









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Indicator	Score
4.1.1	Context

4.1.1 Context

---

**4.1.1.050: Has the government created a special fund or natural resource fund that concentrates revenue directly from oil, gas or mineral extraction?**

Score: A  B C

**Comments:**

The Law of Hydrocarbons does not establish any funds for the oil sector.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 5th 2012 at Ministry of Hydrocarbons and Energy

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**4.1.1.051: What authority is responsible for the natural resource fund?**

Score: A B C D  E

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

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Indicator		Score
4.2.1	Comprehensive reports	N/A
4.2.2.056	Audited reports	N/A

4.2.1 Comprehensive reports

## 4.2.1.052: Are the rules for the fund's deposits and withdrawals published, including the formula(s) for deposits and withdrawals?

Score: A B **C**

### Comments:

See the answer to question 50.

### References:

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

## 4.2.1.053: Does the fund management or authority in charge of the fund publish comprehensive information on its assets, transactions and investments?

Score: A B C D **E**

### Comments:

See the answer to question 50.

### References:

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

## 4.2.1.054: Are the reports containing information on the fund's assets and transactions understandable?

Score: A B C D **E**

### Comments:

See the answer to question 50.

### References:

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

## 4.2.1.055: How often are financial reports published by the fund management or authority in charge?

**Score:** A B C D **E**

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

4.2.2.056 Audited reports

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**4.2.2.056a: Are the fund s financial reports audited?**

**Score:** A B C D **E**

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

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**4.2.2.056b: Are the audited financial reports published?**

**Score:** A B **C**

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

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Indicator	Score
4.3.1 Legal Framework and Practice	N/A

## 4.3.1 Legal Framework and Practice

### 4.3.1.057: Are the rules governing deposits into the fund defined by legislation?

Score: A B **C**

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

### 4.3.1.058: In practice, does the government follow the rules governing deposits to the natural resource fund?

Score: A B C D **E**

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

### 4.3.1.059: Are the rules governing withdrawal or disbursement from the fund defined by legislation?

Score: A B **C**

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

### 4.3.1.060: In practice, does the government follow the rules governing withdrawal or spending from natural resource fund?

Score: A B C D **E**

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

---

**4.3.1.061: Are withdrawals or spending from the fund reserves approved by the legislature as part of the budget process?**

Score: A B  C

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

---

**4.3.1.062: Are officials of the natural resource fund required to disclose information about their financial interest in any oil, gas or mining projects?**

Score: A B  C

**Comments:**

See the answer to question 50.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy

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Indicator	Score
5.1.1	Context
5.1.1	Context

## 5.1.1.063: Do central governments transfer resources to subnational authorities based on extraction of mineral resources?

Score:  A  B  C  D  E

### Comments:

(Article 2) The distribution of the Direct Hydrocarbon Tax revenues to the subnational authorities is regulated by Supreme Decree No. 29322, which states that: "The distribution of the Direct Hydrocarbon Tax to the Prefectures, Municipalities and Universities is hereby modified as follows:

- 66.99% for all of the Department municipalities, which shall be distributed among the beneficiaries according to the number of inhabitants of the municipal jurisdiction as established in the current national census of population and housing.
- 8.62% for the Department public university. In case that any Department has two or more public universities, the distribution percentages shall be determined through a regulation agreed between the Ministry of Finance, the Ministry of Education, the Executive Council of the Bolivian University (CEUB), and the beneficiary public universities, taking into account the financial ceiling allocated to each Department.
- The remaining percentage shall go to the Departmental Government.

### References:

Supreme Decree No. 29322: Article 2.

## 5.1.1.064: Are conditions imposed on subnational government as part of revenue sharing regime?

Score:  A  B  C

### Comments:

Article 21 of Law No. 1654 of Administrative Decentralization states that the regional and departmental autonomous territorial bodies may allocate 15% as a maximum percentage to the operational expenses in relation with the total revenues from the departmental royalties, Departmental Compensation Fund and the Special Tax to Hydrocarbons and Derivatives thereof.

### References:

Law of Administrative Decentralization No. 1654.

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Indicator	Score
5.2.1	Disclosure 87 

5.2.1 Disclosure

## 5.2.1.065: Are the rules for revenue transfers from central to sub national governments published, including the formula(s) for revenue sharing?

Score:  A  B  C

### Comments:

Article 47 of Law of Hydrocarbons establishes an annual payment in advance for the patents pertaining to the contracted areas. According to Article 51 of the Law, once having collected the patents, the General Treasury of the Nation (TGN) shall transfer within thirty (30) days fifty (50%) percent of their value to the municipalities where the oil concessions are located and which create such payment, which will in turn be used in public investment and/or environmental management programs and projects. The remaining fifty percent (50%) shall be used by the Ministry of Sustainable Development in public investment and environmental management programs and projects located in the hydrocarbon-producing departments.

By the other hand, according to Article 52 of Law of Hydrocarbons, there is an 11% national royalty for the producing departments; a 1% compensation royalty for the departments of Beni and Pando, which are the smallest ones in the country; and a 6% share for the TGN. Under Law of Hydrocarbons No. 3058, the Direct Tax of Hydrocarbons (IDH) was created in 2005, which amounts to 32% and is applied in the whole national territory to the hydrocarbon production at the wellhead. The calculation is made the same manner as for the royalties. The sum of the IDH (32%) plus the royalties (12%) and the TGN share (6%) allows the State to keep 50% of the hydrocarbon production value. The departmental distribution of the IDH is regulated by Article 8 of Supreme Decree No. 29322 and Law No. 3222.

### References:

Law of Hydrocarbons N° 3058  
 Law N° 3322  
 Law N° 3791  
 Supreme Decree N°28421  
 Supreme Decree N°29322

## 5.2.1.066: Does the central government publish comprehensive information on transfers of resource related revenues to sub-national governments?

Score:  A  B  C  D  E

### Comments:

The website of the Ministry of Hydrocarbons and Energy contains a Royalty Information System, which shows information about the hydrocarbon production by department, field and company, as well as the value of the produced hydrocarbons and the amounts in dollars received by every departmental government. However, these data are related to the 2002 - 2010 period and lack monthly data for 2011.



The Ministry of Hydrocarbons and Energy organizes twice a year a workshop on public accountability where it presents the main management results, the oil revenues and other environmental aspects.

**References:**

<http://regalias.hidrocarburos.gob.bo/paginas/seleccion.aspx>  
<http://www.hidrocarburosbolivia.com/bolivia-mainmenu-117/gobierno-relacionamiento-mainmenu-121/49001-ministerio-de-hidrocarburos-y-energia-realizara-la-audiencia-final-de-rendicion-publica-de-cuentas-2011.html>

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**5.2.1.067: Are the reports containing information on transfers of resource related revenues to sub-national governments understandable?**

Score:  A  B  C  D  E

**Comments:**

The reports issued by the Ministry of Hydrocarbons and Energy are clear for those who have some expertise in the sector, but they are not understandable for laymen, and much less for the indigenous people who are invited to attend such workshops, as the jargon is very technical and specialized.

**References:**

Interview with Paula Claros Liendo – Social Communicator, Private consultant, February 28th 2012 at her office located in Achumani, Alcides d' Orbigni street N° 131.

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**5.2.1.068: How often does the central government publish information on transfers of resource related revenues to sub-national governments?**

Score:  A  B  C  D  E

**Comments:**

The public accountability reports published by the Ministry of Hydrocarbons and Energy show data related to royalties, the TGN share, and the Direct Tax of Hydrocarbons. For its part, the Ministry of Economy and Finance publishes the transfer of the oil revenues both on its half-year dossier and on its annual report.

**References:**

[http://hoybolivia.com/Noticia.php?IdNoticia=54485&tit=ministerio\\_de\\_hidrocarburos\\_anuncia\\_segunda\\_rendicion\\_de\\_cuentas](http://hoybolivia.com/Noticia.php?IdNoticia=54485&tit=ministerio_de_hidrocarburos_anuncia_segunda_rendicion_de_cuentas)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)

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**5.2.1.069: Do sub-national governments publish information on transfers received from central governments?**

Score:  A  B  C

**Comments:**

The government of Santa Cruz is the only sub-national government to publish information about their budget breakdown of the revenues from the hydrocarbon sector.


**References:**

<http://www.santacruz.gob.bo/archivos/AN08092011154052.pdf>

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Indicator		Score
5.3.1	Legal Framework and Practice	100 

## 5.3.1 Legal Framework and Practice

### 5.3.1.070: Are arrangements (including formulas and responsible institutions) for resource revenue sharing between central and sub-national governments defined by legislation?

Score:  A  B  C

**Comments:**

See the comments to question 65.

**References:**

Law of Hydrocarbons N° 3058  
Law N° 3322  
Law N° 3791  
Supreme Decree N°28421  
Supreme Decree N°29322

### 5.3.1.071: In practice, does the government follow the rules established by resource revenue sharing legislation?

Score:  A  B  C  D  E

**Comments:**

Bolivia has specific regulations regarding the procedures to be followed in order to distribute the revenues to the sub-national governments. The deposits to the relevant accounts are made automatically from the Treasury accounts existing at the Central Bank of Bolivia.

**References:**

Hydrocarbons Law N° 3058  
Ley N° 3322  
Ley N° 3791  
D.S. N°28421  
D.S.N°29322

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# Bolivia - RWI Index Questionnaire

## Context

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Indicator	Score
1.1	Context
1.1	Context

### 1.1.001: Does the country have a clear legal definition of ownership of mineral resources?

Score:  A  B  C  D  E

#### Comments:

The Political Constitution of the State (PCS) states in Article 349 that: "I. The Bolivian people are the direct, indivisible and imprescriptible owners of their natural resources, and the State is responsible for administering them based on the collective interest..."

In addition, Article 356 of the PCS states that: "The exploration, exploitation, refining, industrialization, transportation and commercialization activities of non-renewable natural resources are conducted based on the public need and usefulness." Also, Article 357 establishes that: "As natural resources are owned by the Bolivian people, no foreign person or company, nor any Bolivian private company may register the property of the Bolivian natural resources, not even for any safety or securitization financial operations. The endorsement and registration of reserves is the exclusive responsibility of the State."

In case of mining activities, Law 1777 and the Code of Mining enacted in May, 1997 (previous to the new PCS) states in Article 1: "All of the mineral substances in natural state pertain from their origin to the State, whatever be their source and form of presentation, either be them within or on the surface of the soil. Their concession shall be subject to the regulations of this Code."

#### Background information:

Estimates of the value of hydrocarbons to the Bolivian economy vary somewhat:

According to the US Geological Survey, Bolivia is tied with Brazil as South America's third-largest producer of natural gas. It produces zinc, tin, silver, gold, lead, and other minerals, but the mining sector has not been fully developed.

"According to preliminary estimates for 2010 and revised estimates for 2009, the value of output of the mineral extraction sector (mining and quarrying plus production of crude petroleum and natural gas) of Bolivia accounted for 14% (\$2.78 billion) of the country's gross domestic product (GDP) in 2010 compared with 13% (\$2.26 billion) in 2009. The mining and quarrying sector accounted for 8.86% (about \$1.76 billion) of the GDP, and the oil and gas sector accounted for 5.16% (\$1.02 billion) in 2010 compared with 7.94% (about \$1.39 billion) and 5.02% (\$0.88 billion), respectively, in 2009. In 2010, mined zinc led all the nonfuel minerals in Bolivia in terms of both the tonnage and the value of production. Preliminary data indicated that the value of the country's production of mined zinc was \$887 million followed by that of silver (\$815 million), tin (\$414 million), gold (\$252 million), and lead (\$156 million)....The hydrocarbons sector was the leading source of tax revenue for the Government. In constant 1990 prices, the real value of Bolivia's production of crude petroleum and natural gas increased by 14% in 2010 compared with that of 2009 after decreasing by 13.5% in 2009 compared with that of 2008. Of the sectors that contributed to the estimated 4% growth in the real GDP in 2010,

the oil and gas sector ranked second only to the transportation and storage (warehousing) sector. On the other hand, the real value of the country's total production of metallic and industrial minerals decreased by 4% in 2010 after increasing by 10% in 2009."

see: 2010 Minerals Yearbook: Bolivia, USGS, April 2012,  
<http://minerals.usgs.gov/minerals/pubs/country/2010/myb3-2010-bl.pdf>

According to the IMF:

Hydrocarbon revenue (in percent of total revenues) was 36.3% in 2009, 30.7% in 2010, and 31.6% in 2011.

Gas exports (in percent of total exports) were 40.0% in 2009, 43.8% in 2010, and 46.6% in 2011.

Mining exports (in percent of total exports) were 37.6% in 2009, 37.4% in 2010, and 41.1% in 2011. (see p. 32)

Hydrocarbon related revenue made up 11.3% of GDP in 2009, 10.2% in 2010, and was projected to account for 11.2% and 11.8% in 2011 and 2012, respectively. (see p. 27)

Source: IMF Country Report No. 12/149, BOLIVIA 2012 ARTICLE IV CONSULTATION, June 2012,  
<http://www.imf.org/external/pubs/ft/scr/2012/cr12149.pdf>

### References:

Articles 349, 356, and 357 of the Political Constitution of the State

Law of Hydrocarbons No. 3058

Supreme Decree No. 28701

Law No. 1777 - Code of Mining, Article 1.

## 1.1.002: Who has authority to grant hydrocarbon and mineral rights or licenses?

Score:  A  B  C  D  E

### Comments:

Article 34 of Law No. 3058 states that: "... on a regular basis, and through a supreme decree, the Executive Branch may determine the incorporation of new traditional zones based on criteria such as geological knowledge, commercial hydrocarbon production, and existing infrastructure..."

Article 35 states that: "... The Executive Branch, through an executive decree, shall establish the timeframe of the tenders and letters of award, and it shall also nominate ex officio or receive requests for nomination of the areas, and shall also establish the bid bonds..."

In addition, and regarding the mining sector, the Executive Branch is also responsible for awarding the mining concessions: "The State, through the Executive Branch, shall award the mining concessions to any Bolivian or foreign persons or companies who may request them before the Mine Superintendent of the relevant jurisdiction, as set forth in the regulations of this Code." (Article 2 of Law 1777). In this regard, and considering that Bolivia has a new constitution that was passed in February, 2009, a new mining law has yet to be developed in accordance with the new constitutional principles.

### References:

Law of Hydrocarbons No. 3058: Articles 34 and 35.

Law No. 1777, Code of Mining: Article 2.

### Peer Review Comments:

The Hydrocarbons Law No 3058, enacted on May 18, 2005 and valid on the date refers to the licensing authorities, licenses and authorizations. The Oil Ministry is the competent authority for the granting of licenses in upstream activities (Exploration, Exploitation and Production). Licenses, concessions and / or authorizations for activities in the downstream (Refining, Transportation and Natural Gas Distribution Networks) are granted by The Regulator, as cited in the following regulations:

Paragraph b) of Article 25 of the 3058 Act provides that the Regulator has specific powers within their:

grant concessions, licenses and authorizations for the activities subject to regulation.

Article 85 of Law 3058 states: Export of Natural Gas, Crude Oil, Condensate, Natural Gas, LPG and surplus refined petroleum products shall be authorized by The Regulator on the basis of a certification of the existence of surplus domestic demand issued by the Committee on Production and Demand, verification of tax and pricing information, and transportation facilities within the existing legal provisions.

Article 91 of Law 3058 states: The Pipeline Awards will be granted by The Regulator, prior compliance with legal, technical and economic application of a party or by public tender in accordance with Regulation.

Article 103 of Law 3058 states: To carry on the business of storage of liquid and gaseous fuels, shall be granted by The Regulator approvals and licenses for construction and operation Storage Plants companies legally established prior compliance with legal requirements, economic, technical and industrial and environmental safety.

Article 109 of Law 3058 states: Grants for the implementation of the activities of Refining, Transportation and Natural Gas Distribution Networks shall be granted by The Regulator for the State, for a maximum period of thirty (30) years , subject to compliance with requirements.

---

### 1.1.003: What licensing practices does the government commonly follow?

**Score:** A B C  D E

**Comments:**

Under the new PCS, "... The Bolivian people are the direct, indivisible and imprescriptible owners of their natural resources, and the State is responsible for their administration based on the collective interest..." (Article 349 N.-1).

In the specific case of the hydrocarbons, the Constitution states that these resources are owned by the State, and it may enter into service agreements in order to explore and exploit them (Article 362 (I) of the PCS).

As for the mining sector, Article 2 of the Code of Mining states that: "The State, through the Executive Branch, may award the mining concessions to Bolivian or foreign, individuals or companies who might request them before the Mine Superintendent of the relevant jurisdiction, as set forth in the regulations of this Code". However, a new law is being developed in order to replace the current one and reflect the principles of the new PCS.

**References:**

Political Constitution of the State: Article 349; Article 362.  
Law 1777. Code of Mining: Article 2.

**Peer Review Comments:**

Article 349 of the Political Constitution establishes that natural resources are owned and managed under the direct rule, indivisible and inalienable of the Bolivian people and for the State administration in the collective interest. Therefore, hydrocarbon and mining concessions existing before the Constitution approval should be adapted to the new provisions of the PCS (See Eighth Transitional Provision of the PCS).

---

### 1.1.004: What is the fiscal system for mineral resources?

**Score:** A B  C D E

**Comments:**

The hydrocarbon sector has become the main natural resource of Bolivia, which used to be a mining

country. For the hydrocarbons sector, the Hydrocarbons Law No. 3058 establishes the payment of a National Royalty of 11% for producing departments (Tarija, Santa Cruz, Cochabamba and Chuquisaca), a Compensatory Royalty of 1% for the departments of Beni and Pando, a Participation for the Treasury of 6%. The law also creates the Direct Hydrocarbons Tax of 32%, which is calculated as royalties, the percentages are applied to production on the fiscalization point and are valued at market prices. Both royalties and direct hydrocarbon tax are paid by the state company YPFB, since it is the owner of the entire production of hydrocarbons (as it is established on the nationalization Supreme Decree 28701). Additionally, oil companies operating in Bolivia are subject to taxes imposed by law and obligations set in service contracts.

For the mining sector, royalties and taxes apply as stated by different Laws (Law 4049 of 2009, Law 3789 of 2007, Law 3720 of 2007, Law 3425 of 2006, and Law 2400 of 2002). The mining sector in Bolivia is under both systems, concession and contract system. Mining companies pay a Departamental Royalty which varies according to the international price of minerals and are subject to general tax system. In the case of the Profit Tax (25%) there is a special regime for Mining agreed on 2007 under which 12.5% is added when international prices are higher than a specific threshold set for each mineral.

#### References:

Political Constitution of the State: Article 362. According to Article 362 (I) of the PCS, "YPFB (the national oil company) is hereby authorized to enter into service contracts with Bolivian or foreign, public, mixed or private companies, so that such companies, on its behalf and representation, can conduct certain activities related to the production chain in exchange for a payment for their services. The signing of such contracts shall not produce in any case whatsoever a loss for YPFB or for the State."

#### Peer Review Comments:

The current tax system for the mining sector is given by royalties and taxes. The legislation defines that system is the Law No. 1777 of March 17, 1997 and subsequent amendments:

Law No. 4049 of July 7, 2009

Law No. 3787 of November 24, 2007

Law No. 3720 of July 31, 2007

Law No. 3425 of June 20, 2006

Law No. 3351 of February 21, 2006

Law No. 2627 of December 30, 2003

Law No. 2400 of July 24, 2002

### 1.1.005: What agency has authority to regulate the hydrocarbon and mineral sector?

Score: A  B  C  D  E

#### Comments:

Notwithstanding the Political Constitution of the State establishes that the regulatory agency shall be responsible for regulating, controlling, supervising and auditing all of the activities related to the hydrocarbon production chain, this responsibility is currently held by the national oil company (YPFB). Also, a new law of hydrocarbons is currently being developed in accordance with the principles of the new PCS.

As for the mining activities, the Ministry of Mining and Metallurgy is responsible for the regulation thereof.

#### References:

Political Constitution of the State. Article 365.

Interview with Cécilia Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.

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# Bolivia - RWI Index Questionnaire

## Disclosure

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Indicator	Score
1.2.006 Information on licensing process	0 
1.2 Contract transparency	33 
1.2.008 Environmental and social impact assessments	50 
1.2 Access to information and legislation	84 

1.2.006 Information on licensing process

### 1.2.006.a: What information does the government publish on the licensing process before negotiations?

Score: A B C **(D)** E

#### Comments:

According to the new Political Constitution of the State, YPFB is the only body enabled to conduct hydrocarbon activities and to enter into joint venture agreements with private companies in order to conduct such activities. In this framework, and since YPFB is enabled to enter into partnerships with public or private companies, or in other words, it may create Mixed-Economy Partnerships, it is the only one that conducts the negotiations and, because of strategy matters, it does not publish the results before having completed the negotiations.

#### References:

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration and Exploitation, March 5th 2012 at the Ministry of Hydrocarbons and Energy.

### 1.2.006.b: What information does the government publish on the licensing process after negotiations?

Score: A B C **(D)** E

#### Comments:

Supreme Decree No. 28701, enacted in May 2006, ordered the nationalization of hydrocarbons in Bolivia. This regulation states that all of the companies that were operating in Bolivia by the time under joint-venture contracts had 180 days to move to a new type of contract. In this sense, 44 operations contracts were signed in October 2006 and one of them was returned in 2008. Therefore, there are currently 43 operations contracts entered into by the State with 15 companies which operated in Bolivia by then. For this reason, no bidding process has been carried out.

Article No. 34 of Law of Hydrocarbons No. 3058 states that: "The areas of hydrocarbon interest in both Traditional and Non Traditional zones are reserved for YPFB to develop exploration and exploitation activities just by itself or in partnership with other companies. These areas shall be awarded to Yacimientos Petrolíferos Fiscales Bolivianos (YPFB) on a priority basis and shall be awarded directly.

Therefore, 33 areas were reserved in October 2007 directly in favor of YPFB.

In 2008, the State signed two contracts with Petroandina SAM (a mixed-economy company created between YPFB and PDVSA) in order to exploit 12 reserved areas in favor of YPFB. In this case, since those areas were reserved for YPFB, the award was conducted in a direct manner.

In addition, the new Political Constitution of the State enacted in January 2009 states that YPFB is the only body enabled to develop activities related to the hydrocarbon production chain and the commercialization thereof. It also states that the national oil company may create partnerships or mixed-economy associations to develop hydrocarbon activities, where YPFB shall have a share not less than 51% of the share capital. The constitution states as well that YPFB may only enter into service contracts, so that certain activities related to the hydrocarbon production chain can be developed on its behalf and representation.

The Ministry of Hydrocarbons and Energy, through the Ministry Resolution No. 150-10 issued in May 2010, established that the exploration and exploitation activities in reserved areas in favor of YPFB may be conducted: a) directly by YPFB; and b) by YPFB through the signing of a service contract. In the case of option b), such resolution states that YPFB may select a company which fulfills one of the following conditions:

- a) A company which is under an agreement of energy cooperation.
- b) A company which signed a study agreement with favorable results, at the discretion of YPFB.
- c) A successful company in an international public bidding procedure.

In this sense, YPFB either enters into such study agreements or selects the companies with whom it shall create mixed-economy partnerships. Therefore, YPFB should publish the information related to the negotiations, yet it does not do so completely. The signing of a new contract is published in the mass media by the national oil company, although the new contract may not be published.

#### **References:**

Supreme Decree No. 28701.

Law of Hydrocarbons No. 3058.

New Political Constitution of the State.

<http://www.wradio.com.co/noticia/el-senado-aprueba-contratos-con-petroandina-sam/20080612/nota/613198.aspx>

[http://www.jubileobolivia.org.bo/recursos/files/pdfs/Situacion\\_hidrocarburos\\_Bolivia.pdf](http://www.jubileobolivia.org.bo/recursos/files/pdfs/Situacion_hidrocarburos_Bolivia.pdf)

Ministry of Hydrocarbons and Energy - Ministry Resolution N°150-10 dated on May 2010.

#### **Peer Review Comments:**

The Bolivian Hydrocarbon Strategy (EBH) is a document issued by the Ministry of Oil in 2008 and management is to establish guidelines and objectives of the Bolivian state for the development of the hydrocarbon chain in the next 10 years, under the direction National Government, in order to increase investment by YPFB, the Bolivian Industrialization Company of Hydrocarbons and strategic partners in various oil and gas activities, increase production, industrialize the gas, and planned to meet the fast growing domestic market and export commitments and consolidate definitively the process of nationalization of hydrocarbons.

As part of the actions set out in the EBH is determined that the "Contract for Exploration and Reserved Areas", among other conditions, provide that the partner of YPFB will transfer technology for the Company. And training your staff and YPFB. Also, signing agreements with companies Study and / or domestic or foreign companies with exploration and exploitation of hydrocarbons and have economic and financial capacity to undertake such activities or are associated with an operator who has experience sector.

In March 2011, YPFB subscribe Conventions of study with two Oil Companies interested in carrying out exploration and exploitation activities in the following areas:

- Area Capiguazuti WITH YPF SA - Traditional - Dept. of Chuquisaca and Yuchan Area - Non-traditional - Department of Tarija,
- WITH PETROBRAS: Area San Telmo - not sculpted - Dept. of Tarija and Sunchal Area - Traditional -



Dept. of Tarija

However, the Ministry does not publish the said Conventions Study.

## 1.2 Contract transparency

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### **1.2.007: Are all contracts, agreements or negotiated terms for exploration and production, regardless of the way they are granted, disclosed to the public?**

**Score:** A B **C** D E

**Comments:**

Once signed, the 44 operations contracts in 2006 were approved by the National Congress and published on the website of YPFB and the Ministry of Hydrocarbons and Energy. However, due to the recurrent changes of authorities and technical teams, such contracts were withdrawn from the websites of both institutions.

Up to date, these contracts have a public nature, not through the national oil company but through the website of Energy Platform, which is a private institution intended to be "... a participative, plural and democratic space to share and systematize information and analysis, to produce knowledge, and to promote research and public debate about the energy policy."

YPFB has been negotiating since 2011 new service contracts, as set forth in the new Political Constitution of the State. The so negotiated contracts are forwarded to the Plurinational Legislative Assembly (the Congress), so that this body can approve them and issue a law authorizing YPFB to sign such contracts. YPFB publishes in the mass media information about the signing of a new contract and the contracting party, but it does not publish the contents of the very contracts.

**References:**

Interview with Celica Hernandez Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.  
[http://www.pwyp.no/sites/all/files/PWYP%20Norway\\_Article%201\\_SPANISH%20WEB.pdf](http://www.pwyp.no/sites/all/files/PWYP%20Norway_Article%201_SPANISH%20WEB.pdf)  
<http://www.plataformaenergetica.org/obie/content/2162>

## 1.2.008 Environmental and social impact assessments

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### **1.2.008.a: Does legislation require that mining, gas and oil development projects prepare an environmental impact assessment prior to the award of any mineral rights or project implementation?**

**Score:** **A** B C

**Comments:**

Article 32 of the Law of Hydrocarbons No. 3058 states that the diverse stages of the hydrocarbons activities may be developed in protected areas, forest reserves, permanent forest production lands, and natural private patrimony reserves with a due respect for their category and zone planning and after having received positive results from the Strategic Environmental Study and after having an assurance that the conservation, environmental services, genetic resources, archaeological, social and cultural spaces are not at risk in the framework of the environmental development.

Also, article 403 of the new Political Constitution of the State acknowledges the comprehensiveness of the peasant native indigenous territories, including their right to a previous and informed consultation about the exploitation of non-renewable natural resources existing within their territories.

**References:**

Law of Hydrocarbons N°3058. Article 32.  
Political Constitution of the State. Article 403.

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**1.2.008.b: Are environmental impact assessments for oil, gas and mining projects published by the authority in charge of regulating the sector and is there a consultation process?**

Score: A B C **(D)** E

**Comments:**

Neither the National Agency as a regulator, or YPF as operator, and the Ministry of Hydrocarbons and Energy as head of the sector posted some information related to environmental impact assessments and social projects.

**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.

**Peer Review Comments:**

On the processes of public consultation: Supreme Decree No. 29033 of February 16, 2007 establishes a process of consultation and participation when seeking to develop oil and gas activities on community lands, community's homes. In the case of mining activities, current legislation does not provide for public consultations.

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**1.2.008.c: Does legislation require that mining, gas and oil development projects prepare a social impact assessment?**

Score: **(A)** B C

**Comments:**

Article 32 of the Law of Hydrocarbons No. 3058 states that the diverse stages of the hydrocarbons activities may be developed in protected areas, forest reserves, permanent forest production lands and natural private patrimony reserves with a due respect for their category and zone planning, and after having received positive results from the Strategic Environmental Study and after having an assurance that the conservation, environmental services, genetic resources, archaeological, social and cultural spaces are not at risk in the framework of the environmental development.

**References:**

Law of Hydrocarbons No. 3058: Article 32

**Peer Review Comments:**

Article 89 of Law 1777 (Mining Code) also requires mining projects in protected areas to perform environmental impact assessments to determine whether mining activities do affect protected areas.

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**1.2.008.d: Are social impact assessments for oil, gas and mining projects published and is there a consultation process?**

Score: A B C **(D)** E

**Comments:**

Neither the National Agency as a regulator, or YPF as operator, and the Ministry of Hydrocarbons and Energy as head of the sector posted some information related to environmental impact assessments and social projects.

No publication despite Article 352 of the Political Constitution of the State which states that: "The exploitation of natural resources in a given territory shall be subject to a consultation procedure among the affected population. This consultation shall be convened by the State and shall have a free, previous and informed nature. The citizen participation in the environmental management is hereby guaranteed, and the conservation of the ecosystems shall be promoted according to the Constitution and the law. With regard to the peasant native indigenous populations and nations, this consultation shall occur with a due respect for their own standards and procedures."

**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy. Political Constitution of the State.

## 1.2 Access to information and legislation

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### 1.2.009: Does the government publish detailed mineral/hydrocarbon resource legislation?

Score:  A  B  C  D  E

**Comments:**

All of the laws, supreme decrees, supreme resolutions and other legal regulations are published in the Official Gazette of Bolivia. This official journal has the duty to publish, inform, communicate and spread to the citizens all of the official regulations.

Detailed legislation can also be found on the YPFB website.

**References:**

<http://www.gacetaoficialdebolivia.gob.bo/contenidos/spaDiagnostico>

[http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&id=1250&Itemid=88](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&id=1250&Itemid=88)

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### 1.2.010: This country has adopted a rule or legislation that provides for disclosure of information in the oil, gas and mineral sectors.

Score:  A  B  C  D  E

**Comments:**

Article 6 (Transparent information) of Law of Sustainable Development of the Hydrocarbon Sector No. 3740 states that the national oil company (YPFB) shall officially publish every six months on its institutional website and in a written form through official communications all the information related to recoverable costs and the calculation completed to determine the share of both YPFB and the oil companies in the hydrocarbon profits.

In addition, Supreme Decree No. 28168 issued in May 2005 acknowledges the right of access to information for all the people as a fundamental assumption of the full exercise of the citizenship and for the strengthening of democracy. This regulation establishes the obligation of the top executive authorities of public institutions to guarantee the access to information for all of the people, with no distinction whatsoever. It also establishes the structure and internal procedures to provide complete, sufficient, timely and truthful information.

**References:**

Law of Hydrocarbons No. 3058: Article 10.

Law of Sustainable Development of the Hydrocarbon Sector No. 3740: Article 6.

Supreme Decree No. 28168.


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# Bolivia - RWI Index Questionnaire

## Legal Framework and Practices

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Indicator	Score
1.3 Legal Framework and Practices	33 

### 1.3 Legal Framework and Practices

#### 1.3.011: The authority in charge of awarding licenses or contracts for mineral or hydrocarbon production is independent of the state owned company (SOC) or other operating companies.

Score:  A  B  C

##### Comments:

In Bolivia, YPFB, the national oil company, is the one who signs the contracts in representation of the State. However, under the Political Constitution of the State, the Plurinational Legislative Assembly (the Congress) is the one who authorizes YPFB to sign such contracts.

##### References:

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration and Exploitation, March 5th 2012, at Ministry of Hydrocarbons and Energy

#### 1.3.012: Is the licensing process intended to be open and competitive to all qualified companies?

Score:  A  B  C  D  E

##### Comments:

According to Article 5 of Supreme Decree of Nationalization No. 28701, the State controls and manages the hydrocarbon production, transportation, refining, storage, commercialization and industrialization in the country.

The new Political Constitution of the State, passed in January 2009, states that YPFB is the only body enabled to conduct activities related to the hydrocarbon production chain and commercialization. It also states that the national oil company may establish partnerships or mixed-economy companies to conduct such hydrocarbon activities, where YPFB shall have a share not less than 51% of the total capital share. In addition, the Constitution states that YPFB may sign only service contracts, so that certain activities related to the hydrocarbon production chain can be carried out on its behalf and representation.

According to Mr. Mauricio Medinacelli, an hydrocarbon expert, "Notwithstanding Law No. 3058 establishes an international public bidding procedure to award the available areas, in practice, YPFB (the national oil company in Bolivia) has the discretion to award the hydrocarbon areas, and we ignore the criteria applied by them to award such areas."

Although the bidding of areas is established in the Hydrocarbons Law No. 3058, this rule predates the Constitution. According to the new Constitution, the national company YPFB is the only one who can perform the hydrocarbon activities, this includes exploration and exploitation. Therefore the oil fields can not be tendered to any other domestic or foreign company so there is no need of bid for those areas.

In the new legal framework following the constitution, the Ministry of Hydrocarbons and Energy, through the Resolution No. 150-10 issued in May 2010, established that the exploration and exploitation activities in reserved areas in favor of YPFB may be conducted: a) directly by YPFB; and b) by YPFB through the signing of a service contract. In the case of option b), such resolution states that YPFB may select a company which fulfills one of the following conditions:

- a) A company which is under an agreement of energy cooperation.
- b) A company which signed a study agreement with favorable results, at the discretion of YPFB.
- c) A successful company in an international public bidding procedure.

**References:**

Supreme Decree No. 28701: Article 5.

New Political Constitution of the State.

Interview with Mauricio Medinacelli, expert analyst of hydrocarbons, March 15th 2012 by e mail.

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**1.3.013: Does the licensing process or legislation impose limits to discretionary powers of the authority in charge of awarding licenses or contracts?**

Score: A B C  D E

**Comments:**

According to Mr. Mauricio Medinacelli, a hydrocarbons expert: "Besides Article 35 of Law No. 3058 regarding the tender procedure, the Ministry Resolution No. 150-10 of the Ministry of Hydrocarbons and Energy states that, in the framework of the new Political Constitution of the State, YPFB is enabled to sign service contracts (through the establishment of a mixed-economy company) provided that the contracting party is: a) a company covered by an energy cooperation agreement; b) a company which signed a study agreement which results would be favorable to YPFB; and c) a successful company in an international public bidding. However, up to date, only points a) and b) have been applied, and the risk is that they may be applied from now on. Therefore, there exists a higher degree of discretion than that established in Law No. 3058."

**References:**

Interview with Mauricio Medinacelli, expert analyst of hydrocarbons, March 15th 2012 by e mail.

Law No. 3058: Article 35.

Ministry Resolution N° 150-10

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**1.3.014: Does the legislative branch have any oversight role regarding contracts and licenses in the oil, gas and mining sector?**

Score:  A B C D E

**Comments:**

Paragraph II or Article 362 of the PCS states that: "Hydrocarbon exploration and exploitation contracts shall be previously and expressly approved by the Pluri-National Legislative Assembly. In case of not having such authorization, they shall become null and void, with no need for further judicial or extra-judicial statement whatsoever."

In Bolivia the Plurinational Assembly (Congress) makes up a Commission of hydrocarbons annually. The Commission carries out visits to oil fields and request information to YPFB and the Ministry of Hydrocarbons and Energy every month. If deemed necessary, the Commission may request a written report to any of these institutions.

**References:**

Political Constitution of the State. Article 362.

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**1.3.015: Is there a due process to appeal licensing decisions?****Score:** A (B) C**Comments:**

Under the Political Constitution of the State, the national oil company YPFB is the only body enabled to develop hydrocarbon activities in the country, and it can develop them by itself or through a service contract. Therefore, no licensing procedure is in place. However, in the framework of the Constitution, YPFB is allowed to establish mixed-economy companies with public or private companies, although there is no mechanism to object the selection of such companies.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration and Exploitation, March 5th 2012 at Ministry of Hydrocarbons and Energy

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**1.3.016: Is there a legal or regulatory requirement to disclose all beneficial ownership in oil, gas and mining companies or projects?****Score:** A (B) C**Comments:**

Currently there is no rule in Bolivia requiring this type of information published.

In Bolivia, the public debate is currently focused on the contents of the service contracts, and only the general aspects of the signing companies are available. While the government focuses its attention on the experience of the signing companies and their technical and financial capability, they disregard the stock or ownership structure of these companies.

**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy

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# Bolivia - RWI Index Questionnaire

## Context

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Indicator	Score
2.1 Context	100 

### 2.1 Context

#### 2.1.017: Does the government receive in-kind payments instead of financial payments from resource companies?

Score: A  B  C

##### Comments:

Paragraph II of Article 2 of Supreme Decree No. 28701 states that: "YPFB, on behalf and in representation of the State, and fully exercising the ownership of all of the hydrocarbons produced in the country, is responsible for their commercialization and defines the conditions, volumes and prices both for the local market and for the exportation and industrialization activities." In other words, the companies deliver all of the production owned by YPFB, and YPFB commercializes it. This arrangement is established in the operations and service contracts.

For its part, Article 359 of the Political Constitution of the State states that: "The Bolivian people are the inalienable and imprescriptible owners of the hydrocarbons, regardless of their state or kind. The State, in the name and representation of the Bolivian people, exerts the ownership of all of the hydrocarbon production in the country and is the only one who can commercialize them. The whole proceeds received from the hydrocarbon commercialization shall be a property of the State."

Likewise, Article 361 states that: "YPFB, which reports to the Ministry of Hydrocarbons and Energy, and as the operator of the State, is the only body enabled to develop the activities related to the hydrocarbon production chain and the commercialization thereof. Article 362 states that YPFB may sign service contracts with public, mixed or private, Bolivian or foreign companies, so that such companies may on their behalf and representation carry out certain activities related to the production chain in exchange for a payment for their services."

Consistent with the above Clause 12 of the Operations Contracts states that the payment of royalties and the direct hydrocarbon tax shall be made by YPFB because, as YPFB holds the ownership of the hydrocarbon production, they pay for the royalties and the direct tax of hydrocarbons to the Bolivian State. For their part, the oil companies providing the exploration and exploitation services to YPFB are obliged to pay for the relevant legal taxes such as the VAT, the Transactions Tax, the Profits Tax, as well as other taxes to the National Tax Service, as set forth in clause 12 of the Operations Contracts.

##### References:

Supreme Decree of Hydrocarbon Nationalization No. 28701: Article 2.  
Political Constitution of the State: Articles 359, 361 and 362.

#### 2.1.018: If the government or state owned companies sell physical commodities (oil, gas or minerals) from in-kind payments or own production, is there information about how these commodities are marketed?



Score: A **B** C D E

**Comments:**

According to Supreme Decree No. 28701 (Hydrocarbon Nationalization), YPFB may, on behalf and in representation of the State, and in full exercise of the ownership of all of the hydrocarbons produced in the country, commercialize them and define the conditions, volumes and prices thereof both for the local market and for their exportation and industrialization..

The sales in the local market are oriented to the industry sector and refineries. YPFB also sells natural gas to the external market (exports), specifically Brazil and Argentina, through sales agreements signed with Petrobras Brazil and ENARSA, in Argentina.

The SOC sells natural gas to Brasil and Argentina. In the case of Brasil the contract was signed between YPFB and Petrobras Brasil in representation of their States, and in the case of Argentina between YPFB and Enarsa.

**References:**

[http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&catid=107%3Ainformes-tecnicos&id=1418%3Ainformes-tecnicos-2011-comercializacion-de-gas-natural&Itemid=96](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&catid=107%3Ainformes-tecnicos&id=1418%3Ainformes-tecnicos-2011-comercializacion-de-gas-natural&Itemid=96)

[http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2011\\_ENERO\\_JUNIO/g.%20COMERCIALIZACION%20DE%20GAS%20NATURAL/\(Texto\)%20Comercializacion%20de%20Gas%20Natural.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2011_ENERO_JUNIO/g.%20COMERCIALIZACION%20DE%20GAS%20NATURAL/(Texto)%20Comercializacion%20de%20Gas%20Natural.pdf)

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**2.1.019: What authority actually collects payments from resource companies?**

Score: **A** B C D E

**Comments:**

In Bolivia, and in the framework of the Political Constitution of the State, YPFB, as the public operator, is the only body enabled to carry out activities related to the hydrocarbon production chain and the commercialization thereof (Article 361). On the other hand, Article 362 states that YPFB may sign service contracts with public, mixed or private, Bolivian or foreign companies, so that such companies, on their behalf and in their representation, can conduct certain activities of the production chain in exchange for a payment for their services.

Clause 12 of the Operations Contracts states that the payment of royalties and the direct hydrocarbon tax shall be made by YPFB because, as YPFB holds the ownership of the hydrocarbon production, they pay for the royalties and the direct tax of hydrocarbons to the Bolivian State. For their part, the oil companies providing the exploration and exploitation services to YPFB are obliged to pay for the relevant legal taxes such as the VAT, the Transactions Tax, the Profits Tax, as well as other taxes to the National Tax Service, as set forth in clause 12 of the Operations Contracts which although initially were available on the website of YPFB, were withdrawn from publication months later. Currently operating contracts are published on the website of an NGO outside the government.

**References:**

Supreme Decree No. 28701.

Political Constitution of the State: Article 361-362.

Operations Contracts:














[plataformaenergetica.org/obie/content/2162](http://plataformaenergetica.org/obie/content/2162)

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# Bolivia - RWI Index Questionnaire

## Disclosure

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Indicator		Score
2.2A.020	Does the Ministry of Finance publish periodical information on revenue generation?	7 
2.2A.020.j	Does the Ministry of Finance publish information on disaggregated revenue streams?	34 
2.2A	Quality of reports	84 
2.2B.020	Does the Ministry of the extractive sector publish information on revenue generation?	37 
2.2B.020.j	Does the Ministry of the extractive sector publish information on disaggregated revenue streams?	8 
2.2B	Quality of reports	100 
2.2C.020	Does a Regulatory Agency publish information on revenue generation?	0 
2.2C.020.j	Does a Regulatory Agency publish information on disaggregated revenue streams?	0 
2.2C	Quality of reports	50 
2.2D.020	Does the Central Bank publish information on revenue generation?	22 
2.2D.020.j	Does the Central Bank publish information on disaggregated revenue streams?	33 
2.2D	Quality of reports	84 
2.2E.020	Does any other government agency or entity publish information on revenue generation?	N/A
2.2E.020.j	Does any other government agency or entity publish information on disaggregated revenue streams?	N/A
2.2E	Quality of reports	N/A
2.2	Public sector balance	100 

2.2A.020 Does the Ministry of Finance publish periodical information on revenue generation?

### 2.2A.020.a: Reserves

Score: A B C **(D)** E

Comments:

It is not among the Ministry of Finance's duties to disseminate information on reserves.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)

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**2.2A.020.b: Production volumes**

Score: A B C  D E

**Comments:**

It is not among the Ministry of Finance's duties to disseminate information on production volumes.

**References:**

<http://www.economiayfinanzas.gob.bo/index.php?>

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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**2.2A.020.c: Information on prices**

Score: A B C  D E

**Comments:**

It is not among the Ministry of Finance's duties to disseminate this information.

**References:**

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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**2.2A.020.d: Value of resource exports**

Score: A B C  D E

**Comments:**

Not published.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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**2.2A.020.e: Estimates of investment in exploration and development**

Score: A B C  D E

**Comments:**

Not published.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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### 2.2A.020.f: Production costs

Score: A B C  D E

**Comments:**

Not among his duties.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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### 2.2A.020.g: Names of companies operating in country

Score: A B C  D E

**Comments:**

Not among his duties.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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### 2.2A.020.h: Production data by company and/or block

Score: A B C  D E

**Comments:**

Not among its duties.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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### 2.2A.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A  B C D E

**Comments:**

Shows historical data on the behavior of the subsidy to the oil sector in an annual magazine about the 2012 budget.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

2.2A.020.j Does the Ministry of Finance publish information on disaggregated revenue streams?

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**2.2A.020.j1: Production streams value**

**Score:** A B C  D E

**Comments:**

Not among its duties.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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**2.2A.020.j2: Government s share in PSC**

**Score:** A B C D  E

**Comments:**

Article 362 states that YPFB may sign service contracts with public, mixed or private, Bolivian or foreign companies, so that such companies may on their behalf and representation carry out certain activities related to the production chain in exchange for a payment for their services."

There are only service contracts and no PSCs.

**References:**

Political Constitution of the State: Article 362.

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**2.2A.020.j3: Royalties**

**Score:** A  B C D E

**Comments:**

The Ministry of Economy and Finance publishes information on royalties for both the hydrocarbon and mining sector. The publication is annual and appears in its Dossier Fiscal.

**References:**

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)

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**2.2A.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**

**Score:** A  B C D E

**References:**

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)

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**2.2A.020.j5: Dividends****Score:** A B C D  E**Comments:**

In Bolivia there are only service contracts for the hydrocarbon sector, so the payment of dividends does not apply

**References:**

Not published

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**2.2A.020.j6: Bonuses****Score:** A B C  D E**Comments:**

Bolivian legislation does not provide bonus payments, however the Hydrocarbons Law on its Articles 47 and 48 establishess the payment of patents that is performed by private companies to the national treasury through YPFB.

**References:**

Political Constitution of the State: Articles 361 and 362.

Law of Hydrocarbons No. 3058: Articles 47 and 48.

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**2.2A.020.j7: License fees****Score:** A B C D  E**Comments:**

Not one of its functions

**References:**

Hydrocarbons Law N°3058

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**2.2A.020.j8: Acreage fees****Score:** A B C D  E**Comments:**

Not established under Bolivian law.

**References:**

Hydrocarbons Law N° 3058

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**2.2A.020.j9: Other (Explain in 'comments' box.)****Score:** A B C D  E**References:**

N/A

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## 2.2A Quality of reports

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### 2.2A.021: Are periodical reports containing information on revenue generation published by the Ministry of Finance understandable?

Score: A  B  C  D  E

**Comments:**

The Ministry of Finance publishes information annually on tax revenues. Most publications contain explanations, but they are usually of high technical content.

**References:**

[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

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### 2.2A.022: How often are the periodical reports containing information on revenue generation published by the Ministry of Finance?

Score:  A  B  C  D  E

**Comments:**

Some publications are annual, but there is information that is published monthly in a magazine called Plural Economy.

**References:**

[www.economiayfinanzas.gob.bo](http://www.economiayfinanzas.gob.bo)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Dossier/Dossier\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Dossier/Dossier_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias\\_Fiscales/Memorias/MEB\\_2011.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Memorias_Fiscales/Memorias/MEB_2011.pdf)  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales\\_UCS/Revistas/Revista\\_02.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/Materiales_UCS/Revistas/Revista_02.pdf)

## 2.2B.020 Does the Ministry of the extractive sector publish information on revenue generation?

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### 2.2B.020.a: Reserves

Score: A  B  C  D  E

**Comments:**

Although information is from 2009, it is the latest certification of reserves available in Bolivia. The government does not comply with the provisions of Article 7 of Law No. 3740 which states that YPFB should hire each year through international public bidding a company to do the certification of reserves until last December.

**References:**

[http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com\\_content&view=article&id=1476&Itemid=144](http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com_content&view=article&id=1476&Itemid=144)

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### 2.2B.020.b: Production volumes

**Score:** (A) B C D E

**Comments:**

The Ministry publishes an annual statistical bulletin containing information on production volumes. This Bulletin is available on the website of the ministry.

**References:**

[http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com\\_docman&Itemid=77](http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com_docman&Itemid=77)  
Sistema de Información sobre regalías, producción y precios disponible en:  
<http://regalias.hidrocarburos.gob.bo/Default.aspx>

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**2.2B.020.c: Information on prices**

**Score:** (A) B C D E

**Comments:**

The Ministry publishes a weekly report providing information on prices. This report is available on the website of the ministry.

**References:**

[http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com\\_docman&Itemid=133](http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com_docman&Itemid=133)

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**2.2B.020.d: Value of resource exports**

**Score:** A B C (D) E

**Comments:**

The Ministry only publishes information on export volumes in its annual statistics, but does not publish its cash value.

**References:**

Not published

**Peer Review Comments:**

The value of exports for the mining sector is published by the Ministry of Mining and Metallurgy in two links <http://www.mineria.gob.bo/Documentos/Exportaciones%20Mineras%202011.pdf> (for January to June 2010 and January June 2011) and <http://www.mineria.gob.bo/Documentos/Estadisticas/Exportaciones.pdf> (data for 1995-2007 ). The Ministry of Hydrocarbons and Energy does not publish the value of exports.

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**2.2B.020.e: Estimates of investment in exploration and development**

**Score:** A B C (D) E

**Comments:**

The ministry does not publish information about investments

**References:**

Not published

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**2.2B.020.f: Production costs**



**Score:** A B C **(D)** E

**Comments:**

The ministry does not publish information about costs. That information is managed by YPFB and published on its Web site.

**References:**

Not published

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**2.2B.020.g: Names of companies operating in country**

**Score:** A B C **(D)** E

**Comments:**

Occasionally the Department publishes some news related to companies operating in Bolivia, however there is no clear and systematic information.

**References:**

Not published

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**2.2B.020.h: Production data by company and/or block**

**Score:** **(A)** B C D E

**Comments:**

Aggregated information is published by company and not by contract and block.

**References:**

[http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com\\_docman&Itemid=77](http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com_docman&Itemid=77)

---

**2.2B.020.i: Cost of subsidies or social investments paid by mineral revenue**

**Score:** A B C **(D)** E

**Comments:**

Not published

**References:**

Not published

**Peer Review Comments:**

Data on subsidies financed by mineral revenues is published by Mining and Metallurgy Ministry in [http://www.mineria.gob.bo/Documentos/InformacionInstitucional/EstadoEjecucionPresupuestaria\\_Ingresos2009.pdf](http://www.mineria.gob.bo/Documentos/InformacionInstitucional/EstadoEjecucionPresupuestaria_Ingresos2009.pdf). However, the only publication corresponds to 2009.

2.2B.020.j Does the Ministry of the extractive sector publish information on disaggregated revenue streams?

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**2.2B.020.j1: Production streams value**

**Score:** A B C **(D)** E

**Comments:**

The ministry publishes information of volume produced and marketed in its statistical yearbook, however no information is published about the monetary value of production.

**References:**

Not published

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**2.2B.020.j2: Government s share in PSC**

**Score:** A B C D **(E)**

**Comments:**

According to Article 362 of the constitution the Bolivian state can only sign contracts under the system of service contracts. There are no PSCs.

**References:**

Political Constitution of the State: Articles 359, 361 and 362.

---

**2.2B.020.j3: Royalties**

**Score:** A B **(C)** D E

**Comments:**

The System Builder Reports on Royalties and Participations on the Production of Hydrocarbons in Bolivia has updated data through 2010. Ministry officials have said they will soon be updated with data through 2011, once the data are final.

**References:**

Sistema Generador de Reportes sobre Regalías y Participaciones sobre la Producción de Hidrocarburos en Bolivia: <http://regalias.hidrocarburos.gob.bo/Default.aspx>

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**2.2B.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**

**Score:** A B C **(D)** E

**Comments:**

The National Tax Service is responsible for the collection and management of the Direct Tax on Hydrocarbons and publishes that information.

**References:**

Interview with Eng. Eduardo Alarcón Vice Minister of Exploration and Exploitation, March 5th 2012 at Ministry of Hydrocarbons and Energy.

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**2.2B.020.j5: Dividends**

**Score:** A B C D **(E)**

**Comments:**

In Bolivia there are only service contracts for the hydrocarbon sector, so the payment of dividends does

not apply, only private companies pay dividends according to tax law.

**References:**

Interview with Cécilia Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.

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**2.2B.020.j6: Bonuses**

**Score:** A B C  D E

**Comments:**

Bolivian legislation does not provide bonus payments. However the Hydrocarbons Law on its Articles 47 and 48 establishess the payment of patents that is performed by private companies to the national treasury through YPFB.

**References:**

Law of Hydrocarbons No. 3058.

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**2.2B.020.j7: License fees**

**Score:** A B C D  E

**Comments:**

Not established in Bolivian legislation.

**References:**

Law of Hydrocarbons No. 3058.

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**2.2B.020.j8: Acreage fees**

**Score:** A B C D  E

**Comments:**

Not established under Bolivian law.

**References:**

Law of Hydrocarbons No. 3058.

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**2.2B.020.j9: Other (Explain in 'comments' box.)**

**Score:** A B C D  E

**Comments:**

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**References:**

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**2.2B Quality of reports**

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**2.2B.021: Are periodical reports containing information on revenue generation published by the Ministry of the extractive sector understandable?**Score:  A  B  C  D  E**Comments:**

The Ministry of Hydrocarbons and Energy presents information regarding reserves, royalties and participation through an educational map of Bolivia. Also, the annual statistical bulletin information is quite understandable.

Since 2010 with the support of Jubilee Foundation, the ministry has implemented a System Builder Reports on Royalties and Participations on the Production of Hydrocarbons in Bolivia that allows for comprehensive information on income from royalties and shares.

**References:**

[http://www.hidrocarburos.gob.bo/MHE2012/index.php?](http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com_content&view=article&id=1476&Itemid=144)

[option=com\\_content&view=article&id=1476&Itemid=144](http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com_content&view=article&id=1476&Itemid=144)

[http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com\\_docman&Itemid=77](http://www.hidrocarburos.gob.bo/MHE2012/index.php?option=com_docman&Itemid=77)

<http://regalias.hidrocarburos.gob.bo/Default.aspx>

**2.2B.022: How often are the periodical reports containing information on revenue generation published by the Ministry of the extractive sector?**Score:  A  B  C  D  E**Comments:**

The Ministry of Hydrocarbons and Energy issues a monthly report with detailed information on Royalties and Participations for hydrocarbon production for each beneficiary provincial government, which has for example natural gas production, oil and liquefied petroleum gas per field, by holder, prices and settlement rates and amounts for each concept (11% royalty department, 1% Beni - Pando and the 6% for Treasury)

**References:**

<http://regalias.hidrocarburos.gob.bo/>

**2.2C.020 Does a Regulatory Agency publish information on revenue generation?****2.2C.020.a: Reserves**Score:  A  B  C  D  E**Comments:**

The National Agency of Hydrocarbons is the regulatory agency of this sector. Although Article 365 of the Constitution of the State establishes that the National Agency of Hydrocarbons should oversee all hydrocarbon activities, it does not fulfill this function because it does not publish information on exploration and exploitation, these activities continue to be supervised by YPFB.

The information distributed by the National Hydrocarbons Agency (ANH) focuses on DOWNSTREAM activities in the domestic market. For information related to production, ANH only provides detailed monthly production of hydrocarbon products sold in the domestic market, which are regulated by this institution, among which are: automotive fuels, aviation fuels, liquefied petroleum gas, lubricants and others.

For information regarding products and transport, ANH provides management information 2011 related to statistical data for oil transported by pipelines, finished products transported through Pipelines, natural gas volumes transported by company as well as a view complete national networks of different oil transport by pipeline.

**References:**

Political Constitution of the State: Article 365.

See reports by ANH:

<http://www.anh.gob.bo/index.php?urlAdd=Dtd>

<http://www.anh.gob.bo/Documentos/Drc/Drc-Estadisticas.pdf>

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**2.2C.020.b: Production volumes**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency only publishes information about regulated refined products and that are destined for the domestic market. The Agency does not publish information on production of oil / condensate and natural gas at the wellhead.

**References:**

<http://www.anh.gob.bo/Documentos/Dru/WEB-DRU-1201.pdf>

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**2.2C.020.c: Information on prices**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency publishes information on prices, but data refers to regulated refined products and that are destined for the domestic market. The Agency does not publish information about exported natural gas prices.

**References:**

<http://www.anh.gob.bo/index.php?urlAdd=Def>

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**2.2C.020.d: Value of resource exports**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, including marketing to foreign markets, has no public information on export volumes or prices to Brazil and Argentina.

**References:**

Not published on the Website and nor is there any printed publication.

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**2.2C.020.e: Estimates of investment in exploration and development**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons.

**References:**

<http://www.anh.gob.bo/>

---

**2.2C.020.f: Production costs**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons.

**References:**

<http://www.anh.gob.bo/>

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**2.2C.020.g: Names of companies operating in country**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons.

**References:**

<http://www.anh.gob.bo/>

---

**2.2C.020.h: Production data by company and/or block**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons.

**References:**

<http://www.anh.gob.bo/>

---

**2.2C.020.i: Cost of subsidies or social investments paid by mineral revenue**

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons. Neither on generation and allocation of oil revenues.

**References:**

<http://www.anh.gob.bo/>

---

## 2.2C.020.j Does a Regulatory Agency publish information on disaggregated revenue streams?

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### 2.2C.020.j1: Production streams value

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons.

The information distributed by the National Hydrocarbons Agency (ANH) focuses on DOWNSTREAM activities in the domestic market. For information related to production, ANH provides detailed monthly production of hydrocarbon products only sold in the domestic market, which are regulated by this institution, among which are: automotive fuels, aviation fuels, liquefied petroleum gas, lubricants and others.

For information regarding products and transport, ANH provides management information 2011 related to statistical data for oil transported by pipelines, finished products transported through Pipelines, natural gas volumes transported by company as well as a view complete national networks of different oil transport by pipeline.

**References:**

<http://www.anh.gob.bo/>

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### 2.2C.020.j2: Government s share in PSC

**Score:** A B C D  E

**Comments:**

According to Article 362 of the constitution the Bolivian state can only sign contracts under the system of service contracts.

**References:**

Political Constitution of the State. Article 362.

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### 2.2C.020.j3: Royalties

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons. The Agency does not publish information on the generation, use and allocation of oil revenues (royalties, Treasury Share and IDH)

**References:**

<http://www.anh.gob.bo/>

---

### 2.2C.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

**Score:** A B C  D E

**Comments:**

The National Hydrocarbons Agency, despite having the constitutional mandate (State Constitution Article 365) to regulate, control, supervise and monitor the activities of the entire production chain, has no public information on the activities of exploration and exploitation of hydrocarbons. The Agency does not publish information on the generation, use and allocation of oil revenues.

**References:**

<http://www.anh.gob.bo/>

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**2.2C.020.j5: Dividends**

**Score:** A B C D  E

**Comments:**

In Bolivia there are service contracts only for the hydrocarbon sector, so the payment of dividends does not apply.

**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.

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**2.2C.020.j6: Bonuses**

**Score:** A B C  D E

**Comments:**

Bolivian legislation does not provide bonus payments, however the Hydrocarbons Law on its Articles 47 and 48 establishes the payment of patents that is performed by private companies to the national treasury through YPFB.

**References:**

Law of Hydrocarbons No. 3058.

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**2.2C.020.j7: License fees**

**Score:** A B C D  E

**Comments:**

Bolivian legislation does not provide license fees, however the Hydrocarbons Law on its Articles 47 and 48 establishes the payment of patents that is performed by private companies to the national treasury through YPFB.

**References:**

Law of Hydrocarbons No. 3058.

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**2.2C.020.j8: Acreage fees**

**Score:** A B C D  E

**Comments:**

Not established under Bolivian law.



**References:**

Law of Hydrocarbons No. 3058.

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**2.2C.020.j9: Other (Explain in 'comments' box.)**

**Score:** A B C D  E

**Comments:**

The information distributed by the National Hydrocarbons Agency (ANH) focuses on DOWNSTREAM activities in the domestic market.

**References:**

<http://www.anh.gob.bo/index.php?urlAdd=Dtd>

<http://www.anh.gob.bo/Documentos/Drc/Drc-Estadisticas.pdf>

**2.2C Quality of reports**

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**2.2C.021: Are periodical reports containing information on revenue generation published by the Regulatory Agency understandable?**

**Score:** A B C  D E

**Comments:**

The role of the Agency (ANH) is to be an autarkic public regulator, as it is set on the new constitution is allocated to the ANH the powers of regulation, supervision, control and supervise throughout the production chain, not just the Downstream as it did even before the term of the current constitution.

**References:**

<http://www.anh.gob.bo/index.php?urlAdd=Home&subSec=Subs>  
New Political Constitution of the State Article 365

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**2.2C.022: How often are the periodical reports containing information on revenue generation published by the Regulatory Agency?**

**Score:**  A B C D E

**Comments:**

The information distributed by the ANH refers only to downstream activities and is published monthly.

**References:**

<http://www.anh.gob.bo/index.php?urlAdd=Home&subSec=Subs>

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**2.2D.020 Does the Central Bank publish information on revenue generation?**

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**2.2D.020.a: Reserves**

**Score:** A B C  D E

**Comments:**

The publication of this information does not correspond to its functions.

**References:**

Memoria 2010. Capítulo 1: Entorno económico:

<http://www.bcb.gob.bo/webdocs/publicaciones/memorias/memoria%202010/cap1.pdf>

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

**2.2D.020.b: Production volumes**

Score: A B C  D E

**Comments:**

The publication of this information does not correspond to its functions.

**References:**

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

**2.2D.020.c: Information on prices**

Score:  A B C D E

**Comments:**

Although the publication of this information does not correspond to the Bank's functions, it still exists. The Bank refers to the trend of prices of natural gas sales to foreign markets in its annual and monthly newsletters because it explains the behavior of the country's income from exports, which is controlled and supervised by the Central Bank of Bolivia.

**References:**

<http://www.bcb.gob.bo/webdocs/publicaciones/memorias/memoria%202010/cap1.pdf>

---

**2.2D.020.d: Value of resource exports**

Score:  A B C D E

**Comments:**

The Central Bank publishes information on the value of oil exported resources which explains the behavior of the Trade Balance in Bolivia.

**References:**

Memory 2010. Chapter 1: Economic Environment:

<http://www.bcb.gob.bo/webdocs/publicaciones/memorias/memoria%202010/cap1.pdf>

Boletín estadístico 351 (septiembre 2011):

<http://www.bcb.gob.bo/webdocs/2012/estadisticosep11/estadsep11.pdf>

---

**2.2D.020.e: Estimates of investment in exploration and development**

Score: A B C  D E

**Comments:**

The publication of this information does not correspond to the Bank's functions.

**References:**

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

---

**2.2D.020.f: Production costs**

**Score:** A B C  D E

**Comments:**

The publication of this information does not correspond to the Bank's functions.

**References:**

[www.bcb.gob](http://www.bcb.gob)

---

**2.2D.020.g: Names of companies operating in country**

**Score:** A B C  D E

**Comments:**

The publication of this information does not correspond to the Bank's functions.

**References:**

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

**2.2D.020.h: Production data by company and/or block**

**Score:** A B C  D E

**Comments:**

The publication of this information does not correspond to the Bank's functions.

**References:**

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

**2.2D.020.i: Cost of subsidies or social investments paid by mineral revenue**

**Score:** A B C  D E

**Comments:**

The publication of this information does not correspond to the Bank's functions. It should be the Ministry of Economy and Finance that publishes information about grants and subsidies (even though it does not).

**References:**

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

2.2D.020.j Does the Central Bank publish information on disaggregated revenue streams?

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**2.2D.020.j1: Production streams value**

**Score:** A B C  D E

**Comments:**

The publication of this information does not correspond to the Bank's functions.

**References:**

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

**2.2D.020.j2: Government s share in PSC**

Score: A B C D  E

**Comments:**

According to Article 362 of the constitution the Bolivian state can only sign contracts under the system of service contracts

**References:**

New Political Constitution of the State. Article 362

---

**2.2D.020.j3: Royalties**

Score: A B C  D E

**Comments:**

The publication of this information does not correspond to the Bank's functions. It is the Ministry of Hydrocarbons and Energy who publishes information on royalties.

**References:**

[www.bcb.gob.bo](http://www.bcb.gob.bo)

---

**2.2D.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**

Score:  A B C D E

**Comments:**

In its annual report, the Central Bank publishes information on the Direct Tax on Hydrocarbons. It is the largest source of tax revenue and can explain the increased inflow of resources to the Treasury.

**References:**

Memory 2010. Chapter 1: Economic Environment::

<http://www.bcb.gob.bo/webdocs/publicaciones/memorias/memoria%202010/cap1.pdf>

---

**2.2D.020.j5: Dividends**

Score: A B C D  E

**Comments:**

No dividends.

**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.

---

**2.2D.020.j6: Bonuses****Score:** A B C D  E**Comments:**

Bolivian legislation does not provide bonus payments but patents that are not published by the central bank.

**References:**

Law of Hydrocarbons No. 3058.

---

**2.2D.020.j7: License fees****Score:** A B C D  E**Comments:**

Bolivian legislation does not provide licence fee, however the Hydrocarbons Law on its Articles 47 and 48 establishes the payment of patents that is performed by private companies to the national treasury through YPFB.

**References:**

Law of Hydrocarbons No. 3058.

---

**2.2D.020.j8: Acreage fees****Score:** A B C D  E**Comments:**

Not established under Bolivian law.

**References:**

Law of Hydrocarbons No. 3058.

---

**2.2D.020.j9: Other (Explain in 'comments' box.)****Score:** A B C D  E**Comments:**

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**References:**

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## 2.2D Quality of reports

**2.2D.021: Are periodical reports containing information on revenue generation published by the Central Bank understandable?****Score:** A  B C D E

**Comments:**

The statistical bulletin of the BCB is quite technical, it presents statistical information only and does not include the narrative. However the information presented in the annual report is much more understandable and complete. In that document there is a balance in the technical and narrative, making the text more understandable and the information presented.

**References:**

<http://www.bcb.gob.bo/webdocs/publicaciones/memorias/memoria%202010/cap1.pdf>

<http://www.bcb.gob.bo/webdocs/2012/estadisticosep11/estadsep11.pdf>

---

**2.2D.022: How often are the periodical reports containing information on revenue generation published by the Central Bank?**

**Score:** (A) B C D E

**Comments:**

The statistical reports are published quarterly.

**References:**

<http://www.bcb.gob.bo/webdocs/2012/estadisticosep11/estadsep11.pdf>

2.2E.020 Does any other government agency or entity publish information on revenue generation?

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**2.2E.020.a: Reserves**

**Score:** A B C D (E)

**Comments:**

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**References:**

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**Peer Review Comments:**

YPFB (State enterprise) published information of reserves in the link

[http://www.yxfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2011\\_ENERO\\_JUNIO/d.%20RESERVAS%20NACIONALES/Reserva%20Nacional%20de%20Gas%20Natural%20-%20Petroleo%20Condensado.pdf](http://www.yxfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2011_ENERO_JUNIO/d.%20RESERVAS%20NACIONALES/Reserva%20Nacional%20de%20Gas%20Natural%20-%20Petroleo%20Condensado.pdf)

The latest information management reserves corresponds to the 2009 because it was not done hiring for the following certifications. The technical report is published biannually.

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**2.2E.020.b: Production volumes**

**Score:** A B C D (E)

**Comments:**

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**References:**

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**Peer Review Comments:**

YPFB (State Enterprise) publishes information on production volumes. This information is published every six months ([http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&id=148&Itemid=96](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&id=148&Itemid=96)) and as part of an annual bulletin ([http://www.ypfb.gob.bo/documentos/boletin\\_estadistico\\_ene\\_a\\_dic\\_2011\\_090312\\_1.pdf](http://www.ypfb.gob.bo/documentos/boletin_estadistico_ene_a_dic_2011_090312_1.pdf)). The latest information related to the management 2011.

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**2.2E.020.c: Information on prices**

Score: A B C D  E

**Comments:**

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**References:**

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**Peer Review Comments:**

YPFB (State Enterprise) publishes information on natural gas prices for domestic and export markets. This information is published every six months ([http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&id=148&Itemid=96](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&id=148&Itemid=96)) and as part of an annual bulletin ([http://www.ypfb.gob.bo/documentos/boletin\\_estadistico\\_ene\\_a\\_dic\\_2011\\_090312\\_1.pdf](http://www.ypfb.gob.bo/documentos/boletin_estadistico_ene_a_dic_2011_090312_1.pdf)). The latest information related to the management 2011.

---

**2.2E.020.d: Value of resource exports**

Score: A B C D  E

**Comments:**

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**References:**

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**Peer Review Comments:**

The value of exports is published by the Bolivian Foreign Trade Institute, a private institution ([http://www.ibce.org.bo/informacion-mercados/descarga\\_ibce\\_cifras.asp?id=18&idsector=6](http://www.ibce.org.bo/informacion-mercados/descarga_ibce_cifras.asp?id=18&idsector=6)).

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**2.2E.020.e: Estimates of investment in exploration and development**

Score: A B C D  E

**Comments:**

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**References:**

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**2.2E.020.f: Production costs**

Score: A B C D  E

**Comments:**

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**References:**

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**2.2E.020.g: Names of companies operating in country****Score:** A B C D (E)**Comments:**

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**References:**

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**Peer Review Comments:**

YPFB (State Enterprise) publishes information of Names of companies operating in country . This information is published every six months ([http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2011\\_ENERO\\_JUNIO/e.%20CONTRATOS%20DE%20OPERACION/C2%20Contratos%20de%20Operacion%20Protocolizados.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2011_ENERO_JUNIO/e.%20CONTRATOS%20DE%20OPERACION/C2%20Contratos%20de%20Operacion%20Protocolizados.pdf))

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**2.2E.020.h: Production data by company and/or block****Score:** A B C D (E)**Comments:**

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**References:**

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**Peer Review Comments:**

YPFB (State Enterprise) Publishes information production by field ([http://www.ypfb.gob.bo/documentos/boletin\\_estadistico\\_ene\\_a\\_dic\\_2011\\_090312\\_1.pdf](http://www.ypfb.gob.bo/documentos/boletin_estadistico_ene_a_dic_2011_090312_1.pdf) ) and by Company ([http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&catid=107%3Ainformes-tecnicos&id=1417%3Ainformes-tecnicos-2011-produccion-certificada-de-hidrocarburos&Itemid=96](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&catid=107%3Ainformes-tecnicos&id=1417%3Ainformes-tecnicos-2011-produccion-certificada-de-hidrocarburos&Itemid=96))

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**2.2E.020.i: Cost of subsidies or social investments paid by mineral revenue****Score:** A B C D (E)**Comments:**

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**References:**

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2.2E.020.j Does any other government agency or entity publish information on disaggregated revenue streams?



**2.2E.020.j1: Production streams value**Score: A B C D **E****Comments:**

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**References:**

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**2.2E.020.j2: Government s share in PSC**Score: A B C D **E****Comments:**

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**References:**

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**Peer Review Comments:**

Paragraph I of Article 362 of the New Constitution of 2009 states: "YPFB is authorized to sign contracts under the system of service delivery, public companies, mixed or private, Bolivian or foreign, that businesses in your name and on their behalf, to perform certain activities of the production chain in exchange for a fee or payment for their services. "The adequacy of this legislation has not yet applied.

Currently, oil companies operating under Operating Contract as stated in the Hydrocarbons Law 3058 of May 2005. The operating contract information is published by YPFB (State Enterprise) at the following link [http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&catid=63%3Ainformacion-tecnico-financiera-general&id=1416%3Ainformes-tecnicos-2011-contratos-operacion&Itemid=96](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&catid=63%3Ainformacion-tecnico-financiera-general&id=1416%3Ainformes-tecnicos-2011-contratos-operacion&Itemid=96)

**2.2E.020.j3: Royalties**Score: A B C D **E****Comments:**

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**References:**

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**Peer Review Comments:**

Royalties information is published by YPFB (State Enterprise) at the following link [http://www.ypfb.gob.bo/documentos/boletin\\_estadistico\\_ene\\_a\\_dic\\_2011\\_090312\\_1.pdf](http://www.ypfb.gob.bo/documentos/boletin_estadistico_ene_a_dic_2011_090312_1.pdf)

**2.2E.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**Score: A B C D **E****Comments:**

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**References:**

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**2.2E.020.j5: Dividends**

**Score:** A B C D  E

**Comments:**

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**References:**

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**2.2E.020.j6: Bonuses**

**Score:** A B C D  E

**Comments:**

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**References:**

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**2.2E.020.j7: License fees**

**Score:** A B C D  E

**Comments:**

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**References:**

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**2.2E.020.j8: Acreage fees**

**Score:** A B C D  E

**Comments:**

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**References:**

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**2.2E.020.j9: Other (Explain in 'comments' box.)**

**Score:** A B C D  E

**Comments:**

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**References:**

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## 2.2E Quality of reports

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### 2.2E.021: Are periodical reports containing information on revenue generation published by any other government agency or entity understandable?

Score: A B C D **E**

**Comments:**

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**References:**

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**Peer Review Comments:**

The information on reserves, production and oil Royalties is published by YPFB (State Enterprise)

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### 2.2E.022: How often are the periodical reports containing information on revenue generation published by the any other governmental agency or entity?

Score: A B C D **E**

**Comments:**

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**References:**

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**Peer Review Comments:**

The information on reserves, production and oil Royalties is published by YPFB (State Enterprise)

## 2.2 Public sector balance

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### 2.2.023: Does the government include the SOC financial balance (its assets and liabilities) within the public sector balance or overall balance of general government in reports to the legislature?

Score: **A** B C D E

**Comments:**

The Ministry of Economy and Finance publishes every year a document called Financial Statements of the Central Administration, which includes the results of the national oil company, YPFB.

**References:**

<http://vmpec.economiayfinanzas.gob.bo/estadosfin/20100513BAGE.PDF>  
<http://vmpec.economiayfinanzas.gob.bo/estadosfin/20100513ERGC.PDF>  
<http://vmpec.economiayfinanzas.gob.bo/estadosfin/20100513FLE1.PDF>  
<http://vmpec.economiayfinanzas.gob.bo/estadosfin/20100513CEPN.PDF>  
<http://vmpec.economiayfinanzas.gob.bo/estadosfin/20100513EPGA.PDF>  
<http://vmpec.economiayfinanzas.gob.bo/estadosfin/20100513EPRE.PDF>

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**2.2.024: Does the government include projections of transactions, accounts of actual spending by the natural resource funds, and their assets and liabilities, within the public sector balance or overall balance of general government in reports to the legislature?**

**Score:** A B C D **(E)**

**Comments:**

Bolivia does not have any funds from the natural resources.

**References:**

Interview with Eng. Eduardo Alarcón, Vice Minister of Exploration of Exploitation of the Ministry of Hydrocarbons and Energy, March 3th 2012 at Ministry of Hydrocarbons and Energy.

---

**2.2.025: Does the government provide information on the non resource fiscal balance in its budget proposal?**

**Score:** **(A)** B C

**Comments:**

The budget projection published by the Ministry of Economy and Finance shows in its website the income budgets, breaking down the sources from the extractive industries and the public revenues from other economic non-extractive activities.

**References:**

<http://medios.economiayfinanzas.gob.bo/MH/documentos/ppto2011/ppto2011/71snii.pdf>  
[http://medios.economiayfinanzas.gob.bo/MH/documentos/ppto2011/ppto2011/r\\_fpr\\_rub\\_nivel.pdf](http://medios.economiayfinanzas.gob.bo/MH/documentos/ppto2011/ppto2011/r_fpr_rub_nivel.pdf)

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## Legal Framework and Practices

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Indicator	Score
2.3 Legal Framework and Practices	57 <span style="background-color: yellow; border: 1px solid black; padding: 0 5px;"> </span>

### 2.3 Legal Framework and Practices

#### 2.3.026: In the legal framework, what government agencies have authority to collect taxes and payments from resource companies?

Score:  A  B  C  D  E

**Comments:**

The role of setting fiscal policy belongs to the Ministry of Finance and tax collection to the National Tax Service (Servicio de Impuestos Nacionales, SIN). The Ministry of Hydrocarbons and Energy is responsible for formulating the policy of the hydrocarbons sector, while the state owned company YFPB is responsible for the entire chain of production and trade of hydrocarbons, including negotiating and monitoring of contracts. The regulatory role rests on the National Hydrocarbon Agency (ANH), which recently replaced the Superintendency of Hydrocarbons. However, due to the embryonic situation of the ANH, the scope and actual influence the agency will have in the future have yet to be determined.

**References:**

Law of Hydrocarbons No. 3058

#### 2.3.027: Are all resource related revenues, including those collected by state owned companies, regulatory agencies, ministries, special funds or by the tax authority placed in the national treasury?

Score:  A  B  C  D  E

**Comments:**

Article 20 of Supreme Decree No. 28222 dated as of June 2005 states that: "The payment of royalties and of the share to the National General Treasury shall be paid by the titleholder in United States Dollars or in local currency at the official exchange rate as on the date of deposit in the relevant bank accounts of the National General Treasury and of the governments of the producing departments, as well as to the departments of Beni and Pando."

**References:**

Supreme Decree N° 28222.

#### 2.3.028: Are government officials with a role in the oversight of the oil, gas or mining sector required to disclose information about their financial interest in any extractive activity or projects?

Score:  A  B  C

**Comments:**

Article 235 of the 2009 Constitution states that public servants must present, at the beginning and at the end of their term, a sworn statement of their assets. Also, Article 21 of YPFB's Statute states that "Those who act as directors, president, executives, managers, auditors, consultants, servants or any other office or employment relationship with companies operating in any activity within the hydrocarbon productive chain, as well as those who are shareholders or have direct or indirect corporate participation in any of these firms or companies may not be appointed as a member of the Board of YPFB". Additionally, the Hydrocarbons Law in its article 28 states the prohibition of the President as well as key members of the government and their relatives to participate together with YPFB in any contract modality or to obtain concessions or licenses. Finally, YPFB is owned 100 percent by the State, with no shares available to the public.

**References:**

Law of Hydrocarbons No. 3058  
YPFB Statute  
Political Constitution of the State

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**2.3.029: Is there independent external validation of internal controls of agencies in charge of receiving payments from resource companies with the objective of providing assurances of integrity of public funds and sound financial management?**

**Score:** (A) B C D E

**Comments:**

According to Article 23 of Law 1178, the Comptroller General is required to issue basic rules of internal and external control, evaluate the effectiveness of internal control systems, and to conduct and supervise the external control.

Although the departmental governments are the beneficiaries of the Royalties, the Ministry of Hydrocarbons and Energy is responsible for determining the amounts to be paid by YPFB. In this sense, all of the internal procedures conducted in the Ministry and the departmental governments are subject to external audits conducted by the Office of the Comptroller General of the State. As for the IDH, the National Tax Service can control YPFB, which in turn is subject to the external audits conducted by the Office of the Comptroller General of the State.

However, up to date, the audits conducted to the departmental governments by the Office of the Comptroller General of the State have focused especially on the use of these funds rather than on the internal controls applied to verify whether such funds are the right ones.

**References:**

Law N° 1178

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**2.3.030: Does the national audit office (or similar independent organization) report regularly to the legislature on its findings, including an objective analysis of agencies in charge of managing resource revenues, and are these reports published?**

**Score:** A B C (D) E

**Comments:**

The Office of the Comptroller General of the State applies a posterior external control to all of the public institutions. The resulting audit reports are delivered to the governing bodies or authorities which govern such public institutions.

**References:**

Law N° 1178: Article 42

---

**2.3.031: Does a Parliamentary committee scrutinize reports on resource related revenues and, if so, when does this occur?****Score:** A B C **(D)** E**Comments:**

Paragraphs 17, 19 and 20 of Article 158 state that the Pluri-National Legislative Assembly has the faculties to: (17) Control and supervise the public bodies and institutions, (19) Conduct investigations in the framework of their supervising capacities through a commission, without prejudicing the control conducted by the very relevant bodies; and (20) Control and supervise public companies, mixed-economy mixed and any other body where the State has an economic share.

In other words, the assembly oversees operational information but does not scrutinizes the reports of the comptroller

**References:**

Political Constitution of the State: Article 158.

---

**2.3.032: Is this country an EITI candidate or compliant country?****Score:** A B C **(D)** E**Comments:**

According to the explanation of Ms Celica Hernandez, Bolivia is not a candidate country, mainly due to ignorance of the processes involved in this certification and the political stance taken against the World Bank by the Bolivian government. According to a statement by the Transparency Unit of the Ministry of Hydrocarbons and Energy, the EITI is directly related to the World Bank and therefore will not allow interference in the information and government affairs

According to Mr Mauricio Medinacelli Bolivia should be a candidate to the EITI, although it would not be consistent with the current vision sustained by the executive and legislative branches.


**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012, at Ministry of Hydrocarbons and Energy.  
Interview with Mauricio Medinacelli, expert analyst of hydrocarbons, March 15th 2012 by e mail.

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Indicator		Score
3.1.1	Context	56 

3.1.1 Context

### 3.1.1.033: Is there a state-owned company? If so, what is its role in the extractive sector?

Score:  A  B  C  D  E

#### Comments:

Political Constitution of the State: Article 361:

I. Yacimientos Petrolíferos Fiscales Bolivianos (YPFB) is an autarchic public, unseizable, administratively, technically and economically autonomous company in the framework of the hydrocarbon public policy. YPFB, under the government of the Ministry of Hydrocarbons and Energy, and as the operator of the State, is the only body enabled to develop activities related to the hydrocarbon production chain and the commercialization thereof.

Article 4 of the by-laws of the national oil company (YPFB) states that: "YPFB has the following faculties: i) to exert on behalf of the Bolivian State the ownership rights over all of the hydrocarbons; ii) to develop activities of the whole production chain as established in the Law of Hydrocarbons..."

#### References:

Political Constitution of the State: Article 361.

YPFB Statute:

[http://www.ypfb.gob.bo/documentos/2010\\_marco\\_legal/LEYES%20Y%20DECRETOS/NORMAS%20VARIAS/DS-28324.pdf](http://www.ypfb.gob.bo/documentos/2010_marco_legal/LEYES%20Y%20DECRETOS/NORMAS%20VARIAS/DS-28324.pdf)

### 3.1.1.034: How is government ownership of resource companies structured in this country?

Score:  A  B  C  D  E

#### Comments:

Article 361 of the PCS states that. "YPFB is a public autarchic, unseizable, administratively, technically and economically autonomous company in the framework of the hydrocarbon public policy of the State. YPFB, under the Ministry of Hydrocarbons and Energy, and as the operator of the State, is the only body enabled to develop activities related to the hydrocarbon production chain and the commercialization thereof."

#### References:

Political Constitution of the State: Article 361.

### 3.1.1.035: Is there more than one state-owned company (SOC) operating in the extractive sector?

Score: A  B  C

#### Comments:



Article 361 of the PCS states that: "YPFB is a public autarchic, unseizable, administratively, technically and economically autonomous company in the framework of the hydrocarbon public policy of the State. YPFB, under the Ministry of Hydrocarbons and Energy, and as the operator of the State, is the only body enabled to develop activities related to the hydrocarbon production chain and the commercialization thereof."

**References:**

Political Constitution of the State: Article 361

---

**3.1.1.036: Do the roles and responsibilities of the SOC include provision of subsidies or social expenditures (quasi-fiscal activities)?**

**Score:** A  B C

**Comments:**

Although the stated policy is that the government returns costs incurred in importing fuels (gasoline subsidy, diesel oil and liquefied petroleum gas) to the State Oil Company through tax credit notes, until now YPFB only recovers diesel oil import costs. In the case of Liquefied Petroleum Gas and gasoline, the specific rule has not been approved yet. It is noteworthy that those rules should have been developed between 2007 to 2009 for both products.

To date, this legislation has been drafted and is awaiting approval from the Ministry of Economy and Finance, however, the position of the ministry is not to apply this rule retroactively, so YPFB must take over direct subsidy on the import of Gas Liquefied of Petroleum and gasoline produced in recent years.

For the installation of Domiciliary Gas Networks, this represents a social cost that is borne directly by the state oil company despite the mass use of natural gas in the domestic market is a state policy and therefore should be undertaken by the Bolivian government.






**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.

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Indicator		Score	
3.2.1	Comprehensive reports	33	
3.2.2.038	Does the SOC publish information on revenue generation?	67	
3.2.3.038.j	Disaggregated Revenue Streams	67	
3.2.4	Quality of reports	42	
3.2.5.043	Audited reports	50	

## 3.2.1 Comprehensive reports

### 3.2.1.037: Does the SOC publish comprehensive reports with information about its operations and subsidiaries?

Score: A B **C** D E

#### Comments:

YPFB published on its website a balance sheet and a profit and loss statement for the fiscal years 2007, 2008 and third quarter 2009. However, this publication has not been updated.

Most of publications show consolidated data about commercialization and royalties, but they lack the financial or administrative aspects of the company.

#### References:

[http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/estados\\_financieros/2009/bal\\_gral\\_omp09.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/estados_financieros/2009/bal_gral_omp09.pdf)

[http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/estados\\_financieros/2009/est\\_perd\\_ganancias09.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/estados_financieros/2009/est_perd_ganancias09.pdf)

[http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&id=80&Itemid=177](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&id=80&Itemid=177)

## 3.2.2.038 Does the SOC publish information on revenue generation?

### 3.2.2.038.a: Reserves

Score: A B **C** D E

#### Comments:

Reserves data were published for the year 2005. In 2006, 2007 and 2008 there were no certification of reserves. The results of the last survey for reserves were published on December 31, 2009 by YPFB on both its website and in press releases in 2011. According to the law, (Article No. 7 of Law No. 3740 of Sustainable Development), certification of reserves should happen yearly though.

#### References:

[http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2011\\_ENERO\\_JUNIO/d.%2](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2011_ENERO_JUNIO/d.%2)

0RESERVAS%20NACIONALES/Reserva%20Nacional%20de%20Gas%20Natural%20-%20Petroleo%20Condensado.pdf

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### 3.2.2.038.b: Production volumes

Score: (A) B C D E

**Comments:**

Most of the information related to production, marketing, pricing and royalties are published by YPFB through its quarterly statistical bulletin (January-April: May to August, September-December), these bulletins are available to the public throughout the year on YPFB website. However, they are replaced at the end of the year by ABM annual statistical bulletin. It is noteworthy that the information published through these newsletters is aggregated and does not include data such as: pay the owner and the participation of YPFB in monthly earnings in each operation contract.

**References:**

[http://www.yxfb.gov.bo/documentos/2010\\_general/BOLETIN\\_ESTADISTICO\\_GESTION\\_2011.pdf](http://www.yxfb.gov.bo/documentos/2010_general/BOLETIN_ESTADISTICO_GESTION_2011.pdf)

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### 3.2.2.038.c: Information on prices

Score: (A) B C D E

**Comments:**

Most of the information related to production, marketing, pricing and royalties are published by YPFB through its quarterly statistical bulletin (January-April: May to August, September-December), these bulletins are available to the public throughout the year on the website of YPFB. However, they are replaced at the end of the year by an annual statistical bulletin.

**References:**

[http://www.yxfb.gov.bo/documentos/2010\\_general/BOLETIN\\_ESTADISTICO\\_GESTION\\_2011.pdf](http://www.yxfb.gov.bo/documentos/2010_general/BOLETIN_ESTADISTICO_GESTION_2011.pdf)  
[http://www.yxfb.gov.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2009\\_ENERO\\_DICIEMBRE/C22\\_Hist\\_de\\_Precios\\_Contrato\\_de\\_Venta\\_de\\_GN\\_al\\_BR\\_2009\\_f2.pdf](http://www.yxfb.gov.bo/documentos/2010_inf_tecnica_financiera/informes/2009_ENERO_DICIEMBRE/C22_Hist_de_Precios_Contrato_de_Venta_de_GN_al_BR_2009_f2.pdf)  
[http://www.yxfb.gov.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2009\\_ENERO\\_DICIEMBRE/C26\\_Hist\\_de\\_Precios\\_Contrato\\_de\\_Venta\\_a\\_la\\_ARG\\_2009.pdf](http://www.yxfb.gov.bo/documentos/2010_inf_tecnica_financiera/informes/2009_ENERO_DICIEMBRE/C26_Hist_de_Precios_Contrato_de_Venta_a_la_ARG_2009.pdf)

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### 3.2.2.038.d: Value of resource exports

Score: (A) B C D E

**Comments:**

Available on the website of the state oil company (YPFB). There is extensive information on natural gas exports, including data and descriptive explanation thereof.

**References:**

[http://www.yxfb.gov.bo/index.php?option=com\\_content&view=article&catid=107%3Ainformes-tecnicos&id=1418%3Ainformes-tecnicos-2011-comercializacion-de-gas-natural&Itemid=96](http://www.yxfb.gov.bo/index.php?option=com_content&view=article&catid=107%3Ainformes-tecnicos&id=1418%3Ainformes-tecnicos-2011-comercializacion-de-gas-natural&Itemid=96)

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### 3.2.2.038.e: Estimates of investment in exploration and development

Score: (A) B C D E

**References:**

[http://www.yxfb.gov.bo/documentos/2010\\_planificacion/general/Plan%20de%20Inversiones%20Final](http://www.yxfb.gov.bo/documentos/2010_planificacion/general/Plan%20de%20Inversiones%20Final)

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%20(02.10.09).pdf

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### 3.2.2.038.f: Production costs

Score: A B C **(D)** E

**Comments:**

Not Published

**References:**

Not Published

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### 3.2.2.038.g: Names of companies operating in country

Score: A **(B)** C D E

**Comments:**

YPFB (State Enterprise) publishes information of Names of companies operating in country . See: [http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2011\\_ENERO\\_JUNIO/e.%20CONTRATOS%20DE%20OPERACION/C2%20Contratos%20de%20Operacion%20Protocolizados.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2011_ENERO_JUNIO/e.%20CONTRATOS%20DE%20OPERACION/C2%20Contratos%20de%20Operacion%20Protocolizados.pdf)

**References:**

[www.ypfb.gob.bo](http://www.ypfb.gob.bo)

**Peer Review Comments:**

YPFB (State Enterprise) publishes information of Names of companies operating in country . This information is published every six months ([http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2011\\_ENERO\\_JUNIO/e.%20CONTRATOS%20DE%20OPERACION/C2%20Contratos%20de%20Operacion%20Protocolizados.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2011_ENERO_JUNIO/e.%20CONTRATOS%20DE%20OPERACION/C2%20Contratos%20de%20Operacion%20Protocolizados.pdf))

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### 3.2.2.038.h: Production data by company and/or block

Score: **(A)** B C D E

**Comments:**

The state oil company publishes quarterly newsletter. For 2011, production data were published for major fields, but not on the others.

In previous years, YPFB published on its website production information by product, country and company (ie 2009)

**References:**

[http://www.ypfb.gob.bo/documentos/2010\\_general/BOLETIN\\_ESTADISTICO\\_GESTION\\_2011.pdf](http://www.ypfb.gob.bo/documentos/2010_general/BOLETIN_ESTADISTICO_GESTION_2011.pdf)  
[http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2009\\_ENERO\\_DICIEMBRE/C8\\_Prod\\_de\\_PetCond\\_y\\_Gas\\_Nat\\_por\\_Op\\_y\\_Camp\\_Ene-Dic\\_2009.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2009_ENERO_DICIEMBRE/C8_Prod_de_PetCond_y_Gas_Nat_por_Op_y_Camp_Ene-Dic_2009.pdf)  
[http://www.ypfb.gob.bo/documentos/2010\\_inf\\_tecnica\\_financiera/informes/2009\\_ENERO\\_DICIEMBRE/C13\\_Produccion\\_Bruta\\_de\\_Gas\\_Nat\\_Ene-Dic\\_2009.pdf](http://www.ypfb.gob.bo/documentos/2010_inf_tecnica_financiera/informes/2009_ENERO_DICIEMBRE/C13_Produccion_Bruta_de_Gas_Nat_Ene-Dic_2009.pdf)

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### 3.2.2.038.i: Quasi fiscal activities

Score: A B C **(D)** E

**Comments:**

Not published

**References:**

Not published

3.2.3.038.j Disaggregated Revenue Streams

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**3.2.3.038.j1: Production streams value**Score: A B C **(D)** E**Comments:**

Not published

**References:**Not published

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**3.2.3.038.j2: Government s share in PSC**Score: A B C D **(E)****Comments:**

In Bolivia there are only service contracts for oil sector

**References:**

Interview with Eng. Eduardo Alarcón Vice Minister of Exploration and Exploitation, Ministry of Hydrocarbons and Energy March 5th 2012 at Ministry of Hydrocarbons and Energy.

**Peer Review Comments:**

Paragraph I of Article 362 of the New Constitution of 2009 states: "YPFB is authorized to sign contracts under the system of service delivery, public companies, mixed or private, Bolivian or foreign, that businesses in your name and on their behalf, to perform certain activities of the production chain in exchange for a fee or payment for their services. "

Currently, oil companies operate under Operating Contract as stated in the Hydrocarbons Law 3058 of May 2005. The operating contract information is published by YPFB (State Enterprise) at the following link [http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&catid=63%3Ainformacion-tecnico-financiera-general&id=1416%3Ainformes-tecnicos-2011-contratos-operacion&Itemid=96](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&catid=63%3Ainformacion-tecnico-financiera-general&id=1416%3Ainformes-tecnicos-2011-contratos-operacion&Itemid=96)

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**3.2.3.038.j3: Royalties**Score: **(A)** B C D E**References:**[http://www.ypfb.gob.bo/documentos/2010\\_general/BOLETIN\\_ESTADISTICO\\_GESTION\\_2011.pdf](http://www.ypfb.gob.bo/documentos/2010_general/BOLETIN_ESTADISTICO_GESTION_2011.pdf)

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**3.2.3.038.j4: Special taxes**Score: **(A)** B C D E**References:**

[http://www.ypfb.gob.bo/documentos/2010\\_general/BOLETIN\\_ESTADISTICO\\_GESTION\\_2011.pdf](http://www.ypfb.gob.bo/documentos/2010_general/BOLETIN_ESTADISTICO_GESTION_2011.pdf)

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### 3.2.3.038.j5: Dividends

Score: A B C D  E

**Comments:**

In Bolivia there are service contracts only for the hydrocarbon sector, so the payment of dividends does not apply, only private companies pay dividends according to tax law.

**References:**

Interview with Cécica Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012 at Ministry of Hydrocarbons and Energy.

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### 3.2.3.038.j6: Bonuses

Score: A B C D  E

**Comments:**

Bolivian legislation does not provide bonus payments, however the Hydrocarbons Law on its Articles 47 and 48 establishes the payment of license that is performed by private companies to the national treasury through YPFB.

**References:**

Political Constitution of the State: Articles 361 and 362.  
Law of Hydrocarbons No. 3058: Articles 47 and 48.

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### 3.2.3.038.j7: License fees

Score: A B C D  E

**Comments:**

Bolivian legislation does not provide licence fee, however the Hydrocarbons Law on its Articles 47 and 48 establishes the payment of patents that is performed by private companies to the national treasury through YPFB.

**References:**

Hydrocarbons Law, articles 47 and 48.

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### 3.2.3.038.j8: Acreage fees

Score: A B C D  E

**Comments:**

No acreage fees in Bolivia.

**References:**

Political Constitution of the State: Articles 361 and 362.

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### 3.2.3.038.j9: Other (Describe below)

**Score:** A B C D **(E)**

**Comments:**

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**References:**

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### 3.2.4 Quality of reports

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#### 3.2.4.039: Are the reports published by the state owned company understandable?

**Score:** A **(B)** C D E

**Comments:**

The national oil company publishes on its website technical reports that combine narrative portions with technical information. Also, YPFB issues a quarterly Statistical Journal that includes consolidated information.

Additionally, YPFB issues a number of publications in form of printed supplements.

**References:**

<http://www.ypfb.gob.bo/>

[http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&id=148&Itemid=96](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&id=148&Itemid=96)

[http://www.ypfb.gob.bo/documentos/2010\\_general/BOLETIN\\_ESTADISTICO\\_GESTION\\_2011.pdf](http://www.ypfb.gob.bo/documentos/2010_general/BOLETIN_ESTADISTICO_GESTION_2011.pdf)

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#### 3.2.4.040: How often are the reports or statistical databases containing information on revenue generation published by the state owned company?

**Score:** **(A)** B C D E

**Comments:**

The YPFB's statistical reports are published quarterly on their website. After publication of the three quarter reports of the year, they are withdrawn and YPFB publishes a consolidated report containing data of the full year.

**References:**

<http://www.hidrocarburosbolivia.com/nuestro-contenido/estadisticas/43415-documento-boletin-estadistico-ypfb-enero-marzo-2011.html>

[http://www.ypfb.gob.bo/documentos/2010\\_general/BOLETIN%20ESTADISTICO%20ABRIL%20JUNIO\\_2011.pdf](http://www.ypfb.gob.bo/documentos/2010_general/BOLETIN%20ESTADISTICO%20ABRIL%20JUNIO_2011.pdf)

[http://www.ypfb.gob.bo/documentos/2010\\_general/BOLETIN%20ESTADISTICO%20ENE%20A%20SEP\\_2011.pdf](http://www.ypfb.gob.bo/documentos/2010_general/BOLETIN%20ESTADISTICO%20ENE%20A%20SEP_2011.pdf)

[http://www.ypfb.gob.bo/documentos/2010\\_general/BOLETIN\\_ESTADISTICO\\_GESTION\\_2011.pdf](http://www.ypfb.gob.bo/documentos/2010_general/BOLETIN_ESTADISTICO_GESTION_2011.pdf)

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#### 3.2.4.041: If the SOC is involved with quasi fiscal activities, does it publish information about them?

**Score:** A **(B)** C

**Comments:**

Although the State Oil Company is involved in the payment of the import of subsidized products (natural gasoline, diessel oil, Liquefied Petroleum), it does not publish information about procedures, import volumes or prices of products purchased. It is not known whether the national oil company recovers the

difference between the purchase price of the imported product and the selling price in the domestic market (which is subsidized)

**References:**

Interview with Cécilia Hernández - Director Commercialization, Processing and Storage of Hydrocarbons - Ministry of Hydrocarbons and Energy, February 29th 2012, at Ministry of Hydrocarbons and Energy.

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**3.2.4.042: If there are joint ventures, does the SOC (or government) publish information on its share of costs and revenues deriving from its equity participation in joint ventures?**

Score: A  B C

**Comments:**

YPFB publishes only a brief summary about the establishment of the mixed-economy public limited company between YPFB and PDVSA showing their respective stock share. YPFB owns 60% of stock and PDVSA the remaining 40%. However, the site does not show more detailed information about the costs assumed or investments made by each one, nor does it break down the related amounts or activities conducted by them.

PDVSA is the only private company currently operating with YPFB, but there are 5 more service contracts that are being negotiated by YPFB with Gazprom, Total, Petrovietnam and China Petroleum National Company.

**References:**

[http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&id=208&Itemid=65](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&id=208&Itemid=65)

**3.2.5.043 Audited reports**

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**3.2.5.043.a: Is the SOC subject to annual audits conducted by an independent external auditor to ensure that the financial statements represent the financial position and performance of the company?**

Score:  A B C D E

**Comments:**

External audits are conducted every year in order to make the company's financial statements transparent. Such audits are carried out by independent audit firms.

**References:**

Interview with Miguel Vertiz, Financial Analyst – YPFB National Management of Administration and Finance, February 16th 2012 at YPFB headquarters.

---

**3.2.5.043.b: Are SOC audited reports published?**

Score: A B C  D E

**Comments:**

The external audit results are not published because they could contain privileged information, although the audit opinions are forwarded to the Office of the Comptroller General of the State.

**References:**


Interview with Miguel Vertiz, Financial Analyst – YPFB National Management of Administration and Finance, February 16th 2012 at YPFB headquarters.



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Indicator	Score
3.3.1 Legal Framework and Practice	50 

## 3.3.1 Legal Framework and Practice

### 3.3.1.044: Does the SOC have a legal obligation to publish financial reports?

Score:  A  B  C

**Comments:**

Article 235 of the PCS states that: "Public servants are accountable for their economic, political, technical and administrative responsibilities in the course of their duties."  
Additionally, Supreme Decree 28168 enacted during the presidency of Carlos D. Mesa is intended to "guarantee both the access to information as a fundamental right of every person and the transparency of the Executive Branch."

**References:**

Political Constitution of the State: Article Nº 235  
Supreme Decree Nº 28168

### 3.3.1.045: Does the SOC follow internationally recognized accounting standards?

Score:  A  B  C

**Comments:**

YPFB applies the accounting standards as established by the Bolivian Association of Accountants.

**References:**

Interview with Miguel Vertiz, Financial Analyst –YPFB National Management of Administration and Finance, February 16th 2012 at YPFB headquarters

### 3.3.1.046: Do SOC audits include consolidated accounts that cover all of the SOC subsidiaries?

Score:  A  B  C

**Comments:**

In order to conduct the audits to its subsidiaries, YPFB takes into account the regulatory administrative and executive framework existing in each of them.

**References:**

[http://www.ypfb.gob.bo/index.php?option=com\\_content&view=article&id=102&Itemid=97](http://www.ypfb.gob.bo/index.php?option=com_content&view=article&id=102&Itemid=97)

### 3.3.1.047: Are officials of the SOC required to disclose information about their financial interest in any oil, gas or mining projects?

Score:  A  B  C

**Comments:**

According to Article 235 of the PCS, public servants have the obligation to: "Give a sworn statement about their assets and revenues before, during and after the course of their duties."

**References:**

Political Constitution of the State: Article N° 235

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**3.3.1.048: Does the SOC publish information on the composition of its Board of Directors?**

Score:  A  B  C

**Comments:**

Article 8 of Supreme Decree 28324 (the YPFB Statute) states that the Board of Directors shall be chaired by the Executive President of YPFB and shall be composed of a total of ten directors with the right to speak in debate and to vote. Five members of the Board of Directors shall be appointed by the President of the State based on a list of three candidates proposed by the Ministries of Hydrocarbons, Finance, Economic Development and the Presidency. The other four members shall also be appointed by the President of the State based on a list of three candidates proposed by each of the Departmental Governments pertaining to the producing departments. The list of three candidates to nominate the Labor Director shall be proposed by the YPFB labor union.

**References:**

[http://www.ypfb.gob.bo/documentos/2010\\_marco\\_legal/LEYES%20Y%20DECRETOS/NORMAS%20VARIAS/DS-28324.pdf](http://www.ypfb.gob.bo/documentos/2010_marco_legal/LEYES%20Y%20DECRETOS/NORMAS%20VARIAS/DS-28324.pdf)

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**3.3.1.049: Does the SOC publish information about the rules governing decision making by the Board of Directors?**

Score:  A  B  C

**Comments:**

Article 9 of Supreme Decree 28324 establishes the capacities of the Board of Directors of YPFB.

**References:**

[http://www.ypfb.gob.bo/documentos/2010\\_marco\\_legal/LEYES%20Y%20DECRETOS/NORMAS%20VARIAS/DS-28324.pdf](http://www.ypfb.gob.bo/documentos/2010_marco_legal/LEYES%20Y%20DECRETOS/NORMAS%20VARIAS/DS-28324.pdf)

**Peer Review Comments:**

Additional information by YPFB here: <http://intranet.ypfb.gob.bo/?s=resoluciones&x=5&y=1>

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