exercise his or her right, the maximum period for its issuance is five business days, without prejudice to longer periods. fixed by special laws prior to the validity of this Law.

33.3 As proof of the automatic approval of the administrator's request, a copy of the document is sufficient or the format presented containing the official seal of receipt, without observations and indicating the registration number of the application, date, time and signature of the receiving agent.

33.4 Automatic approval procedures, subject to the presumption of truthfulness, are those that enable the exercise of pre-existing rights of the administrator, the registration in administrative records, the obtaining of licenses, authorizations, certificates and certified or similar copies that enable the exercise continued professional, social, economic or labor activities in the private sphere, provided that they do not affect the rights of third parties and without prejudice to the subsequent inspection carried out by the administration.

33.5 The Presidency of the Council of Ministers is empowered to determine the procedures subject to automatic approval. Said qualification is mandatory for adoption, as of the day following its publication in the official gazette, without the need for prior updating of the Single Text of Administrative Procedures by the entities, without prejudice to the provisions of section 44.7 of article 44.

(Text according to article 31 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 34.- Subsequent inspection

34.1 For the subsequent audit, the entity before which an automatic approval procedure, prior evaluation is carried out or has received the documentation referred to in article 49; is obliged to verify ex officio, through the sampling system, the authenticity of the declarations, documents, information and translations provided by the administrator.

34.2 In the case of automatic approval procedures and prior evaluation procedures in which positive administrative silence has operated, the audit includes no less than ten percent (10%) of all files, with a maximum of one hundred and fifty (150) files per semester. This amount may be increased taking into account the impact that the occurrence of fraud or falsehood in the information, documentation or declaration presented may have on the general interest, on the economy, on security or on citizen health. Said audit must be carried out every six months in accordance with the guidelines issued for this purpose by the Presidency of the Council of Ministers.

34.3 In the event of verifying fraud or falsehood in the declaration, information or documentation presented by the administrator, the entity will consider the respective requirement not satisfied for all its purposes, proceeding to declare the nullity of the administrative act supported by said declaration, information or document; and impose on whoever has used that declaration, information or document a fine in favor of the entity of between five (5) and ten (10) Tax Tax Units in force on the date of payment; and, furthermore, if the conduct conforms to the assumptions provided for in Title XIX Crimes against Public Faith of the Penal Code, this must be communicated to the Public Ministry so that it can file the corresponding criminal action.

34.4 As a result of the subsequent audit, the list of administrators who have submitted false or fraudulent statements, information or documents under the protection of automatic approval and prior evaluation procedures, is published quarterly by the Administrative Risk Central, in charge of the Presidency of the Council of Ministers, recording the National Identity Document or the Single Taxpayer Registry and the agency to which they presented said information. The entities must prepare and send the indicated relationship to the Administrative Risk Central, following the current guidelines on the matter. Entities are obliged to automatically include in their subsequent audit actions all procedures initiated by those managed included in the Administrative Risk Central relationship.

(Text according to article 32 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 35.- Prior evaluation procedure with positive silence

35.1 Prior evaluation procedures are subject to positive silence, when dealing with any of the following assumptions:

1.- All procedures at the request of a party not subject to the exhaustive negative administrative silence contemplated in article 38.

2.- Resources intended to challenge the rejection of a request when the individual has opted for the application of negative administrative silence.

35.2 As proof of the application of the positive silence of the application of the administrator, a copy of the document or the format presented containing the official seal of reception, without observations and indicating the registration number of the application, date, time and signature is sufficient. of the receiving agent. In the case of electronic administrative procedures, the email that records the sending of the request is sufficient.

35.3 The Presidency of the Council of Ministers is empowered to determine the procedures subject to positive silence. Said qualification will be mandatory for adoption, starting on the day following its publication in the official journal, without the need for prior updating of the Single Text of Administrative Procedures by the entities, without prejudice to the provisions of section 44.7 of article 44.

35.4 The procedures for ex gratia petition and consultation are governed by their specifi c regulation.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 36.- Approval of petition through positive silence

36.1 In administrative procedures subject to positive silence, the request of the administrator is considered approved if, after the established or maximum period for making a statement has expired, the entity has not notified the corresponding statement, and it is not necessary to issue a statement or any document so that the administrator can make his right effective, under the responsibility of the official or public servant who requires it.

36.2 The provisions of this article do not weaken the obligation of the entity to carry out subsequent inspection of the documents, statements and information presented by the administrator, in accordance with the provisions of article 34.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 37.- Approval of the procedure.

37.1 Notwithstanding what is stated in article 36, the deadline for positive silence to operate in the prior evaluation procedures, regulated in article 35, has expired, without the entity having issued a statement on the request, the administrators, if they consider it pertinent and in a complementary manner, they can present an Affidavit before the entity that configured said fi cta approval, with the purpose of enforcing the right conferred before the same or third entities of the administration, constituting the charge of receipt of said document. , sufficient proof of the fi cta approving resolution of the application or procedure initiated.

37.2 The provisions of the previous paragraph are also applicable to the automatic approval procedure, replacing the fi cta approval, contained in the Affidavit, to the document referred to in paragraph 33.2 of article 33.

37.3 In the event that the administrative authority refuses to receive the Affidavit referred to in the previous paragraph, the administrator may send it through a notarial channel, having the same effects.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 38.- Prior evaluation procedures with negative silence.

38.1 Exceptionally, negative silence is applicable in those cases in which the request of the administrator can significantly affect the public interest and affect the following legal assets: health, the environment, natural resources, citizen security, the system financial and insurance, the stock market, commercial defense, national defense and the cultural heritage of the nation, as well as in those procedures for the promotion of private investment, trilateral procedures, registration procedures and in those that generate obligation of giving or doing of the State and authorizations to operate gaming casinos and slot machines.

The exceptional qualification of negative silence occurs in the rule of creation or modification of the administrative procedure, and its qualification must be technically and legally supported in the statement of reasons, which must specify the impact on the public interest and the impact on any of the legal assets provided for in the previous paragraph.

By Supreme Decree, endorsed by the President of the Council of Ministers, the matters in which, because they significantly affect the public interest, the application of negative administrative silence can be expanded.

(Text modified according to article 2 of the Decree Legislative No. 1452)

38.2 Likewise, it is applicable to those procedures by which powers of the public administration are transferred.

(Text modified according to article 2 of the Decree Legislative No. 1452)

38.3 In tax and customs matters, administrative silence is governed by its special laws and regulations.
In the case of administrative procedures that have an impact on the determination of the tax or customs obligation, the Tax Code applies.

38.4 The authorities are empowered to qualify the aforementioned administrative procedures differently in their Single Text of Administrative Procedures, with the exception of trilateral procedures and those that generate an obligation to give or do to the State, when they appreciate that their effects recognize the interest of the applicant, without significantly exposing the general interest.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 39.- Maximum period of the procedure prior evaluation administrative

The period that elapses from the beginning of an administrative prior evaluation procedure until the respective resolution is issued cannot exceed thirty (30) business days, unless procedures are established by law or legislative decree whose compliance requires a longer duration.

(Text according to article 35 of Law No. 27444)

Article 40.- Legality of the procedure

40.1 The administrative procedures and requirements must be established in a substantive provision approved by supreme decree or higher standard, by Regional Ordinance, by Municipal Ordinance, by Resolution of the head of the constitutionally autonomous organizations.

In the case of regulatory bodies, they may establish procedures and requirements in the exercise of their regulatory function.

The specialized technical agencies of the Executive Branch may establish administrative procedures and requirements by resolution of the management body or the head of the entity, as appropriate, for which they must be authorized by law or legislative decree to regulate the granting or

recognition of the rights of individuals, entry into markets or the development of economic activities. The establishment of the procedures and requirements must comply with the provisions of this section and be within the framework of the provisions of the policies, plans and guidelines of the corresponding sector.

40.2 The entities carry out the Regulatory Quality Analysis of the administrative procedures under their responsibility or their proposals, taking into account the scope established in the current regulations on the matter.

40.3 Administrative procedures must be summarized and systematized in the Single Text of Administrative Procedures, approved for each entity, in which procedures cannot be created or new requirements established, except for those related to the determination of the processing rights that are applicable. according to current regulations.

40.4 Entities only require those administered to comply with procedures, present documents, provide information or pay for processing fees, as long as they comply with the requirements set forth in the previous section.

The authority that proceeds differently, making demands on those administered outside of these cases, incurs responsibility.

40.5 The provisions concerning the elimination of procedures or requirements or their simplification may be approved by Ministerial Resolution, by Resolution of the Board of Directors of the Regulatory Bodies, Resolution of the management body or the head of the specialized technical organizations, as appropriate. , Resolution of the head of the constitutionally autonomous organizations, Regional Decree or Mayoral Decree, depending on whether they are entities dependent on the Executive Branch, Constitutionally Autonomous Organizations, Regional or Local Governments, respectively.

40.6 The administrative procedures, including their requirements, carried out by legal entities under the private regime that provide public services or exercise an administrative function must be duly publicized, for the knowledge of those administered.

(Text according to article 36 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

Article 41.- Mandatory standardized administrative procedures.

41.1 By means of a supreme decree endorsed by the Presidency of the Council of Ministers, standardized administrative procedures and services provided exclusively are approved and must be applied by the entities competent to process them, which are not empowered to modify or alter them.

Entities are obliged to incorporate such standardized procedures and services in their respective Single Text of Administrative Procedures without the need for approval by another entity.

The entities may only determine: the documentary processing unit or the one that takes its place to begin the administrative procedure or service provided exclusively, the competent authority to resolve the administrative procedure and the organic unit to which it belongs, and the competent authority that resolves administrative appeals, where appropriate.

(Text modified according to article 2 of the Decree Legislative No. 1452)

41.2 Failure by the entities to update their respective Single Text of Administrative Procedure within five (5) business days after the entry into force of the standardized administrative procedures by the Presidency of the Council of Ministers, results in the application of article 58.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 42.- Indeterminate validity of the enabling titles

The enabling titles issued are valid indefinitely, unless by law or legislative decree they are establish a specific period of validity. When the authority verifies the change in the conditions essential to obtain it, after inspection, it may revoke the enabling title.

Exceptionally, by supreme decree, the specific validity of the enabling titles is established, for which the entity must support the need, the public interest to be protected and other criteria that are defined in accordance with the regulatory quality standards.

(Text modified according to article 2 of the Decree Legislative No. 1452)

Article 43. Content of the Single Text of Administrative Procedures

43.1 All entities prepare and approve or manage the approval, as the case may be, of their Single Text of Administrative Procedures, which includes:

1. All party initiative procedures required by those administered to satisfy their interests or rights through the pronouncement of any body of the entity, provided that this demand has legal support, which must be expressly recorded in the TUPA with indication of the date of publication in the Official Gazette.

2. The clear and exhaustive description of all the requirements required for the complete completion of each procedure, which must be established in accordance with the provisions of the previous section.

3. The qualification of each procedure as appropriate between prior evaluation or automatic approval procedures.

4. In the case of prior evaluation procedures, whether the applicable administrative silence is negative or positive.

5. The cases in which the payment of processing fees is applicable, indicating their amount and method of payment. The amount of the rights is expressed and published in the entity in legal tender.

6. The appropriate reception channels to access the procedures contained in the TUPA, in accordance with the provisions of articles 127 et seq.

7. The competent authority to resolve each instance of the procedure and the resources to be filed to access them.

8. The forms that are used during the processing of the respective administrative procedure, and should not be used to demand additional requirements.

Complementary information such as service locations, schedules, payment methods, contact information, notes to citizens; Its updating is the responsibility of the highest administrative authority of the entity that manages the TUPA, without following the formalities provided for in sections 44.1 or 44.5.

The Presidency of the Council of Ministers, through a Resolution of the Secretariat of Public Management, approves the Format of the Single Text of Administrative Procedures applicable to the entities provided for in numerals 1 to 7 of article I of the Preliminary Title of this law.

(Text modified according to article 2 of the Decree Legislative No. 1452)

43.2 The TUPA also includes the list of services provided exclusively, understood as the services that the entities are authorized to provide exclusively within the framework of their competence, which cannot be provided by another entity or third parties.

They are included in the TUPA, the provisions of paragraphs 2, 5, 6, 7 and 8 of the previous paragraph being applicable, where applicable.

(Text modified according to article 2 of the Decree Legislative No. 1452)

43.3 The requirements and conditions for the provision of services provided exclusively by the entities are set by supreme decree endorsed by the President of the Council of Ministers.

43.4 For those services that are not provided exclusively, the entities, through a Resolution of the Owner of the entity, establish the name,

the clear and exhaustive description of the requirements and their respective costs, which must be duly disseminated so that they are public knowledge, respecting the provisions of article 60 of the Political Constitution of Peru and the regulations on the repression of unfair competition.

(Text modified according to article 2 of the Decree Legislative No. 1452)

(Text according to article 37 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 44.- Approval and dissemination of the Single Text of Administrative Procedures

44.1 The Single Text of Administrative Procedures (TUPA) is approved by Supreme Decree of the sector, by Regional Ordinance, by Municipal Ordinance, or by Resolution of the Head of a constitutionally autonomous body, according to the respective level of government.

(Text according to section 38.1 of article 38 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

44.2. The norm approved by the TUPA is published in the official newspaper El Peruano.

44.3 The TUPA and the legal provision of approval or modification is compulsorily published on the portal of the official newspaper El Peruano. Additionally, it is disseminated to through the Single Digital Platform for Citizen Guidance of the Peruvian State and in the respective Institutional Portal of the entity. Publication in the media provided for in this section is carried out free of charge.

(Text according to section 38.3 of article 38 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

44.4 Without prejudice to the aforementioned publication, each entity disseminates its TUPA by placing it in a visible place in the entity.

44.5 Once the TUPA is approved, any modification that does not imply the creation of new procedures, increase in processing rights or requirements, must be carried out by Ministerial Resolution of the Sector, or by resolution of the head of the Autonomous Body in accordance with the Political Constitution of the Peru, or by Resolution of the Board of Directors of the Regulatory Agencies, Resolution of the management body or the head of the specialized technical organizations, as appropriate, Regional Decree or Mayoral Decree, according to the respective level of government. Otherwise, its approval is carried out in accordance with the mechanism established in section 44.1. In both cases, the modification will be published in accordance with the provisions of paragraphs 44.2 and 44.3.

(Text according to section 38.5 of article 38 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

44.6 For the preparation of the TUPA, duplication is avoided of administrative procedures in the entities.

44.7 In cases in which by Law, Legislative Decree and other rules of general scope, the requirements, deadline or administrative silence applicable to administrative procedures are established or modified, the Public Administration entities are obliged to make the modifications. corresponding in their respective Single Texts of Administrative Procedures within a maximum period of sixty (60) business days, counted from the entry into force of the rule that establishes or modifies the requirements, term or administrative silence applicable to administrative procedures. If this period has expired, the entity has not updated the TUPA incorporating the established or modified procedure in the current regulations, it cannot fail to issue a statement regarding the procedure or provide the service that is in force in accordance with the corresponding legal framework, under responsibility. .

(Text modified according to article 2 of the Decree Legislative No. 1452)

44.8 The official who:

a) Requests or demands compliance with requirements that are not in the TUPA or that, being in the TUPA, have not been established by current regulations or have been repealed.

b) Apply rates that have not been approved in accordance with the provisions of articles 53 and 54, and by the Single Ordered Text of the Tax Code, when applicable.

c) Apply rates that have not been ratified by the corresponding Provincial Municipality, in accordance with the provisions established in article 40 of Law 27972, Organic Law of Municipalities.

Likewise, the Mayor and the municipal manager, or those acting in their place, incur administrative responsibility when, after a period of thirty (30) business days has elapsed after receiving the request for ratification from the district municipality, they have not complied with the request. of ratification of the rates referred to in article 40 of Law 27972, Organic Law of Municipalities, except for excise taxes in which case the period will be sixty (60) business days.

(Text modified according to article 2 of Legislative Decree No. 1452)

Without prejudice to the foregoing, the requirements established in the preceding paragraphs also constitute an illegal bureaucratic barrier, with the sanctions established in Legislative Decree No. 1256 being applicable, which approves the Law on the Prevention and Elimination of Bureaucratic Barriers or a rule that replaces it.

44.9 The Comptroller General of the Republic, within the framework of the Organic Law of the National Control System and the Comptroller General of the Republic, verifies compliance with the deadlines indicated in section 44.7 of this article.

(Text modified according to article 2 Decree Legislative No. 1272)

Article 45.- Considerations to structure the procedure

45.1 Only those that are reasonably essential to obtain the corresponding ruling will be included as requirements for carrying out each administrative procedure, also taking into account their costs and benefits.

45.2 For this purpose, each entity considers as criteria:

45.2.1 The documentation that may be requested in accordance with this law, the one prevented from requiring and those substitutes established to replace the original documentation.

45.2.2 Its need and relevance in relation to the purpose of the administrative procedure and to obtain the required ruling.

45.2.3 The real capacity of the entity to process the required information, in the process of prior evaluation or subsequent audit.

(Text according to article 39 of Law No. 27444)

Article 46.- Access to information for consultation by the entities

46.1 All entities have the obligation to allow others, free of charge, access to their databases and records to consult information required to comply with the requirements of administrative procedures or services provided exclusively.

46.2 In these cases, the entity only requests that the administrator submit a sworn statement in which he or she states that he or she complies with the requirement established in the administrative procedure or service provided exclusively.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 47.- Intercultural approach

Administrative authorities must act by applying an intercultural approach, contributing to the

generation of a service with cultural relevance, which implies the adaptation of the processes that are necessary based on the geographical, environmental, socioeconomic, linguistic and cultural characteristics of those administered to whom said service is intended.

(Article incorporated according to article 3 of the Decree Legislative No. 1452)

Article 48.- Documentation prohibited from requesting

48.1 For the initiation, continuation or conclusion of any procedure, common or special, entities are prohibited from requesting the administration to present the following information or the documentation that contains it:

48.1.1 That which the requesting entity generates or possesses as a product of the exercise of its public functions conferred by the Law or which it must possess by virtue of any procedure previously carried out by the administrator in any of its departments, or for having been audited by them, during five (5) immediately preceding years, provided that the data had not changed. To prove it, it is enough for the administrator to show a copy of the charge showing said presentation, duly sealed and dated by the entity to which it was provided.

48.1.2 That which has been issued by the same entity or by other public entities in the sector, in which case it is up to the entity itself to collect it directly.

48.1.3 Presentation of more than two copies of the same document before the entity, unless it is necessary to notify as many other interested parties.

48.1.4 Personal photographs, except to obtain identity documents, passports or licenses or authorizations of a personal nature, for reasons of national security and citizen security. Those administered will provide the requested photographs themselves or will be free to choose the company that produces them, with the exception of cases of image digitization.

48.1.5 Personal identity documents other than the National Identity Document. Likewise, only an immigration card or passport will be required for foreign citizens, as appropriate.

48.1.6 Collect stamps from the entity itself, which must be collected by the authority in charge of the file.

48.1.7 New documents or copies, when others are presented, despite having been produced for another purpose, unless they are illegible.

48.1.8 Proof of payment made to the entity itself for some procedure, in which case the administrator is only obliged to inform in his writing the day of payment and the number of proof of payment, with immediate verification being the responsibility of the administration.

48.1.9 That which, in accordance with the applicable regulations, was or should have been accredited in a previous phase or to obtain the completion of a previous procedure already completed. In this case, the information or documentation will be deemed accredited for all legal purposes.

48.1.10 All information or documentation that Public Administration entities manage, collect, systematize, create or possess with respect to users or administrators that they are obliged to provide or make available to other entities that require them for the processing of its administrative procedures and for its internal administration acts, in accordance with the provisions of law, legislative decree or Supreme Decree endorsed by the President of the Council of Ministers.

The deadlines and other conditions for the application of the provisions of this section to Public Administration entities other than the Executive Branch are established by Supreme Decree endorsed by the President of the Council of Ministers.

48.2 The provisions contained in this article do not limit the authority of the administrator to spontaneously present the aforementioned documentation, if deemed appropriate.

(Text according to article 40 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 49.- Presentation of substitute documents for the originals

49.1 To comply with the requirements corresponding to all administrative procedures, common or special, entities are obliged to receive the following documents and information instead of official documentation, which they replace with the same evidentiary merit:

49.1.1 Simple copies to replace original documents or notarized copies of such documents, accompanied by a sworn statement from the administrator regarding their authenticity. Simple copies will be accepted, whether or not they are certified by notaries, officials or public servants in the exercise of their functions and will have the same value as the original documents for compliance with the requirements corresponding to the processing of administrative procedures followed before any entity. .

49.1.2 Simple translations with the indication and subscription of who ofi cie of translator duly identified, in lieu of of ficial translations.

49.1.3 The written expressions of the administrator contained in sworn statements through which they affirm their favorable situation or status, as well as the existence, veracity, validity in replacement of the information or documentation prohibited from requesting.

49.1.4 Private instruments, notarial receipts or simple copies of public deeds, instead of public instruments of any nature, or notarial testimonies, respectively.

49.1.5 Original certificates signed by duly identified independent professionals to replace official certifications about the special conditions of the administrator or his interests whose appreciation requires special technical or professional attitudes to recognize them, such as health certificates or architectural plans , among others. They will be registered professionals only when the rule that regulates the requirements of the procedure so requires.

49.1.6 Photostatic copies of official formats or a particular reproduction of them prepared by the administrator, fully respecting the structure of those defined by the authority, replacing the official forms approved by the entity itself for the provision of data.

49.2 The presentation and admission of documentary substitutes is done under the protection of the principle of presumption of veracity and entails the mandatory carrying out of subsequent inspection actions by said entities, with the consequent application of the sanctions provided for in section 34.3 of the Article 34 if fraud or falsehood is proven.

49.3 The provisions of this article are applicable even when an express rule provides for the presentation of original documents.

49.4 The provisions contained in this article do not limit the right of the administrator to present the documentation prohibited from being required, if it is considered appropriate to his right.

49.5 By Supreme Decree endorsed by the President of the Council of Ministers and the competent sector, the list of original documents that can be replaced by substitutes can be expanded.

(Text according to article 41 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 50.- Validity of administrative acts of other entities and suspension of the procedure

Except for a special rule, in the processing of administrative procedures, entities cannot question the validity of administrative acts issued by other entities that are presented to comply with the requirements of the administrative procedures under their charge. Nor can they suspend the processing of procedures pending resolutions or information from another entity.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 51.- Presumption of truthfulness

51.1 All sworn statements, substitute documents presented and the information included in the writings and forms presented by those administered to carry out administrative procedures, are presumed verified by the person who makes use of them, with respect to their own situation, as well as truthful content for administrative purposes, unless proven otherwise. In the case of documents issued by government authorities or third parties, the administrator can prove his due diligence in carrying out the corresponding and reasonable verifications prior to their presentation.

51.2 In the case of part translations, as well as professional or technical reports or certificates presented as substitutes for official documentation, said responsibility extends jointly to the person presenting them and those who issued them.

(Text according to article 42 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 52.- Value of public and private documents

52.1 Public documents are considered those validly issued by the bodies of the entities.

52.2 The copy of any public document enjoys the same validity and effectiveness as these, as long as there is evidence that it is authentic.

52.3 The copy of the private document whose authenticity has been certified by the notary, has full validity and effectiveness, exclusively in the scope of activity of the entity that authenticates it.

(Text according to article 43 of Law No. 27444)

Article 53.- Right to process

53.1 It is appropriate to establish processing rights in administrative procedures, when their processing implies for the entity the provision of a specific and individualizable service in favor of the administrator, or based on the cost derived from the activities aimed at analyzing the request; except in cases where there are taxes intended to directly finance the activities of the entity. This cost includes the operation and maintenance expenses of the infrastructure associated with each procedure.

53.2 The conditions for the origin of this charge are that the processing fees have been determined in accordance with the current methodology, and that they are recorded in the current Single Text of Administrative Procedures. In the case of entities of the Executive Branch, the endorsement of the Ministry of Economy and Finance must also be obtained.

(Text according to section 44.2 of article 44 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

53.3 It is not appropriate to establish charges for processing fees for procedures initiated ex officio, nor in those in which the right to ex gratia petition, regulated in article 123, or the right to report to the entity for functional infractions by its own officials are exercised. or that must be known by the Institutional Control Bodies, for which each entity must establish the corresponding procedure.

(Text according to section 44.3 of article 44 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

53.4 Procedures cannot be divided nor charging established in stages.

53.5 The entity is obliged to reduce processing fees in administrative procedures if, as a result of their processing, economic surpluses have been generated in the previous year.

53.6 By means of a supreme decree endorsed by the President of the Council of Ministers and the Minister of Economy and Finance, the criteria, procedures and methodologies for determining of the costs of the procedures, and administrative services provided by the administration and for the establishment of processing fees. The application of said criteria, procedures and methodologies is mandatory for the determination of costs of administrative procedures and services provided exclusively for all public entities in the processes of preparation or modification of the Single Text of

Administrative Procedures of each entity. The entity may approve processing fees lower than those resulting from the application of the criteria, procedures and methodologies approved according to this article.

(Text according to section 44.6 of article 44 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

53.7 By Supreme Decree endorsed by the President of the Council of Ministers and the Minister of Economy and Finance, following the provisions of the previous paragraph, processing rights for standardized procedures can be approved, which are mandatory for entities to comply. from its publication in the Official Gazette, without the need to update the Single Text of Administrative Procedures. Without prejudice to the foregoing, entities are obliged to incorporate the amount of the processing fee in their Single Text of Administrative Procedures within a maximum period of five (5) business days, without requiring a process of approval of processing fees, nor its ratification.

(Text modified according to article 2 Decree Legislative No. 1272)

Article 54.- Limit of processing rights

54.1 The amount of the processing fee is determined based on the amount of the cost that its execution generates for the entity for the service provided throughout its processing and, where applicable, by the actual cost of production of documents issued by the entity. Its amount is supported by the server in charge of the administration office of each entity.

For the cost to be greater than one (1) UIT, authorization from the Ministry of Economy and Finance is required in accordance with the guidelines for the preparation and approval of the Single Text of Administrative Procedures approved by Resolution of the Secretary of Public Management. This authorization is not applicable in cases where the Presidency of the Council of Ministers has approved processing rights for standardized procedures.

(Text according to section 45.1 of article 45 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

54.2 Entities cannot establish differentiated payments to give preference or special treatment to a request, distinguishing it from others of the same type, nor discriminate based on the type of administrator that follows the procedure.

(Text according to article 45 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 55.- Cancellation of processing rights

The form of cancellation of processing rights is established in the institutional TUPA, and must tend to ensure that payment in favor of the entity can be made through any monetary form that allows its verification, including credits to bank accounts or electronic transfers of funds.

(Text according to article 46 of Law No. 27444)

Article 56.- Reimbursement of administrative expenses

56.1 Reimbursement of administrative expenses is only applicable when a law expressly authorizes it.

Administrative expenses are those caused by specific actions requested by the administrator.

within the procedure. It is requested once the administrative procedure has begun and is the responsibility of the administrator who requested the action or of all the administrators, if the matter is of common interest; having the right to verify and, where appropriate, to observe, the support of the expenses to be reimbursed.

56.2 In the case of trilateral administrative procedures, the entities may order in the administrative act that causes the state the condemnation of costs and costs for the filing of malicious or reckless administrative resources. A malicious or reckless resource is understood to be one that lacks any basis in fact or law, so that due to the obvious lack of rigor in its foundation, the bad faith intention of the administrator is evident. To do this, the objective knowledge of the administrator of causing harm must be proven.

The guidelines for the application of this section will be approved by Supreme Decree endorsed by the President of the Presidency of the Council of Ministers.

(Text according to article 47 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 57.- Compliance with the rules of this chapter

57.1 The Presidency of the Council of Ministers, as the governing entity, is the highest technical-regulatory authority of the Public Management Modernization System and is in charge of guaranteeing compliance with the standards established in this chapter in all public administration entities. , without prejudice to the powers attributed to the Commission for the Elimination of Bureaucratic Barriers of the National Institute for the Defense of Competition and Protection of Intellectual Property to hear and resolve complaints that citizens or economic agents make to it on the subject.

57.2 The Presidency of the Council of Ministers has the following powers:

1. Issue directives, methodologies and technical-regulatory guidelines in matters within its jurisdiction, including those referring to the creation of administrative procedures and services provided exclusively.

2. Issue a binding opinion on the scope and interpretation of the administrative simplification rules including this Law. In the case of the Single Text of Administrative Procedures of the Ministries and Public Organizations, issue an opinion prior to its approval.

3. Advise entities on administrative simplification and permanently evaluate the administrative simplification processes within the entities, for which they may request all the information required from them.

4. Supervise and ensure compliance with the rules of this Law, except for matters relating to the determination of processing rights.

5. Supervise that entities comply with approving their Single Text of Administrative Procedures in accordance with applicable regulations.

6. Carry out the necessary steps to make effective the responsibility of officials for non-compliance with the rules of this Chapter, for which they have the legitimacy to take action before the various entities of the public administration.

7. Establish mechanisms for receiving complaints and other citizen participation mechanisms. When such complaints refer to matters within the competence of the Commission for the Elimination of Bureaucratic Barriers, it will refrain from hearing them and will send them directly to it.

8. Detect non-compliance with the rules of this Law and order the pertinent regulatory modifications, granting entities a peremptory period for correction.

9. If the correction does not occur, the Presidency of the Council of Ministers delivers a report to the Commission for the Elimination of Bureaucratic Barriers of INDECOPI, so that it can initiate ex officio a procedure to eliminate bureaucratic barriers, without prejudice to the application of the provisions of article 261.

Likewise, the Barrier Removal Commission INDECOPI Bureaucracies have the power to supervise:

to. That entities comply with applying standardized procedures and incorporating them into their Single Texts of Administrative Procedures.

b. That entities comply with the rules of administrative simplification in the processing of their administrative procedures and services provided exclusively.

10. Request the Technical Secretariat of the Bureaucratic Barriers Commission to initiate an ex officio procedure regarding the elimination of bureaucratic barriers contained in administrative provisions that regulate the exercise of significant economic activities for the development of the country.

11. Others provided for in this Law and those indicated by the corresponding legal provisions.

(Text according to article 48 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

Article 58.- Regime of entities without Single Text of Administrative Procedures in force

58.1 When the entity does not comply with publishing its Single Text of Administrative Procedures, or publishes it omitting procedures, those administered, without prejudice to making effective the responsibility of the offending authority, are subject to the following regime:

1. Regarding administrative procedures that must be approved automatically or that are subject to positive administrative silence, those administered are released from the requirement to initiate that procedure to obtain prior authorization to carry out their professional, social, economic or labor activity. , without being subject to sanctions for the free development of such activities. The suspension of this prerogative of the authority concludes as of the day following the publication of the TUPA, without retroactive effect.

Administrative procedures subject to negative administrative silence follow the regime provided for in the rule creating or modifying the respective administrative procedure.

(Text according to article 49 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

2. With respect to other matters subject to the prior evaluation procedure, the regime provided for in each case by this Chapter is followed.

58.2 Failure to comply with the obligations to approve and publish the Single Text of Procedures generates the following consequences:

1. For the entity, the suspension of its powers to demand from the administrator the processing of the administrative procedure, the presentation of requirements or the payment of the processing fee, for the development of its activities.

2. For the officials responsible for the application of the provisions of this Law and the respective regulations, it constitutes a serious disciplinary offense.

(Text according to article 49 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 59.- Outsourcing of activities

All activities linked to oversight functions, administrative procedures and services provided exclusively other than the issuance of administrative acts or any resolution may be outsourced unless otherwise provided by law. Through a Supreme Decree endorsed by the Presidency of the Council of Ministers, the necessary provisions for the application of this modality are established.

(Text modified according to article 2 of the Decree Legislative No. 1452)

Article 60.- Role of the Comptroller General and the internal control bodies

60.1 It is up to the Comptroller General of the Republic and the internal control bodies of the entities, within the framework of Law N 27785, Organic Law of the National Control System and the Comptroller General of the Republic, to verify ex officio that The entities and their officials and public servants comply with the obligations established in Chapter I, General Provisions, of Title, II Administrative Procedure, of Law No. 27444, General Administrative Procedure Law.

60.2 Those administered may submit complaints to the internal control bodies of the entities, which are part of the National Control System, or directly to the Comptroller General of the Republic, against officials or public servants who fail to comply with any of the obligations set forth. refers to the previous paragraph.

60.3 It is the obligation of the internal control bodies of the entities or the Comptroller General of the Republic that are aware of the complaints to inform the complainants about the processing of the same and about the actions that are developed, or the decisions that are adopted, as a result of complaints in relation to the irregularities or non-compliance that are the subject of the complaint.

60.4 The head or person in charge of the internal control body has the obligation to prepare a quarterly report, which must be sent to the head of the entity so that he or she can arrange for it to be published in the respective institutional transparency web portal within a period of no more than 5 business days. , in which it will report on the actions taken, or the decisions taken, in relation to the complaints it receives against officials or public servants who fail to comply with the obligations referred to in the first paragraph of this device.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

CHAPTER II

Of the subjects of the procedure

Article 61.- Subjects of the procedure

For the purposes of compliance with the provisions of Administrative Law, the subjects of the procedure are understood to be:

1. Administered: the natural or legal person who, whatever their qualification or procedural situation, participates in the administrative procedure. When an entity intervenes in a procedure as an administrator, it is subject to the rules that discipline it with equal powers and duties as other administrators.

2. Administrative authority: the agent of the entities that under any legal regime, and exercising public powers, conduct the initiation, investigation, substantiation, resolution, execution, or that otherwise participate in the management of administrative procedures.

(Text according to article 50 of Law No. 27444)

Subchapter I

Of those administered

Article 62.- Content of the administered concept

They are considered administered with respect to some specific administrative procedure:

1. Those who promote it as holders of individual or collective rights or legitimate interests.
2. Those who, without having initiated the procedure, have legitimate rights or interests that may be affected by the decision to be adopted.

(Text according to article 51 of Law No. 27444)

Article 63.- Procedural capacity

People who have legal capacity in accordance with the laws have procedural capacity before the entities.

(Text according to article 52 of Law No. 27444)

Article 64.- Representation of legal entities

Legal entities can intervene in the procedure through their legal representatives, who act armed with their respective powers.

(Text according to article 53 of Law No. 27444)

Article 65.- Freedom of procedural action

63.1 The administrator is authorized, in his relations with the entities, to carry out any action that is not expressly prohibited by any legal device.

63.2 For the purposes of the previous section, anything that prevents or disturbs the rights of other administrators, or the fulfillment of their duties regarding the administrative procedure, is understood to be prohibited.

(Text according to article 54 of Law No. 27444)

Article 66.- Rights of those administered

The following are the rights of those administered with respect to the administrative procedure:

1. Precedence in public service attention required, keeping strict order of entry.
2. Be treated with respect and consideration by the entities' personnel, under conditions of equality with the others managed.
3. Access, at any time, directly and without any limitation, the information contained in the files of the administrative procedures in which they are parties and obtain copies of the documents contained therein, defraying the cost of their request, except for the exceptions expressly provided by law.

4. Access the free information that State entities must provide about their community-oriented activities, including their purposes, powers, functions, organizational charts, location of offices, opening hours, procedures and characteristics.

5. To be informed in the ex officio procedures about their nature, scope and, if foreseeable, the estimated period of their duration, as well as their rights and obligations in the course of such action.

6. Participate responsibly and progressively in the provision and control of public services, ensuring their efficiency and timeliness.

7. To comply with the deadlines determined for each service or action and demand it from the authorities.
8. Be assisted by entities to fulfill their obligations.

9. Know the identity of the authorities and personnel at the service of the entity under whose responsibility the procedures of your interest are processed.
10. That the actions of the entities that affect them are carried out in the least burdensome manner possible.

11. To the responsible exercise of the right to formulate analysis, criticism or question the decisions and actions of the entities.

12. Not to present documents prohibited from requesting by entities, to use documentary substitutes and not to pay fees different from those due according to the rules of this Law.

13. That in the case of renewals of authorizations, licenses, permits and similar, they are automatically understood to be extended as long as they have been requested during the original validity, and while the authority instructs the renewal procedure and notifies the final decision on this file. .

14. To demand the responsibility of the entities and personnel at their service, when legally appropriate, and

15. The other rights recognized by the Political Constitution of Peru or the laws.

(Text according to article 55 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 67.- General duties of the administered in the procedure

Those administered with respect to the administrative procedure, as well as those who participate in it, have the following general duties:

1. Refrain from formulating illegal claims or articulations, from declaring facts contrary to the truth or not confirmed as if they were reliable, from requesting merely dilatory actions, or in any other way affecting the principle of procedural conduct.

2. Provide your collaboration for the pertinent clarification of the facts.

3. Provide the authority with any information aimed at identifying other non-appearing administrators with legitimate interest in the procedure.

4. Check, prior to its presentation to the entity, the authenticity of the substitute documentation and any other information that is protected by the presumption of truthfulness.

(Text according to article 56 of Law No. 27444)

Article 68.- Provision of information to the entities

68.1 The administrators are empowered to provide the entities with the information and documents related to their requests or claims that they deem necessary to obtain the ruling.

68.2 In investigative procedures, those administered are obliged to provide the information and documents that they knew and that were reasonably appropriate to the objectives of the action to achieve the material truth, in accordance with the provisions of the chapter on the investigation.

(Text according to article 57 of Law No. 27444)

Article 69.- Personal appearance

69.1 Entities may summon the personal appearance of those they manage at their headquarters only when they have been expressly authorized to do so by law.
69.2 Those administered may appear assisted by advisors when necessary for the best presentation of the truth of the facts.

69.3 At the verbal request of the administrator, the entity delivers, at the end of the event, proof of his or her appearance and a copy of the prepared minutes.

(Text according to article 58 of Law No. 27444)

Article 70.- Appearance formalities

70.1 The summons is governed by the common regime of the notification, stating in it the following:

70.1.1 The name and address of the citing body, with identification of the requesting authority;
70.1.2 The purpose and subject of the appearance;
70.1.3 The names and surnames of the person mentioned;
70.1.4 The day and time in which the summoned party must appear, which cannot be before the third day after receiving the summons, and, if foreseeable, the maximum duration that their presence requires. Conventionally, the day and time of appearance can be set;

70.1.5 The legal provision that authorizes the body to make this summons; and,
70.1.6 The warning, in case of non-attendance to the request.

70.2 The appearance must be carried out, as far as possible, in a manner compatible with the work or professional obligations of those summoned.
70.3 The summons that violates any of the indicated requirements has no effect, nor does it require attendance by those administered.

(Text according to article 59 of Law No. 27444)

Article 71.- Administered third parties

71.1 If during the processing of a procedure
The existence of certain non-appearing third parties whose rights or legitimate interests may be affected by the resolution that is issued is noted; said processing and the actions taken must be communicated to them by summons to the address that is known, without interrupting the procedure.

71.2 With respect to undetermined third parties, the summons is made by publication or, when appropriate, by carrying out the public information procedure or public hearing, in accordance with this Law.

71.3 Third parties may appear at any stage of the procedure, having the same rights and obligations as the participants in it.

(Text according to article 60 of Law No. 27444)

Subchapter II
From the administrative authority:
General principles and competence

Article 72.- Source of administrative competence

72.1 The competence of the entities has its source in the Constitution and the law, and is regulated by the administrative regulations that derive from them.
72.2 Every entity is competent to carry out the internal material tasks necessary for the efficient fulfillment of its mission and objectives, as well as for the distribution of the powers that are within its competence.

(Text according to article 61 of Law No. 27444)

Article 73.- Presumption of deconcentrated jurisdiction

73.1 When a rule attributes to an entity some competence or power without specifying which body within it must exercise it, it must be understood that it corresponds to the lower hierarchy body with the most similar function linked to it due to the subject matter and territory, and, If there are several possible bodies, to the common hierarchical superior.

73.2 It is particularly the responsibility of these bodies to resolve matters that consist of the simple confrontation of facts with express norms or matters such as: certifications, inscriptions, referrals to the archive, notifications, issuance of certified copies of documents, communications or the return of documents.

73.3 Each entity is competent to carry out internal material tasks necessary for the efficient fulfillment of its mission and objectives.

(Text according to article 62 of Law No. 27444)

Article 74.- Inalienable nature of administrative competence

74.1 Any administrative act or contract that contemplates the renunciation of ownership, or the abstention from the exercise of the powers conferred on any body is void.
administrative.
74.2 Only by law or by express judicial order, in a specific case, can an authority be required not to exercise any administrative authority within its jurisdiction.

74.3 Delay or negligence in the exercise of jurisdiction or its non-exercise when applicable, constitutes a disciplinary offense attributable to the respective authority.

74.4 Entities or their officials cannot fail to comply with the processing of administrative procedures, in accordance with the provisions of this Law.

Any act against is null and void.

(Text according to article 63 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 75. Confl ict with the jurisdictional function

75.1 When, during the processing of a procedure, the administrative authority acquires knowledge that a contentious issue between two administered parties is being processed in the jurisdictional headquarters regarding certain private law relationships that need to be clarified prior to the administrative ruling, it will request communication from the jurisdictional body regarding the actions carried out.

75.2 Once the communication is received, and only if it considers that there is strict identity of subjects, facts and foundations, the competent authority for the resolution of the procedure may determine its inhibition until the jurisdictional body resolves the dispute.

The inhibitory resolution is raised in consultation with the hierarchical superior, if any, even when there is no appeal. If the inhibitory resolution is confirmed, it is communicated to the corresponding Public Prosecutor so that, if applicable and in the interests of the State, he or she may appear in the process.

(Text according to article 64 of Law No. 27444)

Article 76.- Exercise of competition

76.1 The exercise of jurisdiction is a direct obligation of the administrative body that has attributed it as its own, except for the change of jurisdiction for reasons of delegation or evocation, as provided for in this Law.

76.2 The management assignment, the delegation of signature and the substitution do not imply alteration of the ownership of the competence.

76.3 The competence of the entities enshrined in the Constitution cannot be changed, altered or modified.

(Text according to article 65 of Law No. 27444)

Article 77.- Changes of jurisdiction for organizational reasons

If during the processing of an administrative procedure, the competence to know it is transferred to another administrative body or entity for organizational reasons, the procedure will continue in this one without reverting stages or suspending deadlines.

(Text according to article 66 of Law No. 27444)

Article 78.- Delegation of competence

78.1 Entities may delegate the exercise of competence conferred to their bodies to other entities when there are technical, economic, social or territorial circumstances that make it convenient.

The delegation of competence from one body to another within the same entity is also appropriate.

78.2 The essential powers of the body that justify its existence, the powers to issue general rules, to resolve administrative appeals in the bodies that have issued the acts subject to appeal, and the powers received in delegation, cannot be delegated.

78.3 While the delegation lasts, the delegator will not be able to exercise the competence that he or she has delegated, except in cases in which the law allows avocation.

78.4 Administrative acts issued by delegation expressly indicate this circumstance and are considered issued by the delegating entity.

78.5 The delegation terminates:

a) By revocation or certification.

b) For compliance with the term or condition provided for in the act of delegation.

(Text according to article 67 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 79. Duty of supervision of the delegate

The delegator will always have the obligation to monitor the management of the delegate, and may be responsible to the latter for fault in the monitoring.

(Text according to article 68 of Law No. 27444)

Article 80.- Claim of jurisdiction

80.1 In general, the law may consider exceptional cases of assertion of knowledge, by superiors, due to the subject matter, or the particular structure of each entity.

80.2 The delegating entity may be responsible for the knowledge and decision of any specific matter that corresponds to another entity, by virtue of delegation.

(Text according to article 69 of Law No. 27444)

Article 81.- Common provision for the delegation and claim of competence

Any change of jurisdiction must be temporary, motivated, and its content must refer to a series of acts or procedures indicated in the act that originates it.

The decision made must be notified to the parties included in the ongoing procedure prior to the resolution issued.

(Text according to article 70 of Law No. 27444)

Article 82.- Management assignment

82.1 The carrying out of activities of a material, technical or service nature within the competence of a body may be entrusted to other bodies or entities for reasons of efficiency, or when the person in charge has the appropriate means to carry them out on its own.

82.2 The order is formalized by agreement, which expressly mentions the activity or activities that affect the term, nature and scope.

82.3 The commissioning body remains in charge of the competence and with responsibility for it, and must supervise the activity.

82.4 By means of a rule with the rank of law, entities may be empowered to carry out management assignments to non-state legal entities, when technical and budgetary reasons make it advisable under the same terms provided for in this article, said assignment must be carried out subject to the Administrative law.

(Text according to article 71 of Law No. 27444)

Article 83.- Delegation of signature

83.1 The heads of the administrative bodies may delegate by written communication the signing of acts and decisions within their jurisdiction to their immediate subordinates, or to the heads of the administrative bodies or units that depend on them, except in the case of resolutions of sanctioning procedures. or those that exhaust the administrative route.

83.2 In the case of delegation of signature, the delegator is the only one responsible and the delegate is limited to signing what has been resolved by the delegator.

83.3 The delegate signs the acts with the annotation "by", followed by the name and position of the delegator.

(Text according to article 72 of Law No. 27444)

Article 84.- Substitution

84.1 The performance of the positions of the heads of the administrative bodies may be temporarily replaced in case of vacancy or justified absence, by whoever designates the competent authority to make their appointment.

84.2 The substitute replaces the holder for all legal purposes, exercising the functions of the body with the fullness of the powers and duties that they contain.

84.3 If the holder or substitute is not designated, the position is assumed temporarily by the person next in hierarchy in said unit; and in the presence of more than one with the same level, by the person who holds the position with greater ties to the management of the area they replace; and, if the equivalence persists, the one with the greatest seniority; in all cases on an interim basis.

(Text according to article 73 of Law No. 27444)

Article 85.- Deconcentration

85.1 The ownership and exercise of competence assigned to the administrative bodies are deconcentrated in other bodies of the entity, following the criteria established in this Law.

The deconcentration of competition can be vertical or horizontal. The first is an organizational form of deconcentration of competence that is established based on the grade and line of the body that performs the functions, without taking into account the geographical aspect. The second is an organizational form of deconcentration of competition that is used in order to expand

the coverage of the administrative functions or services of an entity.

85.2 The management bodies of the entities are freed from any execution routine, from issuing ordinary communications and from the tasks of formalizing administrative acts, so that they can concentrate on planning, supervision, coordination, internal control activities. their level and in the evaluation of results.

85.3 Competence to issue resolutions is transferred to hierarchically dependent bodies, with the aim of bringing administrative powers that concern their interests closer to those administered.

85.4 When the challenge against administrative acts issued in the exercise of deconcentrated jurisdiction is appropriate, it will be up to the person who transferred them to resolve them, unless otherwise provided by law.

(Text according to article 74 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 86.- Duties of the authorities in the procedures

The following are the duties of the authorities regarding the administrative procedure and its participants:

1. Act within the scope of their competence and in accordance with the purposes for which their powers were conferred.

2. Perform their functions following the principles of the administrative procedure provided for in the Preliminary Title of this Law.

3. Direct the procedure ex officio, when it notices any error or omission of the administrators, without prejudice to the action that corresponds to them.

4. Refrain from requiring those administered to comply with requirements, carry out procedures, provide information or make payments that are not legally provided for.

5. Carry out the actions under your responsibility in a timely manner, to facilitate the administration's timely exercise of the procedural acts of their position.

6. Explicitly resolve all applications submitted, except in those automatic approval procedures.

7. Ensure the effectiveness of procedural actions, seeking simplification in their procedures, with no formalities other than those essential to guarantee respect for the rights of those administered or to promote certainty in the actions.

8. Interpret administrative regulations in a way that best serves the public purpose to which they are directed, reasonably preserving the rights of those administered.

9. The others provided for in this Law or derived from the duty to protect, preserve and provide assistance to the rights of those administered, in order to preserve their effectiveness.

10. Provide suitable spaces for the consultation of files and documents, as well as for the comfortable and orderly attention of the public, without prejudice to the use of media with the application of information technology or other similar media.

(Text according to article 75 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Subchapter III

Collaboration between entities

Article 87.- Collaboration between entities

87.1 The relationships between the entities are governed by the criterion of collaboration, without this implying the renunciation of their own jurisdiction established by law.

87.2 In response to the collaboration criterion, entities must:

87.2.1 Respect the exercise of competence of other entities, without questioning outside the institutional levels.

87.2.2 Directly provide the data and information they possess, regardless of their nature legal or institutional position, through any means, without more limitation than that established by the Constitution or the law, for which the interconnection of electronic information processing equipment, or other similar means, will be encouraged.

87.2.3 Provide, within its own sphere, the cooperation and active assistance that other entities may need to fulfill their own functions, unless it causes them high expenses or endangers the fulfillment of their own functions.

87.2.4 Provide entities with the means of proof in their possession, when requested for the best fulfillment of their duties, unless otherwise provided by law.

87.2.5 Provide a free and timely response to requests for information made by another public entity in the exercise of its functions.

87.3 In procedures subject to positive administrative silence, the deadline for resolution will be suspended when an entity requires the collaboration of another to provide it with the information provided for in sections 87.2.3 and 87.2.4, provided that this is essential for the resolution of the case. administrative Procedure. The suspension period may not exceed the period provided in section 3 of article 143.

87.4 When an entity requests the collaboration of another entity, it must notify the administrator within 3 days of requesting the information.

(Text according to article 76 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 88.- Interinstitutional means collaboration

88.1 Entities are empowered to give stability of inter-institutional collaboration through conferences between related entities, collaboration agreements or other legally admissible means.

88.2 Conferences between linked entities allow those entities that correspond to the same administrative problem to meet to exchange solution mechanisms, promote institutional collaboration on specific common aspects and constitute instances of bilateral cooperation.

The agreements will be formalized when warranted, through agreements signed by the authorized representatives.

88.3. Through collaboration agreements, the entities, through their authorized representatives, enter into agreements within the law within the scope of their respective competence, of a mandatory nature for the parties and with an express clause of free adhesion and separation.

88.4 Entities may enter into agreements with private sector institutions, provided that this achieves compliance with its purpose and does not violate public order regulations.

(Text according to article 77 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 89.- Execution of collaboration between authorities

89.1 The origin of the requested collaboration is regulated in accordance with the rules of the requesting authority, but its compliance is governed by the rules of the requested authority.

89.2 The authority requesting collaboration is responsible exclusively for the legality of what is requested and for the use of its results. The requested authority is responsible for the execution of the collaboration carried out.

(Text according to article 78 of Law No. 27444)

Article 90.- Collaboration costs

90.1 The request for collaboration does not generate the payment of fees, administrative rights or any other concept that implies any payment, between public administration entities.

90.2 At the request of the requested authority, the requesting authority of another entity will have to pay to it the

actual expenses incurred when the actions are outside the scope of the entity's ordinary activity.

(Text according to article 79 of Law No. 27444)

Subchapter IV

Competition conflicts and abstention

Article 91.- Competition control

Once the request or order from a higher authority has been received, as the case may be, to initiate a procedure, the ex officio authorities must ensure their own competence to continue with the normal development of the procedure, following the criteria applicable to the case of the matter, the territory, time, degree or amount.

(Text according to article 80 of Law No. 27444)

Article 92.- Conflicts of competence

92.1 Incompetence may be declared ex officio, once assessed in accordance with the previous article or at the request of the administrators, by the body that is aware of the matter or by the hierarchical superior.

92.2 In no case can lower levels maintain competition with a superior and must, in any case, explain the reasons for their discrepancy.

(Text according to article 81 of Law No. 27444)

Article 93.- Declination of jurisdiction

93.1 The administrative body that considers itself incompetent to process or resolve a matter directly forwards the proceedings to the body it considers competent, with the knowledge of the administrator.

93.2 The body that declines its jurisdiction, at the request of a party and even before another takes over, may adopt the necessary precautionary measures to avoid serious or irreparable damage to the entity or those administered, notifying the competent body.

(Text according to article 82 of Law No. 27444)

Article 94.- Negative conflict of competence

In the event of a negative conflict arising from competition, you are expediently elevated to the immediate superior body to prepare to resolve the conflict.

(Text according to article 83 of Law No. 27444)

Article 95.- Positive conflict of competence

95.1 The body that is considered competent requires the inhibition of the person hearing the matter, which, if it agrees, sends the proceedings to the requesting authority so that the process can continue.

95.2 If the requested authority maintains its jurisdiction, it forwards the proceedings to the immediate superior to resolve the conflict.

(Text according to article 84 of Law No. 27444)

Article 96. Resolution of competition confl ict

In all jurisdictional conflicts, the body to which the file is sent issues a non-appealable resolution within a period of four days.

(Text according to article 85 of Law No. 27444)

Article 97.- Competence to resolve conflicts

97.1 It is the responsibility of the common hierarchical superior to resolve positive or negative conflicts of competence of the same entity, and, if there is none, to the head of the entity.

97.2 Competence conflicts between authorities of the same Sector are resolved by the person responsible for it, and conflicts between other authorities of the Executive Branch are resolved by the Presidency of the Council of Ministers, through an unmotivated decision; without being taken by the authorities in any case to court.

97.3 Competence conflicts between other entities are resolved in accordance with the provisions of the Constitution and the laws.

(Text according to article 86 of Law No. 27444)

Article 98.- Continuation of the procedure

After the conflict of jurisdiction has been resolved, the body that is competent to hear the matter continues the procedure according to its status and preserves everything that has been done, except for what is not legally possible.

(Text according to article 87 of Law No. 27444)

Article 99.- Causes for abstention

The authority that has decision-making power or whose opinions on the merits of the procedure may infl uence the meaning of the resolution, must refrain from participating in the matters whose jurisdiction is attributed to it, in the following cases:

1. If you are a spouse, cohabitant, relative within the fourth degree of consanguinity or second degree of affinity, with any of the administrators or with their representatives, agents, with the administrators of their companies, or with those who provide services to them.

2. If he has participated as an advisor, expert or witness in the same procedure, or if as an authority he has previously expressed his opinion on the same, so that it could be understood that he has ruled on the matter, except for the rectification of errors or the decision of the reconsideration appeal.

3. If personally, or your spouse, cohabitant or any relative within the fourth degree of consanguinity or second degree of affinity, has an interest in the matter in question or in another similar matter, the resolution of which may influence the situation of that person. .

4. When there is a close friendship, manifest enmity or objective conflict of interest with any of the administrations involved in the procedure, which becomes evident through attitudes or facts evident in the procedure.

5. When you have or have had in the last twelve (12) months, a service or subordination relationship with any of the administrators or third parties directly interested in the matter, or if you have a business agreement planned with any of the parties, even if it does not materialize later.

The provisions of this section do not apply in cases of contracts for the provision of public services or those that deal with operations normally carried out by the administrator-legal entity with third parties and, provided that they are agreed upon in the conditions offered to other consumers or users.

6. When reasons are presented that disturb the function of the authority, it may, out of decorum, abstain by means of a duly reasoned resolution. To do this, the following rules must be taken into consideration:

a) If the authority is a member of a collegiate body, the latter must accept or deny the request.

b) If the authority is a single-person body, its hierarchical superior must issue a resolution accepting or denying the request.

(Text according to article 88 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 100.- Promotion of abstention

100.1 The authority that finds itself in any of the circumstances indicated in the previous article, within the two (2) business days following the one in which it began to know the matter, or in which it became aware of the supervening cause, presents its abstention in writing. reasoned, and sends the action to the immediate hierarchical superior, to the president of the collegiate body or to the plenary session, as the case may be, so that without further processing, a ruling on the abstention can be made within the third day.

100.2 When the authority does not abstain despite the existence of any of the expressed causes, the administrator may make said situation known to the head of the entity, or to the plenary session, if it is a collegiate body, at any time.

(Text according to article 89 of Law No. 27444)

Article 101.- Higher abstention provision

101.1 The immediate hierarchical superior orders, ex officio, or at the request of those administered, the abstention of the agent involved in any of the causes referred to in article 100.

101.2 In this same act, the person who will continue to hear the matter is designated, preferably among authorities of equal hierarchy, and the file will be sent to him or her.

101.3 When there is no other public authority capable of handling the matter, the superior will choose to authorize an ad hoc authority, or arrange for the person subject to abstention to process and resolve the matter, under his or her direct supervision.

(Text according to article 90 of Law No. 27444)

Article 102.- Consequences of non-abstention

102.1 The participation of the authority in which any of the causes of abstention occur does not necessarily imply the invalidity of the administrative acts in which it has intervened, except in the case in which manifest impartiality or arbitrariness is evident or that would have caused defenselessness. to the administrator.

102.2 Without prejudice to this, the hierarchical superior orders the initiation of administrative, civil or criminal liability actions against the authority that has not refrained from intervening, knowing the existence of the cause.

(Text according to article 91 of Law No. 27444)

Article 103.- Abstention procedure

The processing of an abstention will be carried out incidentally, without suspending the deadlines for resolution or for administrative silence to operate.

(Text according to article 92 of Law No. 27444)

Article 104.- Challenge of the decision

The resolution of this matter cannot be challenged at the administrative level, except for the possibility of alleging non-abstention, as a basis for the administrative appeal against the final resolution.

(Text according to article 93 of Law No. 27444)

Article 105.- Departure from the abstained authority

The authority that, as a result of abstention, is removed from the procedure, cooperates to contribute to the speed of attention to the procedure, without participating in subsequent meetings or in the deliberation of the decision.

(Text according to article 94 of Law No. 27444)

Subchapter V

Collegiate bodies

Article 106.- Regime of collegiate bodies

The internal functioning of the collegiate, permanent or temporary bodies of the entities, including those in which representatives of non-state union, social or economic organizations participate, are subject to the provisions of this section.

(Text according to article 95 of Law No. 27444)

Article 107.- Authorities of the collegiate bodies

107.1 Each collegiate body of the entities is represented by a President, in charge of ensuring the regularity of the deliberations and executing their agreements, and has a Secretary, in charge of preparing the agenda, keeping, updating and preserving the minutes of the sessions. , communicate agreements, grant copies and other acts specific to the nature of the position.

107.2 In the absence of express nomination in the manner prescribed by the regulations, the indicated positions are elected by the collegiate body itself from among its members, by absolute majority of votes.

107.3 In the event of justified absence, they may be replaced on a provisional basis by the substitutes or, failing that, by whomever the referee chooses from among its members.

(Text according to article 96 of Law No. 27444)

Article 108.- Attributions of members

It is up to the members of the collegiate bodies:

1. Receive, with reasonable advance notice, the call to the sessions, with the agenda containing the agenda and sufficient information on each topic, so that they can know the issues that must be debated.

2. Participate in the debates of the sessions.

3. Exercise your right to vote and formulate your singular vote when you consider it necessary, as well as express the reasons that justify it. The justification for a singular vote can be made at the same time or delivered in writing until the next day.

4. Make requests of any kind, in particular to include topics on the agenda, and ask questions during the debates.

5. Receive and obtain a copy of any document or minutes of the sessions of the collegiate body.

(Text according to article 97 of Law No. 27444)

Article 109.- Session regime

109.1 Every member meets ordinarily with the frequency and on the day indicated by its order; and, in the absence of both, when he agrees.

109.2 The call of the collegiate bodies corresponds to the President and must be notified together with the agenda of the agenda with reasonable advance notice, except for emergency or periodic sessions on a fixed date, in which the call may be ignored.

109.3 However, it is validly constituted without meeting the requirements of the call or agenda, when all its members meet and unanimously agree to start the session.

109.4 Once the session has started, no matter outside the agenda can be agreed upon, unless all the members of the collegiate body are present and approve the inclusion by unanimous vote, due to the urgency of adopting an agreement on it.

(Text according to article 98 of Law No. 27444)

Article 110.- Quorum for sessions

110.1 The quorum for the installation and valid session of the collegiate body is the absolute majority of its components.

110.2 If there is no quorum for the first session, the body is constituted in a second call on the day following that established for the first, with a quorum of one third of the legal number of its members, and in any case, in no less number to three.

110.3 Once a session has been established, it can be suspended only due to force majeure, subject to continuing it on the date and place indicated at the time of suspension. If it is not possible to indicate it in the same session, the Presidency announces the restart date by notifying all members with reasonable advance notice.

(Text according to article 99 of Law No. 27444)

Article 111.- Quorum for voting

111.1 Agreements are adopted by the votes of the majority of attendees at the time of voting in the respective session, unless the law expressly establishes a different rule; The Presidency will have the casting vote in the event of a tie.

111.2 Members of the collegiate body who express a vote other than the majority must record their position and the reasons that justify it in the minutes. The Secretary will record this vote in the minutes along with the decision adopted.

111.3 In the case of collegiate advisory or reporting bodies, the majority agreement is accompanied by any singular vote.

(Text according to article 100 of Law No. 27444)

Article 112.- Mandatory voting

112.1 Unless otherwise provided by law, members of collegiate bodies attending the session and not legally prevented from intervening, must affirm their position on the proposal under debate, and it is prohibited to refrain from voting.

112.2 When abstention from voting is authorized by law, such position must be substantiated in writing.

(Text according to article 101 of Law No. 27444)

Article 113. Minutes of session

113.1 Minutes are drawn up for each session, which contains an indication of the attendees, as well as the place and time in which it was held, the points of deliberation, each agreement separately, with an indication of the form and meaning of the votes of all participants.

The agreement clearly expresses the meaning of the decision adopted and its basis.

113.2 The minutes are read and submitted for approval by the members of the collegiate body at the end of the same session or at the beginning of the next, although the Secretary may certify the specific agreements already approved, as well as the plenary session authorizing the immediate execution of what was agreed.

113.3 Each minute, after approval, is signed by the Secretary, the President, by those who have voted individually and by those who request it.

(Text according to article 102 of Law No. 27444)

CHAPTER III

Initiation of the procedure

Article 114.- Forms of initiation of the procedure

The administrative procedure is promoted ex officio by the competent body or instance of the administrator, unless by legal provision or its purpose it should be initiated exclusively ex officio or at the request of the interested party.

(Text according to article 103 of Law No. 27444)

Article 115. Commencement of office

115.1 For the ex officio initiation of a procedure, there must be a provision from a higher authority that supports it in that sense, a motivation based on the fulfillment of a legal duty or the merit of a complaint.

115.2 The ex officio initiation of the procedure is notified to the specific administrators whose interests or protected rights may be affected by the acts to be executed, except in the case of inspection subsequent to requests or their documentation, subject to the presumption of veracity. The notification includes information on the nature, scope and, if foreseeable, the estimated period of its duration, as well as your rights and obligations in the course of such action.

115.3 The notification is made immediately after the decision is issued, unless the regulations authorize it to be deferred due to its confidential nature based on the public interest.

(Text according to article 104 of Law No. 27444)

Article 116.- Right to make complaints

116.1 Every administrator is entitled to communicate to the competent authority those facts that are known to be contrary to the law, without the need to support the immediate impact of any right or legitimate interest, nor that due to this action he is considered subject to the procedure.

116.2 The communication must clearly state the relationship of the facts, the circumstances of time, place and manner that allow their verification, the indication of their alleged authors, participants and victims, the provision of evidence or its description so that the administration can proceed. to its location, as well as any other element that allows its verification.

116.3 Its presentation requires carrying out the necessary preliminary procedures and, once its verisimilitude has been verified, to initiate the respective inspection ex officio. The rejection of a complaint must be motivated and communicated to the complainant, if it is individualized.

116.4 The entity receiving the complaint may grant protection measures to the complainant, guaranteeing their safety and preventing them from being affected in any way.

(Text according to article 105 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 117.- Right to administrative request

117.1 Any administrator, individually or collectively, may promote in writing the initiation of an administrative procedure before any and all entities, exercising the right to petition recognized in article 2, paragraph 20) of the Political Constitution of the State.

117.2 The right of administrative petition includes the powers to present requests in the particular interest of the administrator, to make requests in the general interest of the community, to contradict administrative acts, the powers to request information, to formulate queries and to present requests for grace.

117.3 This right implies the obligation to give the interested party a written response within the legal period.

(Text according to article 106 of Law No. 27444)

Article 118.- Request in the private interest of the administrator

Any administrator with legal capacity has the right to appear personally or be represented before the administrative authority, to request in writing the satisfaction of his or her legitimate interest, obtain the declaration, recognition or granting of a right, the record of a fact, exercise a power. or formulate legitimate opposition.

(Text according to article 107 of Law No. 27444)

Article 119.- Request in the general interest of the community

119.1 Natural or legal persons may submit a petition or contradict acts before the competent administrative authority, alleging the diffuse interest of the company.

119.2 This power includes the possibility of communicating and obtaining a response regarding the existence of problems, obstacles or regulatory obstacles or those coming from administrative practices that affect access to entities, the relationship with those administered or compliance with procedural principles, as well as to present any suggestion or initiative aimed at improving the quality of services, increasing performance or any other measure that leads to a better level of satisfaction of society with respect to public services.

(Text according to article 108 of Law No. 27444)

Article 120.- Faculty of administrative contradiction

120.1 In the face of an act that violates, affects, ignores or injures a right or a legitimate interest, it must be contradicted through administrative channels in the manner provided for in this Law, so that it can be revoked, modified, annulled or its effects suspended. effects.

120.2 For the interest to justify the ownership of the administrator, it must be legitimate, personal, current and proven. The interest can be material or moral.

120.3 The receipt or attention of a contradiction cannot be conditioned upon prior compliance with the respective act.

(Text according to article 109 of Law No. 27444)

Article 121.- Power to request information

121.1 The right to petition includes the right to request information held by the entities, following the regime provided for in the Constitution and the Law.

121.2 The entities establish mechanisms to respond to requests for specific information and provide for the official provision to interested parties, even by telephone or electronic means, of general information on topics of recurring interest to citizens.

121.3 Entities are obliged to respond to the request for information within the legal deadline.

(Text according to article 110 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 122.- Power to formulate queries

122.1 The right to petition includes written consultations with the administrative authorities regarding the matters under their responsibility and the meaning of the current regulations that comprise their actions, particularly those issued by the entity itself. This right implies the obligation to give the interested party a written response within the legal period.

122.2 Each entity attributes to one or more of its units the competence to answer queries based on the interpretation precedents followed in it.

(Text according to article 111 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 123.- Power to formulate requests for grace

123.1 Through the power to make requests for grace, the administrator may request the head of the competent entity to issue an act subject to his discretion or free appreciation, or to provide a service when he does not have another specific legal title that allows demand it as a request in private interest.

123.2 In response to this request, the authority communicates to the administrator the ex-gratia quality of what is requested and is attended to directly through the effective provision of what was requested, unless expressly provided by law that provides for a formal decision for its acceptance.

123.3 This right is exhausted with its exercise through administrative channels, without prejudice to the exercise of other rights recognized by the Constitution.

(Text according to article 112 of Law No. 27444)

Article 124.- Requirements of the writings

Any writing submitted to any entity must contain the following:

1. Full names and surnames, address and number of the National Identity Document or immigration card of the administrator, and, where applicable, the quality of representative and of the person whom he or she represents.

2. The specific expression of the request, the factual foundations that support it and, when possible, those of law.

3. Place, date, signature or fingerprint, if you do not know how to sign or are unable to sign.

4. The indication of the body, entity or authority to which it is directed, meaning, as far as possible, the authority closest to the user, according to the hierarchy, with the authority to know and resolve it.

5. The address of the place where you wish to receive the notifications of the procedure, when it is different from the actual address set out under paragraph 1. This address statement takes effect from its indication and is presumed to subsist, as long as its location is not expressly communicated. change.

6. The list of accompanying documents and annexes, indicated in the TUPA.

7. The identification of the matter file, in the case of procedures already initiated.

(Text according to article 113 of Law No. 27444)

Article 125.- Copies of writings

125.1 The document is presented on plain paper accompanied by a correct and legible copy, unless A larger number is necessary to notify third parties.
The copy is returned to the administrator with the signature of the authority and the receipt seal indicating the date, time and place of presentation.

125.2 The charge thus issued has the same legal value as the original.

(Text according to article 114 of Law No. 27444)

Article 126.- Representation of the administrator

126.1 For the processing of procedures, a simple power of attorney confirmed by the administrator is sufficient, unless special laws require an additional formality.

126.2 To withdraw the claim or the procedure, use the conventional forms of termination of the procedure or, for the collection of money, a special power is required expressly indicating the act or acts for which it was conferred. The special power is formalized at the discretion of the administrator, through a private document with signatures legalized before a notary or public official authorized for this purpose, as well as through a declaration in personal appearance of the administrator and representative before the authority.

126.3 The use of representation does not prevent the intervention of the administrator himself when he considers it pertinent, nor his compliance with the obligations that require his personal appearance according to the rules of this Law.

(Text according to article 115 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 127.- Accumulation of requests

127.1 If there are several administrators interested in obtaining the same administrative act without incompatible interests, they may appear jointly by means of a single document, forming a single file.

127.2 More than one petition may be accumulated in a single document as long as it concerns related matters that allow them to be processed and resolved jointly, but not subsidiary or alternative approaches, except as established in section 217.4 of article 217.

127.3 If, in the opinion of the administrative authority, there is no connection or there is incompatibility between the requests raised in a document, they will be summoned to present requests separately, under warning to proceed ex officio to substantiate them individually if they are separable, or failing that order the abandonment of the procedure.

(Text according to article 116 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 128.- Documentary reception

128.1 Each entity has its general unit for document reception, documented processing or parties table, except when the entity provides services in several properties located in different areas, in which case it is necessary to open auxiliary records in each location to the main one, to which they report all records. that they perform.

128.2 Such units are in charge of keeping a record of the entry of the documents that are presented and the exit of those documents issued by the entity addressed to other bodies or administered. For this purpose, they issue the charge, make the respective entries respecting their entry or exit order, indicating their entry number, nature, date, sender and recipient. Once the registration is completed, the writings or resolutions must be sent to their recipients on the same day.

128.3 These units will tend to manage their information in computer support, ensuring its integration into a single documented processing system.

128.4 Also through these units, the administrators carry out all the procedures pertinent to their procedures and obtain the information they require for said purpose.

(Text according to article 117 of Law No. 27444)

Article 129.- Rules for speed in reception

The entities adopt the following actions to facilitate the personal reception of the documents of the administrators and avoid their agglomeration:

1. The implementation of programs to rationalize service time per user and the greater simultaneous provision of servers dedicated exclusively to user service.

2. The advisory service for users to complete forms or model documents.

3. Adapt its regime of working hours for serving the public, in order to adapt it to the forms provided for in article 149.

4. Study the seasonality of the demand for your services and dictate preventive measures to avoid it.

5. Install self-service mechanisms that allow users to directly provide their information, tending to the use of advanced levels of digitization.

(Text according to article 118 of Law No. 27444)

Article 130.- General rules for document reception

The writings that the administrators direct to the entities can be presented personally or through third parties, before the reception units.

of:

1. The administrative bodies to which they are directed.

2. The decentralized bodies of the entity.

3. The political authorities of the Ministry of the Interior in the corresponding constituency.

4. In post offices, in the manner expressly provided for in this Law.

5. In diplomatic representations or consular offices abroad, in the case of administrators residing abroad, those who refer the writings to the competent entity, indicating the date of their presentation.

(Text according to article 119 of Law No. 27444)

Article 131. Filing by certified mail

131.1 Administrators may send their writings, with complete information, by certified mail with acknowledgment of receipt to the competent entity, which records the certificate number and the date of receipt in its registry.

131.2 At the time of dispatch, the administrator displays the writing in an open envelope and ensures that the postal agent prints his date stamp on both his writing and the envelope.

131.3 In case of doubt, the date of the seal stamped on the document must be dated, and failing that, the date of receipt by the entity.

131.4 This modality is not suitable for the presentation of administrative appeals or in trilateral procedures.

(Text according to article 120 of Law No. 27444)

Article 132.- Reception by alternative means

132.1 Administrators who reside outside the province where the reception unit of the competent entity is located may present the documents addressed to other departments of the entity through the deconcentrated body located in their place of domicile.

132.2 When the entities do not have deconcentrated services in the area of residence of the administrator, the documents can be presented at the offices of the political authorities of the Ministry of the Interior of the place of residence.

132.3 Within the next twenty-four hours, said units send what they received to the recipient authority by any expeditious means at their disposal, indicating the date of its presentation.

(Text according to article 121 of Law No. 27444)

Article 133.- Presumption common to alternative reception means

For the purposes of expiration of deadlines, it is presumed that the writings and communications presented through certified mail, from the decentralized bodies and the authorities of the Ministry of the Interior, have entered the recipient entity on the date and time in which they were received. delivered to any of the indicated offices.

In the case of requests subject to positive administrative silence, the period available to the recipient entity to resolve will be computed from the date of receipt by it.

In the event that the receiving entity is not competent to resolve, it will send the writings and communications to the destination entity within the distance, which will inform the administrator of the date on which it receives them.

(Text according to article 122 of Law No. 27444)

Article 134.- Reception by remote data transmission

134.1 Those administered may request that the sending of information or documentation that they are required to receive within a procedure be carried out by means of remote transmission, such as email or facsimile.

134.2 As long as they have remote data transmission systems, entities facilitate their use to receive documents or requests and forward their decisions to those managed.

134.3 When remote data transmission means are used, the respective writing or resolution must be physically presented within the third day, with compliance with which it will be understood to have been received on the date of sending the email or facsimile.

(Text according to article 123 of Law No. 27444)

Article 135.- Obligations of reception units

135.1 The document reception units guide the administrator in the presentation of their applications and forms, being obliged to receive them and admit them to initiate or promote the procedures, without under any circumstances being able to qualify, deny or defer their admission.

135.2 Whoever receives the applications or forms must note under their signature on the document itself, the time, date and place in which it is received, the number of pages it contains, the mention of the documents accompanied and the copy presented. As proof of receipt, the copy presented, completed with the respective annotations and registered, is delivered, without prejudice to other additional modalities, which due to the procedure it is convenient to extend.

(Text according to article 124 of Law No. 27444)

Article 136.- Observations on documentation presented

136.1 All forms or writings submitted must be received, despite failing to comply with the requirements established in this Law, that are not accompanied by the corresponding precautions or are affected by another defect or formal omission provided for in the TUPA, which warrants correction. In a single act and only once, the reception unit at the time of its presentation makes observations for non-compliance with requirements that cannot be resolved ex officio, inviting the administrator to correct them within a maximum period of two business days.

136.2 The observation must be noted under the signature of the recipient in the request and in the copy that the administrator will keep, with the respective allegations if any, indicating that, if they do not do so, their request will be considered not presented.

136.3 While rectification is pending, the following rules apply:

136.3.1 The calculation of deadlines for administrative silence to operate, nor for the presentation of the request or appeal, is not applicable.

136.3.2 Automatic approval of the administrative procedure is not applicable, if applicable.
136.3.3 The unit does not submit the application or form to the competent agency for its actions in the procedure.

136.4 Once the period has elapsed without the correction occurring, the entity considers the application or form as not submitted and returns it with its information when the interested party appears to complain, refunding the amount of the processing fees that had been paid.

136.5 If the documentation presented does not comply with what is required, preventing the continuation of the procedure, which due to its nature could not be noticed by the reception unit at the time of its presentation, as well as if action by the administrator is necessary to continue with the procedure, the Administration, for the only time, must immediately summon the administrator to carry out the corresponding correction.

While said correction is pending, the rules established in sections 136.3.1 and 136.3.2 are applicable.
If what is required is not corrected in a timely manner, the provisions of section 136.4 apply.
In this case, the complaint referred to in section 137.2 of article 137 is not applicable, unless the Administration summons the administrator again in order to make additional corrections.

(Text according to article 125 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)
136.6 In the case of administrative procedures that are initiated through electronic means, that do not accompany the corresponding precautions or suffer from another formal defect or omission provided for in the TUPA that cannot be corrected ex officio, the competent authority requires the correction by the same medium, in a single act and only once within a maximum period of two (2) business days.

It is the responsibility of the administrator to present the information to correct the defect or omission within a maximum period of two (2) business days following the request from the competent authority. While said correction is pending, the rules established in sections 136.3.1 and 136.3.2 are applicable. If what is required is not corrected in a timely manner, the provisions of section 136.4 apply.

(Numeral incorporated according to article 3 of the Decree Legislative No. 1452)

Article 137.- Documentary correction

137.1 Once the document has been entered or the correction has been duly formulated, it is considered received from the initial document, unless the procedure has registration priority or it is a trilateral procedure, in which case the presentation operates from the correction.

137.2 Public Administration entities are obliged to carry out a comprehensive review of compliance with all the requirements of the applications submitted by the administered parties and, on a single occasion and in a single document, formulate all the corresponding observations and requirements.

Without prejudice to what is stated in the preceding paragraph, the entity maintains the power to request solely and exclusively the rectification of those requirements that have not been corrected by the administrator or whose correction is not satisfactory, in accordance with the provisions of the corresponding standard. In no case may the entity make new observations invoking the power indicated in this paragraph.

137.3 Failure to comply with this obligation constitutes an administrative offense punishable in accordance with the provisions of article 261.

137.4 Without prejudice to the above, failure to comply with this obligation also constitutes an illegal bureaucratic barrier, with the sanctions established in the regulations on prevention and elimination of bureaucratic barriers being applicable. This, without prejudice to the obligation of the administrator to correct the observations made.

(Text according to article 126 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 138.- Regime of notaries
When document authentication requirements are established, the administrator may use the notary regime described below:

1. Each entity designates institutional notaries assigned to its document reception units, in numbers proportional to their care needs, who, without excluding their ordinary duties, provide their services free of charge to those administered.

2. The notary's very personal task is to verify and authenticate, after comparing the original presented by the administrator and the copy presented, the fidelity of the content of the latter for its use in the procedures of the entity, when in the administrative action the addition of the documents is required or the administrator wishes to add them as evidence. They can also, at the request of the administrators, certify signatures after verifying the identity of the subscriber, for the specific administrative actions in which it is necessary.

3. In case of complexity derived from the accumulation or the nature of the documents to be authenticated, the document processing office consults the administrator about the possibility of retaining the originals, for which a certificate of retention of the documents will be issued to the administrator, for a maximum period of two business days, to certify the corresponding reproductions.

Once this is completed, return the mentioned originals to the administrator.

4. The entity may require at any stage of the procedure the exhibition of the original presented for authentication by the notary.

(Text according to article 127 of Law No. 27444)

Article 139.- Administrative power to authenticate own acts
The power to carry out authentications attributed to notaries does not affect the administrative power of the authorities to attest to the authenticity of the documents that they themselves have issued.

(Text according to article 128 of Law No. 27444)

Article 140.- Ratification of signature and content of writing

140.1 In case of doubt about the authenticity of the signature of the administrator or lack of clarity about the details of his request, as a first action, the authority may notify him so that within a reasonable period he can ratify the signature or clarify the content. of the writing, without prejudice to the continuation of the procedure.

140.2 The ratification can be made by the administrator in writing or by appearing at the entity, in which case the respective record will be drawn up, which is added to the file.

140.3 The improvement of the request by the administered, in the cases referred to in this article.

(Text according to article 129 of Law No. 27444)

Article 141.- Presentation of writings before incompetent bodies

141.1 When a request is submitted that is considered to be the responsibility of another entity, the receiving entity must forward it, within the distance, to the one it considers competent, communicating said decision to the administrator. In this case, the calculation of the deadline for resolution will begin on the date that the competent entity receives the request.

141.2 If the entity appreciates its incompetence but is not certain about the competent entity, it will notify this situation to the administrator so that he or she can make the decision.
more convenient to your right.

CHAPTER IV

Deadlines and Terms

(Text according to article 130 of Law No. 27444)

Article 142.- Mandatory deadlines and terms

142.1 The deadlines and terms are understood as maximums, they are computed independently of any formality, and they bind the administration and the subjects equally, without the need for urgency, in what respectively concerns them. The deadlines for the pronouncement of the entities, in administrative procedures, are counted from the day following the date on which the administrator presented his request, unless correction has been required in which case they are counted once this has been carried out.

142.2 Every authority must comply with the terms and deadlines under its responsibility, as well as supervise that subordinates comply with those of their level.

142.3 It is the right of those administered to demand compliance with the deadlines and terms established for each performance or service.

(Text according to article 131 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 143.- Maximum deadlines to carry out procedural acts

In the absence of a deadline established by express law, the Actions must occur within the following:

1. For reception and referral of a letter to the unit competent: within the same day of its presentation.

2. For mere procedural acts and deciding requests for that character: in three days.

3. For the issuance of opinions, expert opinions, reports and similar: within seven days after being requested; It may be extended for three more days if the procedure requires transfer outside its headquarters or the assistance of third parties.

4. For official acts of the administrator required by the authority, such as delivery of information, response to questions on which they must rule: within ten days of request.

(Text according to article 132 of Law No. 27444)

Article 144.- Start of calculation

144.1 The period expressed in days is counted from the business day following that on which the notification or publication of the act is carried out, unless it indicates a later date, or it is necessary to make successive publications, in which case the calculation is started from the last one.

144.2 The period expressed in months or years is counted from the notification or publication of the respective act, unless it provides for a later date.

(Text according to article 133 of Law No. 27444)

Article 145.- Expiration of the term

145.1 When the period is indicated by days, it will be understood as consecutive business days, excluding from the calculation those non-working days of the service, and non-working national or regional holidays.

145.2 When the last day of the period or the specific date is a non-business day or for any other circumstance, the service to the public that day does not operate during normal hours, they are understood to be extended to the first following business day.

145.3 When the period is set in months or years, it is counted from date to date, ending on the same day as the month or year that began, completing the number of months or years set for the period. If in the expiration month there is no day equal to that on which the calculation began, it is understood that the term expires on the first business day of the following calendar month.

(Text according to article 134 of Law No. 27444)

Article 146. Term of distance

146.1 To the calculation of the deadlines established in the administrative procedure, the term of the distance provided between the place of domicile of the administrator within the national territory and the place of the reception unit closest to the one authorized to carry out the respective action.

146.2 The table of distance terms is approved by the competent authority.

In the event that the head of the entity has not approved the corresponding distance terms table, the regime established in the General Distance Terms Table approved by the Judiciary must apply.

(Text according to article 135 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 147. Non-extendable deadlines

147.1 The deadlines set by express rule are non-extendable, unless otherwise authorized.

147.2 The competent authority may grant an extension to the deadlines established for the performance of tests or for the issuance of reports or opinions, when requested by the administrators or officials, respectively, before their expiration.

147.3 The extension is granted only once by express decision, provided that the term has not been affected by a cause attributable to the person requesting it and provided that it does not affect the rights of third parties.

147.4 In the case of procedures initiated at the request of a party with the application of positive administrative silence, in the event that the administrator must carry out a process at his or her expense necessary to adopt a substantive decision, he or she may request the suspension of the calculation of the procedure period for up to one within thirty (30) business days.

(Text according to article 136 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 148.- Regime for non-working days

148.1 The Executive Branch sets by supreme decree, within the national geographic scope or any particular one, the non-business days, for the purpose of computing deadlines. administrative.

148.2 This standard must be previously published and permanently disseminated in the environments of the entities, in order to allow those administered to know it.

148.3 Entities cannot unilaterally disable days, and, even in the event of force majeure that prevents the normal functioning of their services, they must guarantee the maintenance of the service of their reception unit.

documentary film.

(Text according to article 137 of Law No. 27444)

Article 149. Working hours regime

The hours of operation of the entities to carry out any action are governed by the following rules:

1. Business hours are those corresponding to the schedule set for the operation of the entity, and in no case can the attention to users be less than eight consecutive hours per day.

2. The daily hours of operation are established by each entity, fulfilling a period that does not coincide with the ordinary working day, to promote compliance with the obligations and actions of citizens. For this purpose, it distributes its staff into shifts, working days of no more than eight hours a day.

3. The hours of operation are continuous to provide services to all matters within its jurisdiction, without breaking it up to attend to some on certain days or hours, or affecting its development for personal reasons.

4. The attention schedule concludes with the provision of the service to the last person appearing within business hours.

5. Acts of a continuous nature initiated during business hours are concluded without affecting their validity after business hours, unless the administrator agrees to defer them. Said consent must be stated in an indubitable manner.

6. In each service the time followed by the entity governs; In case of doubt or in the absence of doubt, the official time, which will prevail, must be verified immediately, if possible.

(Text according to article 138 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 150.- Calculation of calendar days

150.1 In the case of the term for compliance with internal procedural acts in charge of the entities, the legal norm may establish that its calculation is in calendar days, or that the term expires with the conclusion of the last day even if it is a non-business day.

150.2 When a law states that the calculation of the term for a procedural act by the administrator is in calendar days, this circumstance is expressly warned in the notification.

(Text according to article 139 of Law No. 27444)

Article 151.- Effects of expiration of the term

151.1 The deadline expires at the last moment of the fixed business day, or in advance, if the actions for which it was established are completed before that date.

151.2 Upon expiration of a non-extendable period to carry out an action or exercise a procedural power, after warning, the entity declares the right to the corresponding act waived, notifying the decision.

151.3 The expiration of the deadline to carry out an act carried out by the Administration does not exempt it from its obligations established in accordance with public order. Late administrative action is not affected by nullity, unless the law expressly so provides due to the peremptory nature of the deadline.

151.4 The estoppel due to the expiration of administrative deadlines operates in trilateral, concurrent procedures, and in those that, because there are two or more administrations with divergent interests, must be guaranteed equal treatment.

(Text according to article 140 of Law No. 27444)

Article 152.- Advancement of deadlines

The authority in charge of the instruction of the procedure by means of a non-appealable decision, may reduce the deadlines or anticipate the terms, addressed to the administration, based on reasons of opportunity or convenience of the case.

(Text according to article 141 of Law No. 27444)

Article 153.- Maximum term of the administrative procedure

The period that elapses from the initiation of an administrative procedure for prior evaluation to the time in which the respective resolution is issued cannot exceed thirty days, unless the law establishes procedures whose compliance requires a longer duration.

(Text according to article 142 of Law No. 27444)

Article 154.- Liability for non-compliance with deadlines

154.1 Unjustified non-compliance with the deadlines set for the actions of the entities generates disciplinary liability for the obligated authority, without prejudice to civil liability for any damages that may have been caused.

154.2 Responsibility also extends jointly to the hierarchical superior, for omission in supervision, if the non-compliance is repetitive or systematic.

(Text according to article 143 of Law No. 27444)

CHAPTER V

Ordering of the Procedure

Article 155.- Unit of view

Administrative procedures are carried out ex officio, in a simple and effective way without recognizing specific forms, procedural phases, rigid procedural moments to carry out certain actions or respond to precedence between them, unless otherwise expressly provided by law in special procedures.

(Text according to article 144 of Law No. 27444)

Article 156.- Promotion of the procedure

The competent authority, even without a request from a party, must promote any action that is necessary for its processing, overcome any obstacle that prevents the regular processing of the procedure; determine the rule applicable to the case even when the legal citation has not been invoked or is erroneous; as well as avoiding obstruction or delay due to unnecessary or merely formal procedures, adopting the appropriate measures to eliminate any irregularity that may occur.

(Text according to article 145 of Law No. 27444)

Article 157.- Precautionary measures

157.1 Once the procedure has been initiated, the competent authority by means of a reasoned decision and with sufficient elements of judgment may provisionally adopt, under its responsibility, the precautionary measures established in this Law or other applicable legal provisions, by means of a reasoned decision, if there is a possibility that without its adoption risks the effectiveness of the resolution to be issued.

157.2 Precautionary measures may be modified or lifted during the course of the procedure, ex officio or at the request of a party, due to circumstances that occurred or that could not be considered at the time of their adoption.

157.3 The measures expire by operation of law when the resolution that ends the procedure is issued, when the period set for its execution has elapsed, or when the resolution that ends the procedure is issued.

157.4 Measures may not be issued that may cause damage of impossible reparation to those administered.

(Text according to article 146 of Law No. 27444)

Article 158.- Issues other than the main issue

158.1 The questions raised by the administrators during the processing of the procedure on points other than the main matter do not suspend its progress, and must be resolved in the final resolution of the instance, unless expressly provided otherwise by law.

158.2 Such issues, to be substantiated jointly with the main one, can be raised and argued before the argument. After this moment, they can be enforced exclusively in the

resource.

158.3 When the law provides for an advance decision on issues, for the purposes of challenging them, the resolution issued under these conditions is considered provisional in relation to the final act.

158.4 Approaches other than the substantive matter that, in the opinion of the instructor, are not linked to the validity of procedural acts, due process, or that are not related to the claim, will be rejected outright, without prejudice to the administrator being able to raise the issue to the court. appeal against the resolution that concludes the instance.

(Text according to article 147 of Law No. 27444)

Article 159.- Rules for speed

To ensure compliance with the principle of speed of procedures, the following rules are observed:

1. In the promotion and processing of cases of the same nature, the order of admission is strictly followed, and they are resolved as their status allows, informing the superior of the reasons for delay in compliance with the legal deadlines, that cannot be removed ex officio.

2. In a single decision, the fulfillment of all the necessary procedures that correspond by their nature will be provided, as long as they are not among

they will be successively subordinated in their compliance, and all possible procedures and evidence actions will be concentrated in a single act, ensuring that the development of the procedure is carried out in the smallest number of procedural acts.

3. When requesting procedures to be carried out by other authorities or those administered, the final term for compliance must be recorded with a certain date, as well as the warning, if provided for in the regulations.

4. In no case may the processing of files or the attention of the service be affected by the absence, occasional or not, of any authority. The authorities who, for reasons of leave, vacation or other temporary or permanent reasons, are away from their workplace, will deliver the documents and files in their charge to the person replacing them or to the hierarchical superior, with the knowledge of those managed.

5. When the motivation of several resolutions is identical, mass production means may be used, as long as it does not harm the legal guarantees of those administered; However, each one will be considered as an independent act.

6. The competent authority, to promote the procedure, may entrust an immediate subordinate with carrying out specific measures to promote it, or request the collaboration of another authority to carry it out. In collegiate bodies, said action must fall to one of its members.

7. In no case may the authority allege deficiencies of the administrator not noticed when the application was submitted, as a basis for denying your claim.

(Text according to article 148 of Law No. 27444)

Article 160.- Accumulation of procedures

The authority responsible for the investigation, on its own initiative or at the request of those administered, provides by means of a non-appealable resolution for the accumulation of pending procedures that are connected.

(Text according to article 149 of Law No. 27444)

Article 161.- Single file rule

161.1 Only one file can be organized for the solution of the same case, to keep all the actions to resolve together.

161.2 In the case of a request referring to a single claim, a single file will be processed and an authority will intervene and resolve, which will obtain from the bodies or other authorities the reports, authorizations and agreements that are necessary, without prejudice to the right of those administered to initiate the pertinent procedures themselves and provide the pertinent documents.

(Text according to article 150 of Law No. 27444)

Article 162.- Documentary information

The documents, minutes, forms and administrative files are standardized in their presentation so that each species or type of them has the same characteristics.

(Text according to article 151 of Law No. 27444)

Article 163.- External presentation of files

163.1 The files are collated following the regular order of the documents that comprise them, forming correlative bodies that do not exceed two hundred pages, except when such limit requires dividing writings or documents that constitute a single text, in which case their unity will be maintained.

163.2 All actions must be numbered, maintaining them during processing. The files that are incorporated into others do not continue their pages, leaving a record of their aggregation and the number of pages.

(Text according to article 152 of Law No. 27444)

Article 164.- Intangibility of the file

164.1 The content of the file is intangible, and no amendments, alterations, interlined or added to the documents, once they have been signed by the competent authority.

If necessary, an express and detailed record of the modifications introduced must be left.

164.2 The breakdowns can be requested verbally and are granted under the record of the instructor and the applicant, indicating the date and pages, leaving an authenticated copy in the corresponding place, with the respective pages.

164.3 Entities may use microform technology and computer media for the filing and processing of files, providing for the security, inalterability and integrity of their content, in accordance with the regulations of the matter.

164.4 If a file is lost, the administration has the obligation, under responsibility, to reconstruct it, regardless of the request of the interested party. For this purpose, the rules contained in article 140 of the Procedural Code will be applied, to the extent applicable. Civil.

(Text according to article 153 of Law No. 27444)

Article 165.- Use of forms

165.1 The entities provide for the use of forms for free reproduction and free distribution, through which the administrators, or a server at their request, by completing data or marking proposed alternatives, provide the usual information that is considered sufficient, without the need for another document. presentation.

Particularly it is used when administrators must provide information to comply with legal requirements and in automatic approval procedures.

165.2 They are also used when the authorities must resolve a large series of homogeneous files, as well as for recurring actions and resolutions, which are previously authorized.

(Text according to article 154 of Law No. 27444)

Article 166.- Models of recurring writings

166.1 For information purposes, the entities make available to the administrators models of the most recurrent employment documents in their services.

166.2 In no case is subjection to these models considered mandatory, nor can their use cause adverse consequences for those who use them.

(Text according to article 155 of Law No. 27444)

Article 167. Preparation of minutes

167.1 The statements of the administrators, witnesses and experts are documented in a record, the preparation of which follows the following rules:

1. The minutes indicate the place, date, names of the participants, object of the action and other relevant circumstances, and must be formulated, read and signed immediately after the action, by the declarants, the administrative authority and by the participants who would like to record their statement.

2. When the statements or actions were recorded, by consensus between the authority and those administered, the record may be concluded within the fifth day of the act, or, if applicable, before the final decision.

3. Those administered may record in the minutes the observations they deem necessary regarding what happened during the corresponding procedure.

167.2 In administrative inspection and supervision procedures, those administered may also offer evidence regarding the facts documented in the minutes.

(Text according to article 156 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 168.- Document security measures

The entities will apply the following documentary security measures:

1. Establish a unique identification system for all the writings and documents entered into it, which includes progressive numbering and the date, as well as keeping an invariable numbering for each file, which will be preserved through all successive actions, whatever were the organs or authorities of the agency that intervenes.

2. Keep records of notification, publication or delivery of information about the acts, acknowledgment of receipt and all the documents necessary to prove the completion of the procedures, with the instructor's certification of their due compliance.

3. The body and the name of the authority must be stated on the cover page, with the responsibility in charge of the procedure and the date of the final term for the attention of the file.

4. In no case will a double or false file be made.

(Text according to article 157 of Law No. 27444)

Article 169.- Complaint for processing defects

169.1 At any time, those administered may file a complaint against processing defects and, especially, those that involve paralysis, violation of legally established deadlines, non-compliance with functional duties or omission of procedures that must be corrected before the final resolution. nitive of the matter in the respective instance.

169.2 The complaint is presented to the hierarchical superior of the authority that processes the procedure, citing the duty violated and the rule that requires it. The higher authority resolves the complaint within the following three days, after transferring it to the complainant, so that they can present the report they deem appropriate the day after the request.

169.3 In no case will the processing of the procedure in which a complaint has been filed be suspended, and the resolution will not be appealable.

169.4 The authority that is aware of the complaint may provide reasons for another official of similar rank to the complainant to assume knowledge of the matter.

169.5 If the complaint is declared founded, the pertinent corrective measures regarding the procedure will be issued, and the same resolution will provide for the initiation of the necessary actions to sanction the person responsible.

(Text according to article 158 of Law No. 27444)

CHAPTER VI

Procedure Instruction

Article 170.- Instruction acts

170.1 The acts of instruction necessary for the determination, knowledge and verification of the data by virtue of which the resolution must be pronounced, will be carried out ex officio by the authority in charge of the prior evaluation procedure, without prejudice to the right of the administrators to propose evidentiary actions.

170.2 It is prohibited to perform, as acts of instruction, the routine request for prior reports, visa requirements or any other act that does not provide objective value to what was done in the specific case, according to its nature.

(Text according to article 159 of Law No. 27444)

Article 171.- Access to the file

171.1 The administrators, their representatives or their lawyer, have the right of access to the file at any time during its process, as well as its documents, background, studies, reports and opinions, obtain certifications of its status and collect copies of the pieces that contains, upon payment of their cost. The only exceptions are those actions, proceedings, reports or opinions that contain information whose knowledge may affect your right to personal or family privacy and those that are expressly excluded by law or for reasons of national security.

in accordance with the provisions of section 5) of article 2 of the Political Constitution. Additionally, matters protected by banking, tax, commercial and industrial secrecy are excluded, as well as all those documents that imply a prior ruling by the competent authority.

171.2 The request for access to the file can be made verbally, without the need to request it through the procedure of transparency and access to public information, and it will be granted immediately, without the need for an express resolution, in the office where the file is located, although other than the document reception unit.

(Text according to article 160 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 172.- Allegations

172.1 Those administered may, at any time during the procedure, formulate allegations, provide documents or other elements of judgment, which will be analyzed by the authority when resolving.

172.2 In administrative sanctioning procedures, or in the case of tax acts for the administered party, a resolution is issued only after granting them a peremptory period of no less than five days to present their allegations or the corresponding exculpatory evidence.

(Text according to article 161 of Law No. 27444)

Article 173.- Burden of proof

173.1 The burden of proof is governed by the principle of ex officio impulse established in this Law.

173.2 It is up to those administered to provide evidence by presenting documents and reports, proposing expertise, testimonies, inspections and other permitted procedures, or alleging allegations.

(Text according to article 162 of Law No. 27444)

Article 174.- Probationary action

174.1 When the administration does not consider the facts alleged by those administered to be true or the nature of the procedure requires it, the entity arranges for the evidentiary action, following the criterion of procedural concentration, setting a period that for this purpose will not be less than three days nor more than fifteen, counted from its proposal. You may only reject with reasons the means of proof proposed by the administrator, when they are not related to the substance of the matter, are inadmissible or unnecessary.

174.2 The administrative authority notifies those administered, no less than three days in advance, of the test performance, indicating the place, date and time.

174.3 Supervening evidence may be presented provided that no final resolution has been issued.

(Text according to article 163 of Law No. 27444)

Article 175.- Omission of evidentiary action

Entities may dispense with the taking of evidence when they decide exclusively based on the facts presented by the parties, if they are considered true and consistent for their resolution.

(Text according to article 164 of Law No. 27444)

Article 176.- Facts not subject to evidentiary action

No evidence will be presented with respect to public or well-known facts, with respect to facts alleged by the parties whose proof appears in the files of the entity, which have been verified during the exercise of their functions, or subject to the presumption of truthfulness, without prejudice to its subsequent audit.

(Text according to article 165 of Law No. 27444)

Article 177.- Means of proof

The facts invoked or that are conducive to deciding a procedure may be the subject of all the

necessary means of proof, except those prohibited by express provision. In particular, in the administrative procedure the following proceeds:

1. Collect background information and documents.
2. Request reports and opinions of any type.
3. Grant a hearing to those administered, question witnesses and experts, or obtain written statements from them.
4. Consult documents and minutes.
5. Practice visual inspections.

(Text according to article 166 of Law No. 27444)

Article 178.- Request for documents from other authorities

178.1 The administrative authority responsible for processing the matter will collect from the directly competent authorities the pre-existing documents or background information that it deems appropriate for the resolution of the matter, without suspending the processing of the file.

178.2 When the request is made by the administrator to the instructor, he must indicate the entity where the documentation exists and, if it is from an administrative file held in another entity, he must unquestionably prove its existence.

(Text according to article 167 of Law No. 27444)

Article 179.- Presentation of documents between authorities

179.1 The documents and background information referred to in the previous article must be sent directly by the person requested within a maximum period of three days, if requested within the same entity, and five, in other cases.

179.2 If the requested authority considers a longer period necessary, it will immediately inform the requesting party, indicating the period it deems necessary, which may not exceed ten days.

(Text according to article 168 of Law No. 27444)

Article 180.- Request for evidence from those administered

180.1 The authority may require those administered to communicate information, present documents or assets, submit to inspections of their assets, as well as collaborate in carrying out other means of proof. For this purpose, the requirement is sent mentioning the date, term, form and conditions for its fulfillment.

180.2 The rejection of the requirement provided for in the previous paragraph will be legitimate when the subjection implies: the violation of professional secrecy, a disclosure prohibited by law, directly involves the revelation of prosecutable acts carried out by the administrator, or affects constitutional rights. In no case does this exception protect the falsification of facts or reality.

180.3 The use of this exception will be freely assessed by the authority according to the circumstances of the case, without this exempting the administrative body from searching for the facts or issuing the corresponding resolution.

(Text according to article 169 of Law No. 27444)

Article 181.- Supplementary regulations

In matters not provided for in this section, documentary evidence will be governed by articles 46 and 47.

(Text according to article 170 of Law No. 27444)

Article 182.- Presumption of the quality of the reports

182.1 Administrative reports may be mandatory or optional and binding or non-binding.

182.2 Opinions and reports will be presumed optional and non-binding, with the exceptions of law.

(Text according to article 171 of Law No. 27444)

Article 183.- Request for reports

183.1 Entities only request reports that are required by law or those that they deem absolutely essential for clarifying the issue to be resolved. The request must indicate precisely and clearly the issues on which its statement is deemed necessary.

183.2 The request for legal reports or opinions is reserved exclusively for matters in which the legal basis of the claim is reasonably debatable, or the facts are legally disputed, and such situation cannot be clarified by the instructor himself.

183.3 The informant, within two days of receipt, may return without a report any file in which the request does not comply with the previous paragraphs, or when it is appreciated that only confirmation of other reports or decisions already taken is required.

(Text according to article 172 of Law No. 27444)

Article 184.- Presentation of reports

184.1 Every authority, when formulating reports or draft resolutions, bases its opinion succinctly and establishes express and clear conclusions on all the issues raised in the request, and specifically recommends the courses of action to be followed, when appropriate, signing them with its fi usual signature, stating your name, surname and position.

184.2 The report or opinion does not incorporate into its text the extract of the previous actions nor does it reiterate data that is in the file, but it will refer in its folio all antecedent that allows it to be illustrated for a better resolution.

(Text according to article 173 of Law No. 27444)

Article 185.- Omission of report

185.1 If the report is not received within the indicated period, the authority may alternatively, depending on the circumstances of the case and administrative relationship with the informant: dispense with the report or summon the informant so that on a single date and in a session, which he can attend the administrator, present his opinion verbally, of which a record will be prepared that will be attached to the file, without prejudice to the responsibility incurred by the official responsible for the delay.

185.2 The Law may expressly establish in procedures initiated by those administered that if binding reports are not received within the legal period, it is understood that there is no technical or legal objection to the approach submitted to their opinion.

185.3 The report presented late can be considered in the corresponding resolution.

(Text according to article 174 of Law No. 27444)

Article 186.- Witnesses

186.1 The proponent of the evidence of witnesses has the burden of their appearance at the fixed place, date and time. If the witness does not appear without just cause, his testimony will be disregarded.

186.2 The administration can freely question witnesses and, in case of contradictory statements, may arrange confrontations, even with those administered.

(Text according to article 175 of Law No. 27444)

Article 187.- Expertise

187.1 Administrators may propose the appointment of experts at their own expense, and must at the same time indicate the technical aspects on which they must rule.

187.2 The administration will refrain from hiring experts on its part, and must request technical reports of any kind from its staff or from technical entities suitable for this purpose, preferably among the faculties of public universities.

(Text according to article 176 of Law No. 27444)

Article 188.- Probationary action by public authorities

The authorities of entities do not provide confession, except in internal administration procedures; without prejudice to being capable of providing evidentiary elements as witnesses, informants or experts, if applicable.

(Text according to article 177 of Law No. 27444)

Article 189.- Expenses of evidentiary proceedings

In the event that the performance of tests proposed by the administrator involves the realization of expenses that the entity should not rationally bear, the entity may demand the advance deposit of such costs, charged to the final settlement that the instructor will carry out in documentation to the administrator. , once the test has been carried out.

(Text according to article 178 of Law No. 27444)

Article 190.- Evidentiary actions that affect third parties

Third parties have the duty to collaborate to prove the facts with respect for their constitutional rights.

(Text according to article 179 of Law No. 27444)

Article 191. Draft resolution

When the investigating authority is different from the one competent to resolve, the instructor prepares a final report in which she will collect the most relevant aspects of the act that promoted it, as well as a summary of the content of the instruction, analysis of the evidence instructed, and will formulate a draft resolution in accordance with it.

(Text according to article 180 of Law No. 27444)

CHAPTER VII

Participation of the administrators

Article 192.- Open administration

In addition to the means of access to participation in public affairs established by other regulations, in the instruction of administrative procedures the entities are governed by the provisions of this Chapter on the hearing of those administered and the public information period.

(Text according to article 181 of Law No. 27444)

Article 193.- Public hearing

193.1 The administrative rules provide for the convening of a public hearing, as an essential formality for the effective participation of third parties, when the act to which the administrative procedure leads is likely to affect rights or interests whose ownership corresponds to undetermined persons, such as in environmental matters. environmental, public savings, cultural and historical values, consumer rights, urban planning and zoning; or when the ruling on authorizations, licenses or permits that the act enables directly affects public services.

193.2 In the public hearing, any third party, without the need to prove special legitimacy, is authorized to present verified information, to request the analysis of new evidence, as well as to express their opinion on the issues that constitute the object of the procedure or on the evidence presented. It is not appropriate to make questions to the authority at the hearing.

193.3 Failure to hold the public hearing entails the nullity of the final administrative act issued.

193.4 The expiration of the period provided for in article 153, without the public hearing having been carried out, determines the effectiveness of the negative administrative silence, without prejudice to the responsibility of the authorities obliged to convene it.

(Text according to article 182 of Law No. 27444)

Article 194.- Call for public hearing

The call for a public hearing must be published in the Official Gazette or in one of the most widely distributed local media, depending on the nature of the matter, no less than three (3) days in advance of its holding, and must indicate: convening authority, its purpose, the day, place and time of completion, the deadlines for registration of participants, the address and telephone number of the convening entity, where the registration can be made, you can access more information on the matter, or present allegations , objections and opinions.

(Text according to article 183 of Law No. 27444)

Article 195.- Development and effects of the public hearing

195.1 Appearance at the hearing does not, in itself, grant the status of participant in the procedure.

195.2 Failure to attend the hearing does not prevent those legitimated in the procedure as interested parties from presenting allegations or appeals against the resolution.

195.3 The information and opinions expressed during the public hearing are recorded without generating debate, and have an advisory and non-binding nature for the entity.

195.4 The investigating authority must explain, in the basis of its decision, how it has taken into account the opinions of citizens and, where appropriate, the reasons for its rejection.

(Text according to article 184 of Law No. 27444)

Article 196.- Public information period

196.1 When it is a matter of decision by the authority, any aspect of general interest other than those provided for in the previous article where it is objectively appreciated that the participation of undetermined third parties may contribute to the verification of any status, information or any legal requirement not evidenced in the file by the authority, the instructor opens a period of no less than three nor more than five business days to receive - by the widest possible means - their statements on the matter, before resolving the procedure.

196.2 The public information period should be convened particularly before approving administrative regulations that affect citizen rights and interests, or to decide on the granting of licenses or authorizations to carry out activities of general interest, and to appoint officials in main positions of the entities, or even in the case of any position when impeccable conduct or any similar circumstance is required as an express condition.

196.3 The call, development and consequences of the public information period are followed in matters not provided for in this Chapter, as applicable, by the public hearing rules.

(Text according to article 185 of Law No. 27444)

CHAPTER VIII

End of Procedure

Article 197.- End of the procedure

197.1 The resolutions that are pronounced on the merits of the matter, the positive administrative silence, the negative administrative silence in the case referred to in paragraph 199.4 of article 199, the withdrawal, the declaration of abandonment, the agreements adopted as a result of conciliation or extrajudicial transaction that aim to put an end to the procedure and the effective provision of what is requested with the consent of the administrator in the case of an ex-gratia request.

197.2 The resolution that declares so will also end the procedure due to unforeseen causes that determine the impossibility of continuing it.

(Text according to article 186 of Law No. 27444)

Article 198.- Content of the resolution

198.1 The resolution that ends the procedure will meet the requirements of the administrative act indicated in Chapter One of Title One of this Law.

198.2 In procedures initiated at the request of the interested party, the resolution will be consistent with the requests made by the interested party, without in any case aggravating their initial situation and without prejudice to the power of the administration to initiate a new procedure ex officio, if proceeds.

(Text according to article 187 of Law No. 27444)

Article 199.- Effects of administrative silence

199.1. Administrative procedures subject to positive administrative silence will be automatically approved in the terms in which they were requested if after the established or maximum period has elapsed, to which the maximum period indicated in section 24.1 of article 24 will be added, the entity has not notified the pronouncement. respective. The sworn declaration referred to in article 37 is not necessary to exercise the right resulting from positive administrative silence before the same entity.

199.2 Positive silence has for all purposes the character of a resolution that puts an end to the procedure, without prejudice to the power of annulment ex officio provided for in article 213.

199.3 Negative administrative silence has the effect of enabling the administrator to file administrative appeals and pertinent judicial actions.

199.4 Even when negative administrative silence operates, the administration maintains the obligation to resolve, under responsibility, until it is notified that the matter has been brought to the attention of a jurisdictional authority or the administrator has made use of the respective administrative resources.

199.5 Negative administrative silence does not initiate the calculation of deadlines or terms for its challenge.

199.6. In sanctioning procedures, administrative resources intended to challenge the imposition of a sanction will be subject to negative administrative silence. When the administrator has opted for the application of negative administrative silence, positive administrative silence will apply in the following resolution instances.

(Text according to article 188 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 200.- Withdrawal of the procedure or claim

200.1 The withdrawal of the procedure will lead to its completion, but will not prevent the same claim from being raised again later in another procedure.

200.2 The withdrawal of the claim will prevent the promotion of another procedure for the same object and cause.

200.3 The withdrawal will only affect those who have made it.

200.4 Withdrawal may be made by any means that allows for its record and indicating its content and scope. It must be expressly stated whether it is a withdrawal of the claim or the procedure. If it is not specified, it is considered a withdrawal of the procedure.

200.5 Withdrawal can be made at any time before the final resolution that exhausts the administrative route is notified.

200.6 The authority will accept the withdrawal outright and declare the procedure concluded, unless, having appeared there, interested third parties urge its continuation within a period of ten days from when they were notified of the withdrawal.

200.7 The authority may continue the procedure ex officio if from the analysis of the facts it considers that the interests of third parties could be affected or the action raised by the initiation of the procedure is strange. general interest. In that case, the authority may limit the effects of the withdrawal to the interested party and continue the procedure.

(Text according to article 189 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 201.- Withdrawal of acts and resources administrative

201.1 The withdrawal of any act carried out in the procedure can be done before it has produced effects.

201.2 An administrative appeal may be withdrawn before the final resolution is notified in the instance, determining that the contested resolution remains firm, unless other administrators have joined the appeal, in which case it will only have effect for the person who formulated it. .

(Text according to article 190 of Law No. 27444)

Article 202.- Abandonment in procedures initiated at the request of the administrator

In procedures initiated at the request of a party, when the administrator fails to comply with any procedure that would have been required that would cause his suspension for thirty days, the authority ex officio or at the request of the administrator will declare the abandonment of the procedure.

Said resolution must be notified and the pertinent administrative resources will proceed against it.

(Text according to article 191 of Law No. 27444)

CHAPTER IX

Execution of resolutions

Article 203.- Execution of the administrative act

Administrative acts will be executive in nature, unless expressly provided by law to the contrary, court order or unless they are subject to a condition or deadline in accordance with the law.

(Text according to article 192 of Law No. 27444)

Article 204.- Loss of enforceability of the administrative act

204.1 Unless expressly stated otherwise, administrative acts lose effectiveness and enforceability in the following cases:

204.1.1 By provisional suspension in accordance with law.

204.1.2 When after two (2) years of acquired firmness, the administration has not initiated the acts that it is responsible for executing.

204.1.3 When the operative condition is met who were subject according to law.

204.2 When the administrator opposes the loss of its enforceability at the beginning of the execution of the administrative act, the issue is resolved irrevocably at the administrative headquarters by the immediately superior authority, if any, following a legal report on the matter.

(Text according to article 193 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 205.- Forced execution

To proceed with the forced execution of administrative acts through its own competent bodies, or the National Police of Peru, the authority meets the following requirements:

1. That it is an obligation to give, do or not do, established in favor of the entity.
2. That the benefit be determined in writing in a clear and complete manner.
3. That such obligation derives from the exercise of a power of authority of the entity or comes from a public law relationship maintained with the entity.
4. That the administrator has been required to spontaneously comply with the benefit, under warning of initiating the specifically applicable coercive means.

5. That it is not an administrative act that the Constitution or the law requires the intervention of the Judicial Branch for its execution.

6. In the case of trilateral procedures, the final resolutions that order corrective measures constitute titles of execution in accordance with the provisions of article 713, paragraph 4) of the Code of Civil Procedure, modified by Law No. 28494, once the act remains firm or the administrative route has been exhausted.

In the case of final resolutions that order corrective measures, the legitimacy to act in civil enforcement processes corresponds to the parties involved.

(Text according to article 194 of Law No. 27444)

Article 206.- Notification of the act of initiation of execution

206.1 The decision authorizing the administrative execution will be notified to its recipient before it begins.

206.2 The authority may notify the start of the execution successively after the notification of the executed act, provided that it facilitates the administrator to spontaneously fulfill the service under his/her responsibility.

(Text according to article 195 of Law No. 27444)

Article 207.- Means of forced execution

207.1 Forced execution by the entity will be carried out always respecting the principle of reasonableness, by the following means:

a) Coercive execution
b) Subsidiary execution
c) Coercive fine
d) Compulsion on people

207.2 If several means of execution are applicable, the least restrictive of individual freedom will be chosen.

207.3 If it is necessary to enter the home or property of the affected person, the provisions of section 9) of article 20 of the Political Constitution of Peru must be followed.

(Text according to article 196 of Law No. 27444)

Article 208.- Coercive execution

If the entity had to seek the execution of an obligation to give, do or not do, the procedure provided for in the laws of the matter will be followed.

(Text according to article 197 of Law No. 27444)

Article 209.- Subsidiary execution

There will be room for subsidiary execution when it comes to acts that, because they are not very personal, can be carried out by a subject other than the obligated party:

1. In this case, the entity will carry out the act, on its own or through the people it determines, at the expense of the obligor.
2. The amount of expenses, damages and losses will be required in accordance with the provisions of the previous article.
3. This amount may be settled provisionally and made before execution, or reserved for final settlement.

(Text according to article 198 of Law No. 27444)

Article 210. Coercive fine

210.1 When authorized by law, and in the manner and amount determined by them, the entity may, for the execution of certain acts, impose coercive fines, repeated for periods sufficient to comply with what is ordered, in the following cases:

a) Very personal acts in which compulsion does not apply to the person of the obligor.
b) Acts in which, following the compulsion, the administration did not deem it appropriate.
c) Acts whose execution the obligated party can entrust to another person.

210.2 The coercive fine is independent of the sanctions that may be imposed with such character and compatible with them.

(Text according to article 199 of Law No. 27444)

Article 211.- Compulsion on persons

Administrative acts that impose a very personal obligation not to do or endure, may be executed by compulsion on people in cases where the law expressly authorizes it, and always with due respect for their dignity and the rights recognized in the Political Constitution. .

If the acts were personal compliance, and were not executed, they will give rise to the payment of the damages that occur, which must be regulated judicially.

(Text according to article 200 of Law No. 27444)

TITLE III

From the Review of Administrative Acts

CHAPTER I

Official Review

Article 212.- Rectification of errors

212.1 Material or arithmetic errors in administrative acts may be rectified with retroactive effect, at any time, ex officio or at the request of those administered, provided that the substance of its content or the meaning of the decision is not altered.

212.2 The rectification adopts the forms and modalities of communication or publication that correspond to the original act.

(Text according to article 201 of Law No. 27444)

Article 213. Nullity of office

213.1 In any of the cases listed in article 10, the nullity of administrative acts may be declared ex officio, even when they have become firm, provided that they harm the public interest or harm fundamental rights.

213.2 Ex officio nullity can only be declared by the hierarchical official superior to the one who issued the act that is invalidated. If it were an act issued by an authority that is not subject to hierarchical subordination, the nullity is declared by resolution of the same official.

In addition to declaring nullity, the authority may decide on the merits of the matter if it has sufficient elements to do so. In this case, this point can only be subject to reconsideration. When it is not possible to rule on the merits of the matter, the procedure is ordered to be reinstated at the time when the defect occurred.

In the event of an ex officio declaration of nullity of an administrative act favorable to the administrator, the authority, prior to the pronouncement, informs him/her, granting him/her a period of no less than five (5) days to exercise his/her right of defense.

213.3. The power to declare the nullity of administrative acts ex officio expires within a period of two (2) years, counted from the date on which they have been consented to, or counted from the notification to the administrative authority of the firm condemnatory criminal sentence, regarding the nullity of the acts provided for in paragraph 4 of article 10.

(Text according to section 202.3 of article 202 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

213.4 In the event that the period provided for in the previous section has expired, it is only appropriate to demand annulment before the Judiciary via the contentious administrative process, provided that the claim is filed within three (3) years from the date in which the power to declare nullity at administrative headquarters was prescribed.

213.5. Administrative acts issued by councils or courts governed by special laws, competent to resolve disputes in the final administrative instance, can only be declared null and void ex officio at the administrative headquarters by the council or court itself with the unanimous agreement of its members. This power can only be exercised within a period of two (2) years from the date on which the act has been approved. It is also appropriate for the head of the Entity to demand its annulment through a contentious administrative process, provided that the claim is filed within three years following notification of the resolution issued by the council or court.

(Text according to section 202.5 of article 202 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1452)

Article 214.- Revocation

214.1 Administrative acts may be revoked, with future effects, in any of the following cases:

214.1.1 When the revocation power has been expressly established by a rule with legal status and provided that the requirements provided for in said rule are met.
norma.

214.1.2 When the legally required conditions for the issuance of the administrative act whose permanence is essential for the existence of the legal relationship created disappears.

214.1.3 When appreciating supervening elements of judgment, the recipients of the act are legally favored and provided that no harm is generated to third parties.

214.1.4 When it is an act contrary to the legal system that causes injury or harms the legal situation of the administrator, provided that it does not harm the rights of third parties or affect the public interest.

The revocation provided for in this section can only be declared by the highest authority of the competent entity, prior opportunity to those potentially affected, granting them a period of no less than five (5) days to present their allegations and evidence in their favor.

214.2 Administrative acts declaratory or constitutive of rights or legitimate interests cannot be revoked, modified or replaced ex officio for reasons of opportunity, merit or convenience.

(Text according to article 203 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 215.- Revisibility of judicially confirmed acts

Under no circumstances will acts that have been confirmed by a final judicial ruling be reviewed at the administrative level.

(Text according to article 204 of Law No. 27444)

Article 216.- Compensation for revocation

216.1 When the revocation causes economic damage to the administrator, the resolution that decides it must contemplate what is convenient to carry out the corresponding compensation at the administrative headquarters.

216.2 Acts that are grounds for revocation or nullity ex officio, but whose effects have expired or been exhausted, will be subject to compensation in court, arranged when their revocation or annulment is administratively firm.

(Text according to article 205 of Law No. 27444)

CHAPTER II

Administrative Resources

Article 217. Power of contradiction

217.1 In accordance with the provisions of article 120, in the event of an administrative act that is supposed to violate, ignore or harm a right or legitimate interest, its contradiction in the administrative channel through the administrative resources indicated in the following article, initiating the corresponding recursive procedure.

217.2 Only the definitive acts that end the instance and the procedural acts that determine the impossibility of continuing the procedure or cause defenselessness are challengeable. The contradiction to the remaining procedural acts must be alleged by the interested parties for consideration in the act that ends the procedure and may be challenged with the administrative appeal that, where appropriate, is filed against the final act.

217.3 There is no room for challenging acts that are a reproduction of previous ones that have become firm, nor of confirmatory acts of consented acts because they have not been appealed in a timely manner.

217.4 The accumulation of challenging claims is possible in a subsidiary manner, when in the previous instances the facts and/or foundations on which the aforementioned subsidiary claim is based have been analyzed.

(Text according to article 206 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 218. Administrative resources

218.1 The administrative resources are:

a) Appeal for reconsideration
b) Appeal

Only in cases where it is expressly established by law or legislative decree can an administrative appeal for review be filed.

218.2 The term for filing appeals is fifteen (15) peremptory days, and they must be resolved within thirty (30) days.

(Text according to article 207 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 219.- Appeal for reconsideration

The appeal for reconsideration will be filed before the same body that issued the first act that is the subject of the challenge and must be supported by new evidence. In cases of administrative acts issued by bodies that constitute the sole instance, no new evidence is required. This appeal is optional and its failure to file does not prevent the exercise of the appeal.

(Text according to article 208 of Law No. 27444)

Article 220.- Appeal

The appeal will be filed when the challenge is based on a different interpretation of the evidence produced or when it involves questions of pure law, and must be addressed to the same authority that issued the act that is challenged so that it can elevate the action to the hierarchical superior.

(Text according to article 209 of Law No. 27444)

Article 221.- Resource requirements

The written appeal must indicate the act being appealed and will meet the other requirements provided for in article 124.

(Text according to article 211 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 222.- Firm act

Once the deadlines for filing administrative appeals have expired, the right to articulate them will be lost, leaving the act firm.

(Text according to article 212 of Law No. 27444)

Article 223.- Error in qualification

The error in the classification of the appeal by the appellant will not be an obstacle to its processing as long as its true character can be deduced from the writing.

(Text according to article 213 of Law No. 27444)

Article 224.- Scope of resources

Administrative resources will be exercised only once in each administrative procedure and never simultaneously.

(Text according to article 214 of Law No. 27444)

Article 225. Administrative silence in the matter of resources

Administrative silence in matters of resources will be governed by the provisions of article 38 and numeral 2) of paragraph 35.1 of article 35.

(Text according to article 215 of Law No. 27444)

Article 226.- Suspension of execution

226.1 The filing of any appeal, except in cases where a legal norm establishes otherwise, will not suspend the execution of the contested act.

226.2 Notwithstanding the provisions of the previous section, the authority responsible for resolving the appeal suspends ex officio or at the request of a party the execution of the contested act when any of the following circumstances occur:

a) That the execution could cause damages of impossible or difficult to repair.

b) That the existence of a transcendent defect of nullity is objectively appreciated.

226.3 The suspension decision will be adopted after sufficiently reasoned weighing between the damage that the suspension would cause to the public interest or to third parties and the damage caused to the appellant by the immediate effectiveness of the contested act.

226.4 When the suspension is ordered, the measures that are necessary may be adopted to ensure the protection of the public interest or the rights of third parties and the effectiveness of the contested resolution.

226.5 The suspension will be maintained during the processing of the administrative appeal or the corresponding contentious-administrative process, unless the administrative or judicial authority provides otherwise if the conditions under which it was decided are modified.

(Text according to article 216 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 227.- Resolution

227.1 The resolution of the appeal will uphold in whole or in part or reject the claims formulated therein or declare them inadmissible.

227.2 Once the existence of a cause for nullity has been confirmed, the authority, in addition to the declaration of nullity, will resolve on the merits of the matter, if it has sufficient elements to do so. When it is not possible to rule on the merits of the matter, the procedure will be restored to the moment in which the defect occurred.

(Text according to article 217 of Law No. 27444)

Article 228.- Exhaustion of administrative channels

228.1 Administrative acts that exhaust the administrative route may be challenged before the Judiciary through the contentious-administrative process referred to in article 148 of the Political Constitution of the State.

228.2 These are acts that exhaust the administrative route:

a) The act in respect of which a challenge is not legally appropriate before a hierarchically superior authority or body in the administrative process or when negative administrative silence occurs, unless the interested party chooses to file an appeal for reconsideration, in which case the resolution issued or The administrative silence produced due to said challenging appeal exhausts the administrative route; either

b) The act issued or the administrative silence produced due to the filing of an appeal of appeal in those cases in which the act of an authority or body subject to hierarchical subordination is challenged; either

c) The act issued or the administrative silence produced due to the filing of an appeal for review, only in the cases referred to in article 218; either

d) The act that declares ex officio the nullity or revokes other administrative acts in the cases referred to in articles 213 and 214; either

e) The administrative acts of the Courts or Administrative Councils governed by special laws.

(Text according to article 218 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

TITLE IV

Of the trilateral procedure, the sanctioning procedure and the administrative activity of inspection

(Denomination modified by article 3 of the Decree Legislative No. 1272)

CHAPTER I

Trilateral procedure

Article 229.- Trilateral procedure

229.1 The trilateral procedure is the contentious administrative procedure followed between two or more administered before the administration entities and for those described in section 8) of article I of the Preliminary Title of this Law.

229.2 The party that initiates the procedure with the presentation of a claim will be designated as “claimant” and any of the summonses will be designated as “respondent”.

(Text according to article 219 of Law No. 27444)

Article 230. Legal framework

The trilateral procedure is governed by the provisions of this Chapter and otherwise by the provisions of this Law. Regarding trilateral administrative procedures governed by special laws, this chapter will only have a supplementary nature.

(Text according to article 220 of Law No. 27444)

Article 231.- Start of the procedure

231.1 The trilateral procedure is initiated by the presentation of a claim or ex officio.

231.2 During the development of the trilateral procedure, the administration must favor and facilitate the conciliated solution of the controversy.

231.3 Once the claim is admitted for processing, the claimant will be informed so that he or she can present his or her defense.

(Text according to article 221 of Law No. 27444)

Article 232.- Content of the claim

232.1 The claim must contain the written requirements provided for in article 124, as well as the name and address of each claimant, the reasons for the claim and the request for sanctions or other types of affirmative action.

232.2 The claim must offer evidence and will include the evidence available as annexes.

232.3 The authority may request clarification of the claim to admit it, when there are doubts in the presentation of the respective facts or legal bases.

(Text according to article 222 of Law No. 27444)

Article 233.- Answer to the claim

233.1 The claimant must present the response to the claim within fifteen (15) days following notification of the claim; Once this period has expired, the Administration will declare the defendant who has not presented it in default. The response must contain the requirements of the writings provided for in Article 124, as well as the absolution of all disputed matters of fact and law, The allegations and relevant facts of the claim, unless they have been specifically denied in the response, will be considered accepted or credited as true.

233.2 The issues are proposed jointly and only when answering the claim or reply and are resolved with the final resolution.

233.3 In the event that the respondent fails to submit the response within the established period, the administration may allow, if it considers it appropriate and reasonable, the delivery of the response after the expiration of the period.

233.4 In addition to the response, the defendant may present a reply alleging violations of the respective legislation, within the jurisdiction of the corresponding body of the entity. The presentation of replies and responses to those replies is governed by the rules for the presentation and response of claims, excluding matters relating to administrative processing rights.

(Text according to article 223 of Law No. 27444)

Article 234.- Prohibition of responding to responses

Reply to the answers to the claims is not allowed. The new problems included in the
response of the accused will be considered as controversial matter.

(Text according to article 224 of Law No. 27444)

Article 235.- Evidence

Without prejudice to the provisions of articles 173 to 191, the administration can only dispense with the use of evidence offered by any of the parties by unanimous agreement of the parties.

(Text according to article 225 of Law No. 27444)

Article 236.- Precautionary measures

236.1 At any stage of the trilateral procedure, ex officio or at the request of a party, precautionary measures may be issued in accordance with article 146.

236.2 If the person obliged to comply with a precautionary measure ordered by the administration does not do so, the rules on forced execution provided for in the
articles 203 to

236.3 An appeal may be made against the resolution that dictates a precautionary measure requested by one of the parties within a period of three (3) days from the notification of the resolution that dictates the measure. Unless otherwise provided by law or decision of the authority, the appeal does not suspend the execution of the precautionary measure.

The appeal must be raised to the hierarchical superior within a maximum period of (1) day, counted from the date of granting the respective appeal and will be resolved within a period of five (5) days.

(Text according to article 226 of Law No. 27444)

Article 237.- Challenge

237.1 Against the final resolution issued in a trilateral procedure issued by an authority or body subject to hierarchical subordination, only the filing of an appeal is appropriate. If there is no hierarchical superior, only a reconsideration appeal can be filed.

237.2 The appeal must be filed before the body that issued the appealed resolution within fifteen (15) days of producing the respective notification.

The respective file must be raised to the superior hierarchical within a maximum period of two (2) days from the date of granting the respective resource.

237.3 Within fifteen (15) days of receipt of the file by the hierarchical superior, it will be sent to the other party and a period of fifteen (15) days will be granted to acquit the appeal.

237.4 With the acquittal of the other party or the expiration of the period referred to in the preceding article, the authority hearing the appeal may set a day and time for the hearing of the case, which may not take place within a period of more than ten (10) days counted from the date on which the acquittal of the appeal was notified to the person filing it.

237.5 The administration must issue a resolution within thirty (30) days following the date of the hearing.

(Text according to article 227 of Law No. 27444)

Article 238.- Conciliation, extrajudicial and transaction withdrawal

238.1 In cases where the Law allows it and before the final resolution is notified, the authority may approve agreements, pacts, conventions or contracts with the administered parties that involve an extrajudicial transaction or conciliation, with the scope, requirements , effects and specific legal regime that in each case provides for the provision that regulates it, such acts may put an end to the administrative procedure and render void the resolutions that have been issued in the procedure.

The agreement may be included in an administrative resolution.

238.2 The aforementioned instruments must be in writing and establish as minimum content the identification of the parties involved and the period of validity.

238.3 When approving the agreements referred to in section 238.1, the authority may continue the procedure ex officio if from the analysis of the facts it considers that the interests of third parties could be affected or the action raised by the initiation of the procedure entails general interest.

238.4 Withdrawal proceeds in accordance with the regulations in articles 200 and 201.

(Text according to article 228 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

CHAPTER II

THE ADMINISTRATIVE ACTIVITY OF INSPECTION

(Chapter IA incorporated by article 5 of the Decree Legislative No. 1272)

Article 239.- Definition of the inspection activity

239.1 The inspection activity constitutes the set of acts and procedures of investigation, supervision, control or inspection on compliance with the obligations, prohibitions and other limitations required of those administered, derived from a legal or regulatory norm, contracts with the State or another legal source, under a focus on regulatory compliance, risk prevention, risk management and protection of protected legal assets.

Only by Law or Legislative Decree can
attributing the inspection activity to the entities.

For reasons of efficiency and economy, the authorities can coordinate to carry out joint inspection actions or carry out management tasks among themselves.

239.2 Regardless of their name, the special rules that regulate this function are interpreted and applied within the framework of the common rules of this chapter, even when in accordance with the legal framework they are exercised by private natural or legal persons.

Article 240.- Powers of the entities that carry out inspection activities

240.1 Inspection acts and proceedings are always initiated ex officio, either on their own initiative or as

consequence of a superior order, motivated request or complaint.

240.2 The Public Administration in the exercise of inspection activity is authorized to carry out the following:

1. Require the administrator subject to the audit to display or present all types of documentation, files, files or other necessary information, respecting the principle of legality.

Access to information that may affect personal or family privacy, as well as matters protected by banking, tax, commercial and industrial secrecy and the protection of personal data, is governed by the provisions of the Political Constitution of Peru and the laws specials.

2. Interrogate the persons subject to inspection or their representatives, employees, officials, advisors and third parties, using the technical means considered necessary to generate a complete and trustworthy record of their statements.

The summons or personal appearance at the headquarters of administrative entities is regulated by articles 69 and 70.

3. Carry out inspections, with or without prior notification, in the premises and/or property of the natural or legal persons subject to inspection actions, respecting the fundamental right to the inviolability of the home when appropriate.

4. Take a copy of the physical, optical, electronic or other files, as well as take photographs, make prints, audio or video recordings with prior knowledge of the administrator and, in general, use the necessary means to generate a complete and accurate record. worthy of its oversight action.

5. Carry out expert examinations on the documentation and other technical aspects related to the audit.

6. Use equipment that they consider necessary in inspection actions and procedures. Those administered must allow access to such equipment, as well as allow the use of their own equipment, when it is essential for the inspection work.

7. Expand or vary the object of the inspection action in the event that, as a result of the actions and procedures carried out, additional non-compliance is detected than those initially expressed in the aforementioned object.

8. Others established by special laws.

Article 241.- Duties of the entities that carry out inspection activity

241.1 The Public Administration exercises its audit activity with diligence, responsibility and respect for the rights of those administered, adopting the necessary measures to obtain the appropriate means of proof to support the verified facts, if applicable.

241.2 The competent authorities have, among others, the following duties in the exercise of inspection activity:

1. Prior to the inspection actions and procedures, carry out the review and/or evaluation of the documentation that contains information related to the specific case subject to inspection.

2. Identify yourself at the request of those administered, presenting the credential issued by your entity, as well as your national identity document.

3. Cite the legal basis that supports your oversight jurisdiction, your powers and obligations, to the administrator who requests it.

4. Deliver a copy of the Inspection Record or document that takes its place to the administrator at the end of the inspection procedure, recording in a clear and precise manner the observations made by the administrator.

5. Keep confidential the information obtained in the audit.

6. Duty of impartiality and prohibition of maintaining conflicting interests.

Article 242.- Rights of the audited administrators

The rights of the audited administrators are:

1. Be informed of the purpose and legal basis of the supervisory action and, if foreseeable, the estimated period of its duration, as well as their rights and obligations in the course of such action.

2. Require the credentials and national identity document of the officials, servants or third parties in charge of the inspection.

3. Be able to make audio or video recordings of the proceedings in which they participate.

4. Your observations are included in the corresponding minutes.

5. Present additional documents, evidence or arguments after receiving the inspection report.

6. Bring professional advice to the proceedings if the managed considers it.

Article 243.- Duties of the audited subjects

The duties of the audited administrators are:

1. Perform or provide all facilities to execute the powers listed in article 240.

2. Allow access by officials, servants and third-party auditors to their premises, facilities, goods and/or equipment, whether directly administered or not, without prejudice to their fundamental right to the inviolability of the home when applicable.

3. Sign the inspection report.

4. The others established by special laws.

Article 244.- Minimum content of the Inspection Act

244.1 The Inspection Record or document that replaces it, is the document that records the verifications of the objectively verified facts and contains at least the following data:

1. Name of the natural person or company name of the audited legal entity.

2. Place, date and time of opening and closing of the procedure.

3. Name and identification of the auditors.

4. Names and identification of the legal representative of the audited legal entity or its representative designated for said purpose.

5. The facts subject to verification and/or occurrences of the inspection.

6. The statements or observations of the representatives of the auditees and the auditors.

7. The signature and identification document of the participating persons. If any of them refuse to sign, the refusal is recorded in the minutes, without this affecting its validity.

8. The refusal of the administrator to identify himself and sign the minutes.

244.2 The inspection records record the facts verified during the investigation, unless proven otherwise.

Article 245.- Conclusion of the inspection activity

245.1 The inspection actions may conclude in:

1. The certification or proof of conformity of the activity carried out by the administrator.

2. The recommendation of improvements or corrections to the activity carried out by the administrator.

3. The warning of the existence of non-compliance that does not warrant the determination of administrative responsibilities.

4. The recommendation to initiate a procedure in order to determine the corresponding administrative responsibilities.

5. The adoption of corrective measures.

6. Other forms as established by special laws.

245.2. The entities will try to carry out some audits for indicative purposes only, this

es, identification of risks and notification of alerts to those managed in order to improve their management.

Article 246.- Precautionary and corrective measures

Entities may only issue precautionary and corrective measures as long as they are authorized by Law or Legislative Decree and through a duly reasoned decision and observing the Principle of Proportionality.

CHAPTER III

Sanctioning Procedure

Article 247.- Scope of application of this chapter

247.1 The provisions of this Chapter regulate the power attributed to any of the entities to establish administrative infractions and the consequent sanctions to those administered.

247.2 The provisions contained in this Chapter apply on a supplementary basis to all procedures established in special laws, including tax procedures, which must necessarily observe the principles of the administrative sanctioning power referred to in article 248, as well as the structure and guarantees provided for the administrative sanctioning procedure.

Special procedures cannot impose less favorable conditions on those administered than those provided for in this Chapter.

247.3 The disciplinary sanctioning power over the personnel of the entities is governed by the regulations on the matter.

(Text according to article 229 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 248.- Principles of administrative sanctioning power

The sanctioning power of all entities is additionally governed by the following special principles:

1. Legality.- Only by rule with the rank of law can the entities be granted the power to sanction and the consequent provision for the administrative consequences that as a sanction are possible to apply to an administrator, which in no case will enable them to provide the deprivation of freedom.

2. Due procedure.- Sanctions cannot be imposed without the respective procedure having been processed, respecting the guarantees of due procedure. The procedures that regulate the exercise of the sanctioning power must establish the due separation between the instruction phase and the sanctioning phase,

ordering them to different authorities.

3. Reasonableness.- The authorities must ensure that the commission of punishable conduct is not more advantageous for the offender than complying with the violated rules or assuming the sanction. However, the sanctions to be applied must be proportional to the non-compliance classified as an infraction, observing the following criteria that are indicated for the purposes of their grading:

a) The illicit benefit resulting from the commission of the infraction;

b) The probability of detection of the violation;

c) The severity of the damage to the public interest and/or protected legal asset;

d) The economic damage caused;

e) Recidivism, due to the commission of the same infraction within a period of one (1) year from when the resolution that sanctioned the first infraction was signed.

f) The circumstances of the commission of the infraction; and

g) The existence or not of intentionality in the offender's conduct.

4. Typicality.- Only infractions expressly provided for in regulations with the force of law constitute administratively sanctionable conduct through their classification as such, without admitting extensive interpretation or analogy. Regulatory provisions for development They can specify or graduate those aimed at identifying conduct or determining sanctions, without constituting new conduct punishable by law, except in cases where the law or Legislative Decree allows infractions to be classified by regulatory standard.

Through the classification of infractions, it is not possible to impose on those administered compliance with obligations that are not previously provided for in a legal or regulatory norm, as appropriate.

In the configuration of the sanctioning regimes, the classification of infractions with the same factual assumption and identical basis is avoided with respect to those crimes or misdemeanors already established in criminal laws or with respect to those infractions already classified in other administrative sanctioning regulations.

5.- Irretroactivity.- The sanctioning provisions in force at the time of the administration's conduct to be sanctioned are applicable, unless subsequent ones are more favorable.

The sanctioning provisions produce retroactive effect insofar as they favor the alleged offender or the offender, both with regard to the classification of the offense and the sanction and its prescription periods, even with respect to the sanctions in execution when the new one comes into force. provision.

6. Contest of Infractions.- When the same conduct qualifies as more than one infraction, the sanction provided for the most serious infraction will be applied, without prejudice to the other responsibilities established by law that may be required.

7. Continuation of infractions.- To determine the origin of the imposition of sanctions for infractions that the administrator incurs continuously, it is required that at least thirty (30) business days have elapsed from the date of imposition of the sanction. last sanction and that it is proven that the administrator has been asked to demonstrate that the violation has ceased within said period.

The entities, under sanction of nullity, will not be able to attribute the assumption of continuity and/or the imposition of the respective sanction, in the following cases:

a) When an administrative appeal filed within the deadline against the administrative act by which the last administrative sanction was imposed is in process.

b) When the administrative appeal filed had not resulted in a final administrative act.

c) When the conduct that determined the imposition of the original administrative sanction has lost the character of an administrative infraction due to a modification in the ordinance, without prejudice to the application of the principle of non-retroactivity referred to in section 5.

8. Causality.- The responsibility must fall on the person who carries out the omissive or active conduct that constitutes a punishable infraction.

9. Presumption of legality.- Entities must presume that those administered have acted in accordance with their duties as long as they do not have evidence to the contrary.

10. Guilt.- Administrative responsibility is subjective, except in cases in which objective administrative responsibility is provided for by law or legislative decree.

11. Non bis in idem.- A penalty and an administrative sanction may not be imposed successively or simultaneously for the same fact in cases in which the identity of the subject, fact and basis is appreciated.

This prohibition also extends to administrative sanctions, except in the case of continued violations referred to in section 7.

(Text according to article 230 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 249.- Stability of the jurisdiction for sanctioning power

The exercise of the sanctioning power corresponds to the administrative authorities to whom it has been expressly attributed by legal or regulatory provision, without being able to assume it or delegate it to a different body.

(Text according to article 231 of Law No. 27444)

Article 250.- Rules on the exercise of sanctioning power.

By virtue of the principle of reasonableness in the field of administrative sanctioning procedures, the following rules must be observed:

a) In the case of administrative infractions subject to fines that are based on failure to carry out procedures, obtain licenses, permits and authorizations or other similar procedures before competent authorities for the installation of network infrastructures for public services or works. public infrastructure, exclusively in cases where this is required by current regulations, the amount of the penalty to be imposed may not exceed:

- One (1%) of the value of the work or project, according to be the case.
- One hundred percent (100%) of the amount for the applicable fee for processing rights, in accordance with the Single Text of Administrative Procedures (TUPA) in force at the time of occurrence of the events, in cases where it is not The valuation indicated above is applicable.

Cases of imposition of administrative fines for amounts that exceed the limits indicated above will be known by the Market Access Commission of the National Institute for the Defense of Competition and the Protection of Intellectual Property,(2) for the purposes of determining if in such cases illegal bureaucratic barriers to market access have been established, in accordance with the administrative procedure contemplated in Decree Law No. 25868 and Legislative Decree No. 807, and in its modifying and complementary regulations.

b) When the sanctioning procedure falls on the lack of authorization or license to carry out various individual behaviors that, taking into account the nature of the facts, involve the commission of an activity and/or project that includes them in a general way, whose existence has been previously communicated to the competent entity, the sanction may not be imposed individually, but rather applied in a global concept taking into account the criteria provided for in paragraph 3 of article 248.

(Text according to article 231-A of Law No. 27444)

Article 251. -Determination of responsibility

251.1 The administrative sanctions imposed on the administrator are compatible with the issuance of corrective measures leading to ordering the replacement or repair of the situation altered by the violation to its previous state, including that of the affected property, as well as compensation for the damages caused, which are determined in the corresponding judicial process. Corrective measures must be previously typified, be reasonable and adjust to the intensity, proportionality and needs of the protected legal rights that are intended to be guaranteed in each specific case.

251.2 When compliance with the obligations provided for in a legal provision corresponds to several people jointly, they will be jointly and severally liable for the infractions that, where appropriate, are committed, and for the sanctions that are imposed.

(Text according to article 232 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 252.- Prescription

252.1 The power of the authority to determine the existence of administrative infractions prescribes within the period established by the special laws, without prejudice to the calculation of the prescription periods with respect to the other obligations that arise from the effects of

the commission of the infraction. If this has not been determined, said authority of the authority will expire after four (4) years.

252.2 The calculation of the limitation period of the power to determine the existence of infractions will begin from the day on which the infraction occurred.

committed in the case of instant infringements or instant infringements with permanent effects, from the day on which the last action constituting the infringement was carried out in the case of continuous infringements, or from the day on which the action ceased in the case of infringements permanent.

The calculation of the limitation period is only suspended with the initiation of the sanctioning procedure through the notification to the administrator of the acts constituting an infraction that are attributed to them as a charge, in accordance with the provisions of article 255, paragraph 3. Said calculation must be resumed immediately if the sanctioning procedure remains paralyzed for more than twenty-five (25) business days, for reasons not attributable to the administrator.

252.3 The authority declares the statute of limitations ex officio and concludes the procedure when it notices that the deadline for determining the existence of violations has expired. Likewise, those administered can raise the prescription by way of defense and the authority must resolve it without any further procedure than the verification of the deadlines.

If the statute of limitations is declared, the authority may initiate the necessary actions to determine the causes and responsibilities of the administrative inaction, only when it is noticed that situations of negligence have occurred.

(Text according to article 233 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 253.- Prescription of the enforceability of the fines imposed

1. The authority of the authority to demand, through forced execution, the payment of fines imposed for the commission of an administrative offense expires within the period established by special laws. If it is not determined, the prescription occurs at the end of two (2) years computed from the date on which any of the following circumstances occur:

a) That the administrative act by which the fine was imposed, or that which put an end to the administrative procedure, was final.

b) That the administrative litigation process aimed at challenging the act by which the fine was imposed has concluded as res judicata in an unfavorable manner for the administrator.

2. The calculation of the limitation period is suspended in the following cases:

a) With the initiation of the forced execution procedure, in accordance with the mechanisms contemplated in article 207, as appropriate. Said calculation must be resumed immediately in the event that any of the cases of suspension of the forced execution procedure contemplated by the current regulations are configured and/or any cause occurs that determines the cessation of the procedure for more than twenty-five (25) business days.

b) With the presentation of the demand for judicial review of the forced execution procedure or any other judicial provision that suspends the forced execution, in accordance with current regulations. The suspension of the calculation operates until the notification of the resolution that declares the process concluded with the quality of res judicata in a manner unfavorable to the administrator.

(Text modified according to article 2 of the Decree Legislative No. 1452)

3. Those administered may deduct the prescription as part of the application of the defense mechanisms provided within the forced execution procedure.
The competent authority must resolve it without any further procedure than the verification of the deadlines, and may, in cases where it is deemed justified, order the initiation of liability actions to elucidate the causes of the administrative inaction, only when it is noticed that situations of negligence have occurred. .

In the event that the prescription is deducted at the administrative headquarters, the maximum period to resolve on

The request for suspension of forced execution due to prescription is eight (8) business days from the presentation of said request by the administrator.

Once this period has expired without there being an express statement, the request is deemed to have been granted, by application of positive administrative silence.

(Article incorporated by article 4 of the Decree Legislative No. 1272)

Article 254.- Characteristics of the sanctioning procedure

254.1 To exercise the sanctioning power, it is mandatory to have followed the established legal or regulatory procedure characterized by:

1. Differentiate in its structure between the authority that conducts the instruction phase and the one that decides the application of the sanction.

2. Consider that the facts proven by firm judicial resolutions bind the entities in their sanctioning procedures.

3. Notify those administered of the facts that are attributed to them as a position, the classification of the infractions that such facts may constitute and the expression of the sanctions that, if applicable, could be imposed, as well as the authority competent to impose the sanction and the rule that attributes such competence.

4. Grant the administrator a period of five days to formulate his allegations and use the means of defense admitted by the legal system in accordance with section 173.2 of article 173, without the abstention from the exercise of this right being considered an element of judgment contrary to your situation.

254.2 The Administration reviews ex officio administrative resolutions based on facts contradictory to those proven in judicial resolutions with the quality of res judicata, in accordance with the rules that regulate ex officio review procedures.

(Text according to article 234 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 255.- Sanctioning procedure

Entities in the exercise of their power sanctions adhere to the following provisions:

1. The sanctioning procedure is always initiated ex officio, either on its own initiative or as a consequence of a superior order, reasoned request from other bodies or entities or by complaint.

2. Prior to the formal initiation of the procedure, prior investigation, investigation and inspection actions may be carried out in order to determine on a preliminary basis whether circumstances exist that justify its initiation.

3. Once the initiation of the sanctioning procedure has been decided, the authority instructing the procedure formulates the respective notification of charge to the possible sanctioned person, which must contain the data referred to in paragraph 3 of the preceding article so that they can present their defenses in writing in a period that may not be less than five business days from the date of notification.

4. Once said period has expired and with or without the respective discharge, the authority instructing the procedure will carry out ex officio all the necessary actions for the examination of the facts, collecting the data and information that is relevant to determine, where appropriate, the existence of liability subject to sanction.

5. Once the collection of evidence has been completed, if applicable, the authority investigating the procedure concludes by determining the existence of an infraction and, therefore, the imposition of a sanction; or the non-existence of infringement.
The investigating authority formulates a final investigation report in which it determines, in a reasoned manner, the conduct that is considered proven to constitute an infraction, the rule that provides for the imposition of sanctions; and, the proposed sanction or the declaration of non-existence of violation, as appropriate.

Once the final report has been received, the body competent to decide the application of the sanction may order the carrying out of complementary actions, provided that considers them essential to resolve the procedure. The final instruction report must be notified to the administrator so that he can formulate his defenses within a period of no less than five (5) business days.

6. The resolution that applies the sanction or the decision to archive the procedure will be notified both to the administrator and to the body or entity that formulated the request or to whom the violation was reported, if applicable.

(Text according to article 235 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 256.- Provisional measures

256.1 The authority processing the procedure may order, at any time, the adoption of provisional measures that ensure the effectiveness of the final resolution that may be issued, subject to the provisions of article 157.

256.2 The measures adopted must be adjusted to the intensity, proportionality and necessity of the objectives that are intended to be guaranteed in each specific case.

256.3 Provisional measures cannot be issued that may cause damage that is difficult or impossible to repair to the interested parties or that imply violation of their rights.

256.4 Provisional measures cannot be extended beyond what is essential to meet the concurrent precautionary objectives in the specific case.

256.5 During processing, the competent authority that ordered the provisional measures revokes them, ex officio or at the request of a party, when it verifies that they are no longer essential to meet the concurrent precautionary objectives in the specific case.

256.6 When the authority finds, ex officio or at the request of a party, that there has been a change in the situation that it took into account when making the provisional decision, it must be changed, modifying the agreed provisional measures or replacing them with others, as appropriate. requires the new measure.

256.7 Compliance or execution of the provisional measures that are adopted, if applicable, are compensated, as far as possible, with the sanction imposed.

256.8 Provisional measures are extinguished for the following reasons:

1. By the resolution that puts an end to the procedure in which they were ordered. The authority competent to resolve the administrative appeal in question may, with reasons, maintain the agreed measures or adopt others until the act of resolution of the appeal is issued.

2. Due to the expiration of the sanctioning procedure.

(Text according to article 236 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 257.- Exemptions and mitigations of responsibility for infractions

1.- They constitute exempt conditions of the liability for violations of the following:

a) The fortuitous event or duly proven force majeure.

b) Acting in compliance with a legal duty or the legitimate exercise of the right of defense.

c) Mental incapacity duly proven by the competent authority, provided that this affects the ability to understand the infraction.

d) The mandatory order of the competent authority, issued in the exercise of its functions.

e) The error induced by the Administration or by confusing or illegal administrative provision.

f) The voluntary correction by the possible sanctioned person of the act or omission charged as constituting an administrative infraction, prior to the notification of the imputation of charges referred to in paragraph 3) of article 255.

2.- They constitute mitigating conditions of the liability for violations of the following:

a) If an administrative sanctioning procedure has been initiated, the offender acknowledges his responsibility expressly and in writing.

In cases where the applicable sanction is a fine, this is reduced to an amount of no less than half of its amount.

b) Others that are established by special rule.

(Text according to article 236-A of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 258.- Resolution

258.1 In the resolution that ends the procedure, facts other than those determined in the course of the procedure cannot be accepted, regardless of their different legal assessment.

258.2 The resolution will be executive when the administrative route ends. The administration may adopt the necessary precautionary measures to guarantee its effectiveness, as long as it is not executive.

258.3 When the sanctioned offender appeals or challenges the resolution adopted, the resolution of the appeals filed may not determine the imposition of more serious sanctions for the sanctioned person.

(Text according to article 237 of Law No. 27444)

Article 259.- Administrative expiration of the sanctioning procedure

1. The deadline for resolving sanctioning procedures initiated ex officio is nine (9) months from the date of notification of the accusation of charges. This period may be extended exceptionally, for a maximum of three (3) months, and the competent body must issue a duly supported resolution, justifying the extension of the period, prior to its expiration. The administrative expiration does not apply to the recursive procedure.

When, according to law, entities have a longer period to resolve the expiration, it will operate upon expiration of this period.

2. Once the maximum period for resolution has elapsed, without notification of the respective resolution, the procedure is automatically deemed to have expired administratively and will be archived.

3. Administrative expiration is declared ex officio by the competent body. The administrator is authorized to request the administrative expiration of the procedure if the competent body has not declared it ex officio.

4. In the event that the infraction has not expired, the competent body will evaluate the initiation of a new sanctioning procedure. The administratively expired procedure does not interrupt the prescription.

5. The declaration of administrative expiration does not nullify the inspection actions, as well as the evidentiary means that cannot or are not necessary to be acted upon again. Likewise, the preventive, corrective and precautionary measures issued remain in force for a period of three (3) additional months as long as the start of the new sanctioning procedure is ordered, after which they expire, and new measures of the same nature may be ordered in case the sanctioning procedure begins.

(Article incorporated by article 4 of the Decree Legislative No. 1272, modified according to article 2 of the Legislative Decree No. 1452)

TITLE V

Of the responsibility of the public administration and the personnel at its service

CHAPTER I

Responsibility of public administration

Article 260.- General Provisions

260.1 Without prejudice to the responsibilities provided for in common law and special laws, the Entities are financially liable to those administered for direct and immediate damages caused by the acts of the administration or the public services directly provided by them.

260.2 In the cases of the previous paragraph, there is no room for reparation by the Administration, when the damage was a consequence of a fortuitous event or force majeure, in fact determining the affected administration or a third party.

There is also no room for reparation when the entity has acted reasonably and proportionally in defense of the life, integrity or property of people or in safeguarding public property or when it involves damages that the administrator has the legal duty to bear in accordance with the law. with the legal system and the circumstances.

260.3 The declaration of nullity of an administrative act at administrative headquarters or by judicial resolution does not necessarily presuppose the right to compensation.

260.4 The alleged damage must be effective, economically valuable and individualized in relation to an administrator or group of them.

260.5 Compensation includes direct and immediate damage and other consequences derived from the action or omission that generated the damage, including lost profits, damage to the person and moral damage.

260.6 When the entity compensates those administered, it may judicially repeat from authorities and other personnel at its service the responsibility they have incurred, taking into account the existence or not of intentionality, the professional responsibility of the personnel involved and their relationship with the production of the damage. However, the entity may agree with the person responsible for the reimbursement of the compensation, approving said agreement by resolution.

(Text according to article 238 of Law No. 27444)

CHAPTER II

Responsibility of authorities and personnel at the service of public administration

Article 261.- Administrative offenses

261.1 The authorities and personnel at the service of the entities, regardless of their employment or contractual regime, incur administrative misconduct in the processing of the administrative procedures under their charge and, therefore, are susceptible to being administratively sanctioned, suspension, dismissal or dismissal based on to the seriousness of the offense, the recurrence, the damage caused and the intentionality with which they acted, in the event of:

1. Unjustifiably refuse to receive requests, resources, statements, information or issue record about them.

2. Failure to deliver, within the legal term, the documents received to the authority that must decide or give an opinion on them.

3. Unjustifiably delay the submission of data, actions or files requested to resolve a procedure or the production of a procedural act subject to a specific deadline within the administrative procedure.

4. Resolve without motivation any matter subject to its jurisdiction.

5. Execute an act that is not authorized for it.

6. Failure to communicate within the legal term the cause of abstention in which you are subject.

7. Delay the fulfillment of superior or administrative mandates or contradict their decisions.

8. Intimidate in some way whoever wants to raise administrative complaint or contradict its decisions.

9. Involve in manifest illegality.

10. Disseminate in any way or allow access to the confidential information referred to in section 169.1 of this TUO.

11. Failure to resolve within the deadline established for each administrative procedure in a negligent or unjustified manner.

12. Disregard in any way the application of automatic approval or positive silence obtained by the administrator before his or her own or another administrative entity.

13. Failure to comply with the criteria, procedures and methodologies for determining the costs of administrative procedures and services.

14. Charge processing fee amounts above one (1) UIT, without prior authorization.

15. Failure to apply the approved standardized procedure.

16. Charge higher processing fee amounts to that established for standardized procedures.

17. Propose, approve or demand procedures, requirements or fees in violation of the provisions of this law and other simplification rules, even if they are contained in the internal rules of the entities or the Single Text of Administrative Procedures.

18. Require those administered to present documents prohibited from requesting or not admitting the documentary substitutes considered in this law, even when their requirement is based on some internal rule of the entity or on its Single Text of Administrative Procedures.

19. Suspend the admission to processing of applications from those administered for any reason.

20. Refusing to receive the writings, declarations or forms presented by the administrators, or to issue proof of their receipt, which does not prevent them from formulating observations in the terms referred to in article 136.

21. Require the personal presentation of petitions, resources or documents when the regulations do not require it.

22. Other breaches that are typified by Supreme Decree endorsed by the Presidency of the Council of Ministers.

261.2 The corresponding sanctions must be imposed after a disciplinary administrative process that will adhere to the legal provisions in force on the matter, and the procedure established in article 255 must be applied to other cases, where applicable.

(Text according to article 239 of Law No. 27444, modified according to article 2 of Legislative Decree No. 1272)

Article 262.- Restrictions on former authorities of the entities

262.1 No former authority of the entities may carry out any of the following actions during the year following their cessation with respect to the entity to which they belonged:

262.1.1 Represent or assist an administrator in any procedure in which he had some degree of participation during his activity in the entity.

262.1.2 Advise any administrator on any matter that was pending decision during their relationship with the entity.

262.1.3 Make any contract, directly or indirectly, with any administrator involved in a procedure resolved with their participation.

262.2 The violation of these restrictions will be the subject of an investigative procedure and, if proven, the person responsible will be sanctioned with a prohibition from entering any entity for five years, and registered in the respective Registry.

(Text according to article 241 of Law No. 27444)

Article 263.- National Registry of Sanctions against Civil Servants

The National Registry of Sanctions against Servers Civil consolidates all the information related to the exercise of the disciplinary and functional administrative power exercised by the entities of the Administration Public, as well as those criminal sanctions imposed in accordance with articles 296, 296-A first, second and fourth paragraph; 296-B, 297, 382, 383, 384, 387, 388, 389, 393, 393-A, 394, 395, 396, 397, 397-A, 398, 399, 400 and 401 of the Penal Code, as well as article 4-A of the Decree Law 25475 and the crimes provided for in articles 1, 2 and 3 of Legislative Decree 1106.

(Article modified by article 2 of the Decree Legislative No. 1367)

Article 264.- Autonomy of responsibilities

264.1 The civil, administrative or criminal consequences of the responsibility of the authorities are independent and are required in accordance with the provisions of their respective legislation.

264.2 The procedures for demanding criminal or civil liability do not affect the power of the entities to instruct and decide on administrative liability, unless expressly provided by the court to the contrary.

(Text according to article 243 of Law No. 27444)

Section 265. Complaint for offense of omission or function delay

The Public Ministry, in order to decide the exercise of criminal action in cases referring to crimes of omission or delay of duty, must determine the presence of the following situations:

a) If the period provided by law for the official to act or make an express statement has not been exceeded

b) If the administrator has expressly consented to what was resolved by the public official.

(Text according to article 244 of Law No. 27444)

COMPLEMENTARY PROVISIONS FINALS

First.- References to this Law

References to the rules of this Law will be made indicating the number of the article followed by the mention "of the Law of General Administrative Procedure."

(Text according to the section of the Provisions Complementary and Final Law No. 27444)

Second.- Prohibition of reiterating regulatory content

Subsequent legal provisions cannot reiterate the content of the rules of this Law, and must only refer to the respective article or regulate what is not provided for.

(Text according to the section of the Provisions Complementary and Final Law No. 27444)

Third.- Validity of this Law

1. This Law will enter into force six months after its publication in the Official Gazette El Peruano.

2. The lack of regulation of any of the provisions of this Law will not be an impediment to its validity and enforceability.

(Text according to the section of the Provisions Complementary and Final Law No. 27444)

Fourth.- The ordinances issued by the District Municipalities that approve the amount of the processing fees for the procedures contained in their Single Text of Administrative Procedures that must be subject to ratification by the Provincial Municipalities of their constituency as established in Article 40 of Law No. 27972 - Organic Law of Municipalities, must be ratified within a maximum period of forty-five (45) business days, except for excise taxes in which case the period is sixty (60) business days. .

(Text modified according to the Sole Provision Complementary Modification of Legislative Decree No. 1452)

The ordinance is considered ratified if, after the maximum period established for ruling has expired, the Provincial Municipality has not issued the corresponding ratification, and no additional express pronouncement is necessary.

The validity of the ordinance thus ratified requires its publication in the official newspaper El Peruano or in the newspaper in charge of judicial notices in the capital of the department or province, by the respective district municipality.

The ratification referred to in this provision does not apply to the processing rights of mandatory standardized administrative procedures approved by the Presidency of the Council of Ministers.

(Text according to section of the Provisions
Final Complementaries of Legislative Decree No. 1272)

Fifth.- The powers granted to the Presidency of the Council of Ministers through article 48 of Law No. 27444, Law of General Administrative Procedure, are also applicable to the Single System of Procedures (SUT) for the simplification of procedures and services provided exclusively, created by Legislative Decree No. 1203.

(Text according to the section of the Provisions
Final Complementaries of Legislative Decree No. 1272)

Sixth.- Approval of Single Ordered Texts

The entities of the Executive Branch are empowered to compile in the respective Single Ordered Text the modifications made to legal or regulatory provisions of general scope corresponding to the sector to which they belong with the purpose of compiling all

the regulations in a single text.

Its approval is produced by supreme decree of the corresponding sector, and must have the prior favorable opinion of the Ministry of Justice and Human Rights.

(Text according to the section of the Provisions
Final Complementary to Legislative Decree No. 1452)

Seventh.- Preparation of a Guide for the preparation of draft regulatory standards

The Ministry of Justice and Human Rights, within a period of no more than 120 (one hundred and twenty) business days from the publication of this Legislative Decree, issues a Guide for the preparation of draft regulatory standards, mandatory for all entities of the Administration. Public.

(Text according to the section of the Provisions
Final Complementary to Legislative Decree No. 1452)

Eighth.- Adaptation of the Single Ordered Text of Law No. 27444, Law of General Administrative Procedure

The Ministry of Justice and Human Rights, within a period of no more than 60 (sixty) business days from the publication of this Legislative Decree, incorporates the modifications contained in this regulation to the Single Ordered Text of the Law of General Administrative Procedure, approved by Supreme Decree No. 006-2017-JUS.

(Text according to the section of the Provisions
Final Complementary to Legislative Decree No. 1452)

Ninth.- Negative administrative silence of the foundation

The obligation to base the qualification of negative administrative silence in an administrative procedure on a substantive provision provided for in section 34.1 of Law No. 27444, General Administrative Procedure Law, is applicable to regulations that are approved after entry into force. validity of this Legislative Decree.

(Text according to the section of the Provisions
Final Complementary to Legislative Decree No. 1452)

Tenth.- Transit process

As of December 31, 2018, the transfer of the Presidency of the Council of Ministers to the competent entity, of the documentary collection and instruments related to the Methodology for determining the rights to process administrative procedures and services provided exclusively, is completed.

(Text according to the section of the Provisions
Final Complementary to Legislative Decree No. 1452)

COMPLEMENTARY PROVISIONS
TRANSIENT

First.- Transitory regulation

1. Administrative procedures initiated before the entry into force of this Law will be governed by the previous regulations until their conclusion.

2. However, the provisions of this Law that recognize rights or powers of those administered vis-à-vis the administration, as well as its Preliminary Title, are applicable to the procedures in progress.

3. The special procedures initiated during the adaptation period contemplated in the third transitional provision will be governed by the provisions of the previous regulations that apply to them, until the approval of the corresponding modification, in which case the procedures initiated after their entry into force, are regulated by the aforementioned adaptation regulations.

(Text according to the section of the Provisions
Transitory Complementary Law No. 27444)

Second.- Deadline for the adaptation of special procedures

Regulations, within a period of six months from the publication of this Law, the adaptation of the standards of the regulatory entities of the different administrative procedures will be carried out, regardless of their rank, in order to achieve integration. of the additionally applicable general rules.

(Text according to the section of the Provisions
Transitory Complementary Law No. 27444)

Third.- Deadline for approval of the TUPA

Entities must approve their TUPA in accordance with the rules of this Law, within a maximum period of four months from its validity.

(Text according to the section of the Provisions
Transitory Complementary Law No. 27444)

Fourth.- Notary regime

For the purposes of the provisions of article 138 of this Single Ordered Text of Law No. 27444, each entity may prepare internal regulations in which the requirements, powers and other rules related to the performance of the functions of notary will be established.

(Text according to the section of the Provisions
Transitory Complementary Law No. 27444)

Fifth.- Dissemination of this Law

The entities, under the responsibility of their owner, must carry out dissemination, information and training actions on the content and scope of this Law in favor of their staff and the user public. These actions may be carried out through the Internet, in print, talks, posters or other means that ensure adequate dissemination of the same. The cost of information, dissemination and training actions should not be transferred to the user public.

The entities, within a period of no more than 6 (six) months from the publication of this Law, must inform the Presidency of the Council of Ministers about the actions carried out to comply with the provisions of the previous paragraph.

(Text according to the section of the Provisions
Transitory Complementary Law No. 27444)

Sixth.- The entities will have a period of sixty (60) days, counted from the validity of this Legislative Decree, to adapt their special procedures as provided for in numeral 2 of article II of the Preliminary Title of this Single Ordered Text of the Law No. 27444.

(Text according to the section of the Provisions Transitory Complementary to Legislative Decree No. 1272)

Seventh.- Within a period of one hundred and twenty (120) days, counted from the validity of this Legislative Decree, the entities must justify to the Presidency of the Council of Ministers the procedures that require the application of negative silence, provided for in article 38 of this Single Ordered Text of Law No. 27444.

(Text according to the section of the Provisions Transitory Complementary to Legislative Decree No. 1272)

Eighth.- Within a period of one hundred and twenty (120) days, counted from the validity of this Legislative Decree, the entities must adjust the costs of their administrative procedures and services provided exclusively, in accordance with the provisions of section 53.6 of the article. 53 of this Single Ordered Text of Law No. 27444.

(Text according to the section of the Provisions Transitory Complementary to Legislative Decree No. 1272)

Ninth.- For the application of the loss of effectiveness and enforceability of the administrative act provided for in numeral 204.1.2 of article 204 of this Single Ordered Text of Law No. 27444, Law of General Administrative Procedure, a period of six (6) months, counted from the validity of this Legislative Decree, for those acts that, on the date of entry into force of this legislative decree, more than two (2) years have elapsed since they have become firm.

(Text according to the section of the Provisions Transitory Complementary to Legislative Decree No. 1272)

Tenth.- For the application of the expiration provided for in article 259 of this Single Ordered Text of Law No. 27444, Law of General Administrative Procedure, a period of one (1) year is established, counted from the validity of Legislative Decree No. 1272, for those sanctioning procedures that are currently in process.

(Text according to the section of the Provisions Transitory Complementary to Legislative Decree No. 1272)

Eleventh.- Within a period of sixty (60) business days, counted from the validity of this Legislative Decree, the Single Ordered Text of Law No. 27444 will be approved, by Supreme Decree endorsed by the Ministry of Justice and Human Rights.

(Text according to the section of the Provisions Transitory Complementary to Legislative Decree No. 1272)

Twelfth.- The documents prohibited from requesting from administrators or users referred to in article 5 of Legislative Decree 1246, Legislative Decree that approves various administrative simplification measures, and those determined by Supreme Decree, in accordance with the established in section 5.3 of the aforementioned article, are disseminated through the Peruvian State Portal (http://www.peru.gob.pe/) and the Citizen and Business Services Portal (http://

www.serviciosalciudadano.gob.pe/).

(Text according to the section of the Provisions Transitory Complementary to Legislative Decree No. 1272)

Thirteenth.- Electronic boxes or computer systems existing or in the process of implementation

The provisions for notification in electronic mailboxes or computer systems existing or in the process of implementation on the date of entry into force of this legislative decree continue to operate, and to the extent that it is compatible with their operation, they comply with the provisions of the Decree. Supreme Court of the Presidency of the Council of Ministers to approve the criteria, conditions, mechanisms and deadlines for the gradual implementation in public entities of the electronic single box.

Likewise, the provisions of the fifth paragraph of section 20.4 of Law No. 27444, Law of General Administrative Procedure, are not applicable to electronic boxes whose obligation was established prior to this legislative decree.

(Text according to the Only Complementary Provision Transitory of Legislative Decree No. 1452)

COMPLEMENTARY PROVISIONS REPEALS

First.- Generic repeal

This Law is of public order and repeals all legal or administrative provisions, of equal or lower rank, that oppose or contradict it, regulating administrative procedures of a general nature, those whose specialty is not justified by the matter they govern, as well as by absorption those provisions that have the same content as any provision of this Law.

(Text according to the section of the Provisions Complementary and Final Law No. 27444)

Second.- Express derogation

Particularly, the following are expressly repealed as of the validity of this Law:
standards:

1. Supreme Decree No. 006-67-SC, Law No. 26111, the Single Ordered Text of the Law of General Standards of Administrative Procedures, approved by Supreme Decree No. 002-94-JUS and its modifying, complementary, substitute regulations and regulations;

2. Law No. 25035, called the Administrative Simplification Law, and its amending, complementary, substitute and regulatory rules;

3. Title IV of Legislative Decree No. 757, called the Framework Law for the Growth of Private Investment, and its amending, complementary, substitute and regulatory rules;

4. Sixth Complementary and Transitory Provision of Law No. 26979, called the Coercive Execution Procedure Law.

(Text according to the section of the Provisions Complementary and Final Law No. 27444)

Third.- As of the validity of this Law, the following regulations are expressly repealed:

1) Law No. 29060, Law of Administrative Silence.
2) Articles 210 and 240 of Law 27444, Law of the General Administrative Procedure.
3) Article 279 of Chapter XIX of the Eleventh Title of the General Mining Law, approved by Legislative Decree No. 109, included in article 161 of Chapter XVII of the Twelfth Title of the Single Ordered Text of the General Mining Law, approved by Supreme Decree No. 014-92-EM, the provisions of this Law being applicable.

(Text according to the Complementary Provision Repeal of Legislative Decree No. 1272)

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