

# TARIFF REGULATIONS

FOR SPECIAL PUBLIC ECONOMIC  
DEVELOPMENT ZONES

**MINISTERIAL AGREEMENT 398-2022  
AMENDMENTS TO MINISTERIAL AGREEMENT 274-2019**

# GENERAL PROVISIONS

## Article 1.

**Objective. (Amended by Article 1 of Ministerial Agreement No. 398-2022.)** These Regulations are created with the purpose of regulating the different tariffs that will be applied to the authorized and entitled persons who are owners of ZDEEP's fractions, ZDEEP User owners and ZDEEP Users, in accordance with the Regulations of the Special Public Economic Development Zones called ZDEEPs.

## Article 2.

**Definitions. (Amended by Article 2 of Ministerial Agreement No. 398-2022.)** For the purposes of these Regulations, the definitions will be understood as follows:

- a. **GENERAL MANAGEMENT OF "SANTO TOMÁS DE CASTILLA" TRADE AND INDUSTRY FREE ZONE:** It may be abbreviated as GENERAL MANAGEMENT.
- b. **BOARD OF DIRECTORS OF "SANTO TOMÁS DE CASTILLA" TRADE AND INDUSTRY FREE ZONE:** It may be abbreviated as BOARD OF DIRECTORS.
- c. **AUTHORIZED AND ENTITLED PERSON:** The individual or legal person who has granted real estate of his/her property in lease or usufruct on behalf of ZOLIC, for the purpose of building a ZDEEP already authorized and entitled for the effect.
- d. **OWNER OF ZDEEP's FRACTION:** The individual or legal person who, in order to attract ZDEEP Users, acquires a land fraction within the boundaries of the ZDEEP (without being a user) in order to ZOLIC may grant it to a ZDEEP User.
- e. **REGULATIONS FOR THE AUTHORIZATION, ENTITLEMENT AND FUNCTIONING OF SPECIAL PUBLIC ECONOMIC DEVELOPMENT ZONES:** It may be abbreviated as ZDEEP's Regulations.
- f. **USER OF THE SPECIAL PUBLIC ECONOMIC DEVELOPMENT ZONE:** Those who are dedicated to carry out operations of production, manufacture, transformation, assembling, commercialization, distribution, storage, conservation, division, packaging, repackaging, wrapping, rewrapping, handling, sorting, cleaning and any other operations to goods of their property or others that are provided to them for import into the national territory or for export, as well as the provision of services, including the outsourcing services of business processes that are provided to companies operating outside the Guatemalan territory; likewise, those who are dedicated to provide logistics services for handling of cargo property of third parties, including: consolidation and deconsolidation, package division and sorting, labeling, relabeling, packing, unpacking, wrapping, and any other related activity, provided that the nature of goods is not modified or altered. It may be abbreviated as ZDEEP USER.
- g. **OWNER USER:** Those ZDEEP USERS who own a fraction of land within the ZDEEP and have met the requirements of these Regulations.
- h. **"SANTO TOMÁS DE CASTILLA" TRADE AND INDUSTRY FREE ZONE:** It may be abbreviated as ZOLIC.
- i. **SPECIAL PUBLIC ECONOMIC DEVELOPMENT ZONES:** These are extra-customs areas authorized for the functioning of "Santo Tomás de Castilla" Trade and Industry Free

Zone” outside the perimeter delimited in the Regulating Plan of Santo Tomás de Castilla Port. It may be abbreviated ZDEEP.

The tariff per square meter is established within the following ranges:

Ranges in square meters	Tariff by square meter indicated in USA dollars
From 1 to 10,000	US\$ 0.08
From 10,001 to 20,000	US\$ 0.06
From 20,001 on	US\$ 0.04

## TARIFFS AND THEIR TERMS

Chapter I

# APPLICABLE TARIFFS TO ZDEEP USERS

### Article 2 BIS.

**Tariff for ZDEEP User evaluation. (Added by Article 3 of Ministerial Agreement No. 398-2022.)** It includes the payment for five hundred American dollars (US\$500.00) that every authorized person as user shall make to ZOLIC to pay all the costs related to the ZDEEP User authorization; this payment shall be effective no later than one month after the ZDEEP User authorization resolution has been notified, as well as the subsequent extensions, if any.

### Article 3.

**User Tariff. (Amended by Article 4 of Ministerial Agreement No. 398-2022.) 2022.** It is the monthly tariff that every user shall pay to ZOLIC for authorization. In the event of the user receives the area in which he/she will develop his/her operations by means of lease or sublease of ZOLIC, the tariff will be equivalent to the monthly rent of said agreements.

### Article 4.

**Methodology and distribution of the tariff. (Repealed by Article 5 of Ministerial Agreement No 398-2022.)**

### Article 5.

**ZDEEP User tariffs in real estate property of ZOLIC.** Where establishing a ZDEEP in a real estate property of ZOLIC, the tariffs ruled in the Regulations in force of “Santo Tomás de Castilla” Trade and Industry Free Zone shall be applied and collected to its users in concept of roofed and open rental tariff.

### Article 6.

**Division or dismemberment of a real estate. (Repealed by Article 6 of Ministerial Agreement No. 398-2022.)**

### Article 7.

**User tariff payment term. (Amended by Article 7 of Ministerial Agreement No. 398- 2022.)** After his/her authorization as user, he/ she shall make the aforesaid payment in a monthly way and in advance, no later than the fifth working day of each month. Failure to comply with this provision will be sanctioned in accordance with the Article 15 bis of these Regulations.

## Article 8.

**Computer System. (Amended by Article 8 of Ministerial Agreement No. 398-2022.)** In compliance with the provisions of Articles 3 item c), and Article 17 item l) of the ZDEEP's Regulations, the user shall assume the costs for annual licensing and maintenance.

### Chapter II

## APPLICABLE TARIFF TO THE ZDEEP

## Article 9.

**ZDEEP Entitlement Tariff. (Amended by Article 9 of Ministerial Agreement No. 398-2022.)** It includes the payment that the ZDEEP shall be made to ZOLIC for once, with the purpose of paying the authorization costs for two thousand five hundred USA dollars (US\$2,500.00) that shall be paid no later than one month after the Approval Resolution of the ZDEEP Entitlement Agreement.

### Chapter III

## OTHER TARIFFS APPLICABLE TO THE ZDEEP

## Article 10.

**ZDEEP User Entitlement Tariff. (Repealed by Article 11 of Ministerial Agreement No. 398-2022.)**

## Article 11.

**Control and Supervision Tariff. (Amended by Article 12 of Ministerial Agreement No. 398-2022.)** The authorized and entitled person shall pay in a monthly way and in advance the amount of one thousand USA dollars (US\$1,000.00) or its equivalent in national currency according to the exchange rate published by the Central Bank of Guatemala for each person required for the ZDEEP operation. Likewise, the authorized and entitled person shall pay the extra work hours if it is necessary to work beyond the ordinary hours. ZOLIC shall appoint at least two people for the operation of each ZDEEP.

## Article 12.

**TPhysical Inventory Tariff. (Amended by Article 13 of Ministerial Agreement No. 398-2022.)** Any authorized and entitled person shall pay to ZOLIC for each physical inventory detailed in Article 39 of the ZDEEP Regulations. Said tariff will be calculated regarding the number of authorized users in a ZDEEP, in accordance with the following table:

Rango de usuarios instalados en la ZDEEP	Costo por inventario
De 1 a 5	US\$ 1,000.00
De 6 a 10	US\$ 2,000.00
De 11 a 20	US\$ 3,000.00
De 21 en adelante	US\$ 4,000.00

At the end of the physical inventory, the authorized and entitled person will have one month to make the corresponding payment.

## Article 13.

**ZOLIC as Manager. (Repealed by Article 14 of Ministerial Agreement 398-2022.)**

## Chapter IV

# APPLICABLE TARIFFS TO ZOLIC

### Article 14.

**Obligations. (Amended by Article 15 of Ministerial Agreement No. 398-2022.)** ZOLIC shall make the annual due payment to the owner of the real estate for lease or onerous usufruct. Said tariff may not exceed of one hundred dollars (US\$100.00) or its equivalent in national currency, according to the exchange rate published by the Central Bank of Guatemala. In case there is more than one owner on the area where the ZDEEP is located, this rent will be divided proportionally among each of the owners pursuant to their land percentage of their property.

### Article 15.

**Sanctions.** In the event of payment delay for tariffs contained in these Regulations, ZOLIC shall claim 5% of monthly interest for late payment, pursuant to the formula described below, without the need of request, calculated from the day following the failure; said provision shall be transcribed in the corresponding agreements.

Where:

I= Interest

P= Outstanding amount

i= 0.05 monthly

t= number of days in arrears

### Article 15 BIS.

**Sanctions to the Users. (Added by Article 16 of Ministerial Agreement No. 398-2022.)** The ZDEEP Users will be subject to the following sanctions and penalties:

In the event of payment delay regarding the tariffs contained in these Regulations, the user will be subject to the corresponding sanction, which will be calculated in accordance with the following formula:

$$I=P*i*t$$

Where:

I= Interest

P= Outstanding amount

i= 0.05 monthly

t=number of days in arrears

The calculation of the sanction will be computed from the day following the failure and will be claimed without the need of previous notification or request.

The user must request the extension of the lease, sublease or authorization (in the case of owner users,) at least two months before the expiration of the term. Failure to do so will result in a penalty to be paid to ZOLIC equivalent to two monthly tariffs detailed in Article 3 of these Regulations.

If the Owner Users' lease, sublease or authorization term would expire, the User pays the tariff and ZOLIC receives the same, UNDER NO CIRCUMSTANCES the contract may be considered indefinitely renewed (it does not produce tacit renewal,) but it will be considered extended only for the term covered by the paid tariff.

In this case and in order the tariff is considered well paid, besides the ordinary one the User shall pay an amount equivalent to the fifty percent of the same; this penalty will be applied until the new contract is entered into or the user returns the corresponding area to ZOLIC.

All these provisions shall be established in the contracts that ZOLIC will enter into with the ZDEEP Users.

## Chapter V

# FINAL AND TEMPORARY PROVISIONS SOLE CHAPTER

### Article 16.

**Extraordinary Management Tariffs. (Repealed by Article 17 of Ministerial Agreement No. 398-2022.)**

### Article 17.

**Amendments to the Tariff Regulations for the Special Public Economic Development Zones.**

In compliance with the provisions in Article 55 of the ZDEEP Regulations and Article 16 Item I) of Decree No. 22-73 of the Congress of the Republic of Guatemala, ZOLIC's Organic Law, the tariffs may be reviewed and modified periodically; to this effect, it will be necessary that ZOLIC's General Management submit the articles of amendment before the Board of Directors prior to submitting it to the corresponding Approval Legal Proceedings before the Executive Body, through the Ministry of Public Finance, having the users must be notified one month in advance to the application of the new tariffs. Such provision shall be transcribed in the corresponding contracts.

### Article 18.

**Unforeseen Cases.** The cases which are not considered in these Regulations shall be solved by the Board of Directors, in accordance with the Rules in force.

### Article 19.

**Repeal.** All the rules or provisions of any kind that violate the provided in these Regulations are repealed.

### Article 19 BIS.

**Temporary. (Added by Article 18 of Ministerial Agreement No. 398-2022.)** The interested parties shall request to ZOLIC the extension of the contract, as appropriate.

The contracts entered into in accordance with the previous regulations will remain in force and shall be amended.

### Article 20.

**Validity.** These Regulations shall enter into force eight days after its publication in the Official Journal.

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