



# Costa Rica

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**COSTA RICA**

**DOING BUSINESS**

**2013**

## CONTENT

A.	INTRODUCTION .....	5
I.	THE COUNTRY AT A GLANCE .....	6
A.	Language .....	6
B.	Exchange Rate .....	6
C.	Country Geography .....	6
D.	Cultural Influences in Business .....	6
E.	Religious Influences in Business .....	7
F.	Country Infrastructure .....	7
G.	Communication system .....	8
H.	Public Services .....	8
II.	GENERAL CONSIDERATIONS .....	9
A.	Investment policies .....	9
B.	Diplomatic Relations .....	12
C.	Government .....	16
D.	Environmental Considerations .....	19
E.	Intellectual Property .....	19
III.	INVESTMENT INCENTIVES .....	22
A.	Export Incentives .....	22
B.	Grants and subsidies to foreign investors .....	22
C.	Tax Incentives .....	23
D.	Regional Tax Incentives .....	23
IV.	FINANCIAL FACILITIES .....	24
V.	EXCHANGE CONTROLS .....	25
A.	Business Transactions with Nationals, Residents or Non-Residents .....	25
B.	Investment Controls .....	26
C.	Money Transfers .....	26
VI.	IMPORT/EXPORT REGULATIONS .....	26
A.	Customs Regulations .....	26
B.	Exports .....	27
C.	Foreign Trade Regulations .....	28
D.	Imports .....	28
E.	Manufacturing Requirements .....	28
F.	Product Labeling .....	29
VII.	STRUCTURES FOR DOING BUSINESS .....	29
A.	Business organization .....	29
B.	Limited Liability Companies .....	30
C.	Liability Companies .....	30
D.	General Partnerships .....	30
E.	Branches/Subsidiaries .....	30
F.	Joint Ventures .....	31
G.	Trusts and Other Fiduciary Entities .....	32

VIII.	REQUIREMENTS FOR THE ESTABLISHMENT OF A BUSINESS .....	32
A.	Alien Business Law .....	32
B.	Antitrust Laws.....	32
C.	Environmental Regulations .....	32
D.	Government Approvals; Licenses/Permits .....	33
E.	Insurance .....	33
IX.	OPERATION OF THE BUSINESS .....	34
A.	Advertising .....	34
B.	Attorneys .....	34
C.	Bookkeeping Requirements .....	35
D.	Business Ethics/Codes.....	35
E.	Consumer Protection Laws.....	35
F.	Construction .....	36
G.	Contracts .....	36
H.	Price Controls .....	37
I.	Product Registration.....	37
J.	Reductions or Return on Capital .....	37
K.	Sale of Goods.....	37
L.	Trade Associations .....	38
X.	CESSATION OR TERMINATION OF BUSINESS.....	38
A.	Termination .....	38
B.	Insolvency/Bankruptcy .....	39
XI.	LABOR LEGISLATION, RELATION, AND SUPPLY .....	40
A.	Employer/Employee Relations .....	40
B.	Employment Regulations .....	40
C.	Hiring and Firing Requirements.....	42
D.	Labor Availability.....	45
E.	Labor Permits.....	45
F.	Safety Standards .....	46
G.	Unions .....	46
H.	Solidarity Associations: .....	47
XII.	CORPORATE TAXES .....	47
A.	Allowances .....	47
B.	Calculation of Taxes.....	48
C.	Capital Gains .....	48
D.	Filing and Payment Requirements .....	48
E.	Miscellaneous Taxes Due .....	48
F.	Registration Duties .....	48
G.	Sales Tax or Other Turnover Tax.....	49
H.	Social Security and Welfare System Contributions.....	49
I.	Special Tax Schemes .....	50
J.	Tax on Profits.....	50
K.	Tax Treaties .....	50
L.	Territoriality Rules .....	50

M.	Treatment of Tax Losses .....	51
N.	Wealth Tax .....	51
O.	Withholding Taxes .....	51
XIII.	TAX ON INDIVIDUALS .....	51
A.	Allowances .....	51
B.	Calculation of Taxes .....	51
C.	Capital Gains Tax .....	52
D.	Filing and Payment Requirements .....	52
E.	Inheritance and Gift Tax .....	52
F.	Miscellaneous Taxes Due.....	52
G.	Real Estate/Habitation Tax .....	52
H.	Sales Tax .....	52
I.	Social Security and Welfare System Contributions .....	53
J.	Stock Option, Profit Sharing and Savings Plans .....	53
K.	Taxation of Benefits In Kind .....	53
L.	Taxes on Dividends .....	53
M.	Tax on Income .....	53
N.	Tax Treaties .....	54
O.	Territoriality Rules.....	54
P.	Wealth Tax.....	54
Q.	Withholding Tax on salary .....	54
XIV.	TAX ON OTHER LEGAL BODIES .....	54
XV.	GENERAL TAX CONSIDERATIONS .....	55
A.	Taxes Generally .....	55
XVI.	IMMIGRATION REQUIREMENTS .....	55
A.	Immigration Controls .....	55
B.	Immigration Requirements/Formalities.....	55
C.	Visas.....	56
XVII.	EXPATRIATE EMPLOYEES.....	56
1.	Cost of Living and Immigration.....	56
2.	Drivers' Licenses .....	56
3.	Education.....	57
4.	Housing .....	57
5.	Importing Personal Possessions .....	57
6.	Medical Care.....	58
7.	Moving Costs .....	58
8.	Tax Liability .....	58
9.	Work Contracts.....	58
10.	Work Permits.....	58

## A. INTRODUCTION

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The following is a general reference of applicable law in Costa Rica that should be taken into consideration when considering investing in the country.

This does not constitute a legal opinion and may not apply in certain cases based on the circumstances or particularities of a case. Legal counsel is always advised when seeking to invest in Costa Rica.

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**GUIDE TO DOING BUSINESS IN COSTA RICA**

**I. THE COUNTRY AT A GLANCE**

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**A. Language**

Spanish is the official language in Costa Rica and English is predominantly the second language spoken. Other languages are less frequently used, although German, French, Italian, Portuguese and Hebrew are part of the tradition of a number of communities within the country.

**B. Exchange Rate**

The official currency is the colon; however US dollars are widely accepted. The official exchange rate of US Dollar and European Euro fluctuates according to the rates set up by the Central Bank of Costa Rica. As of September 30, 2013, the exchange rate of these two currencies were:

Costa Rican Colones Exchange Rate as of September, 2013	
US Dollar (US\$)	493.48 CRC per US\$
UE Euro (€)	665.55 CRC per €

**C. Country Geography**

Costa Rica is located in Central America, South of Nicaragua (Northern border) and North of Panama (Southern border), bathed by the Caribbean Sea on the East and the Pacific Ocean on the West. Both coasts are just hours away from each other.

Although Costa Rica is a relatively small country, it enjoys a privileged global position that allows it to have a variety of climates and habitats. In general, however, temperatures vary between 14 and 28 Celsius in the high Central Valley and between 22 and 36 Celsius in the low and coastal lands. Temperatures in each region remain relatively stable throughout the year, although some slight changes occur from "Summer" (dry season) to "Winter" (rainy season). "Summer" usually goes from December through April and "Winter" from May through November. Costa Rica has no Fall or Spring seasons.

**D. Cultural Influences in Business**



There are no cultural influences or prohibitions on the way business is conducted.

**E. Religious Influences in Business**

There are no religious influences or prohibitions on the way business is conducted, as the Constitution provides for freedom of religion and the government and the people strictly respect this right.

**F. Country Infrastructure**

Costa Rica enjoys a highly developed infrastructure. Located in the Central American Isthmus, between Nicaragua and Panama, Costa Rica can be accessed from anywhere in the world through both the Atlantic and the Pacific Oceans. Driving time between the Caribbean and the Pacific ports is approximately 4.5 hours and between the Nicaraguan to the Panamanian border it is approximately 13 hours.

The growing demands for foreign trade have made it necessary to build the necessary infrastructure that allows the transportation of these goods. The seaports of Limon and Moin, located on the Caribbean coast are within a few kilometers of each other. They are connected to the Pacific by internal highways as well as by sea, through the Panama Canal. Both port facilities are primarily dedicated to container shipments offering roll-on/roll-off services.

On the Pacific coast, the main port is Caldera, located a few kilometers South of the city of Puntarenas, which is a major tourism center. Caldera is very well accessed by the Southern coastal highway and route 27, with the Central Valley. Also, secondary ports on the Pacific may be found in Puntarenas and Golfito. In addition, various marinas are located throughout the coastline, particularly in Flamingo, Papagayo, Puntarenas, Herradura and Golfito.

For air transportation, the Juan Santamaría International Airport is located a few kilometers West from the capital city of San Jose, and is served by the main international airlines visiting the country. There are direct flights from Europe, the USA, Mexico, Central and South America. The Liberia International Airport in the Northern touristic Province of Guanacaste also has daily direct flights from the USA and Canada, including chartered flights during the peak of the touristic season. Other international airports are under evaluation, being the one that will service the Southern part of the country the most advanced in the planning. Additionally, local airports for smaller planes can be found all around the country.



With respect to public transportation, it is easy and quite inexpensive to get around in Costa Rica. The main public transportation is the bus, followed by taxis, also known as the “red force” due to their characteristic red color. Most recently the train has been re-launched and it now serves as an alternative way of public transportation within the great metropolitan area.

All main rental car agencies operate in the country, since one of the most important economic activities in Costa Rica is tourism. It is easy to rent a car and the prices are relatively similar to those of other neighboring countries.

#### **G. Communication system**

Costa Rica has one of the most advanced and inexpensive telephone systems in Latin America. International calls can be dialed directly from any point in the country. There are also public telephones throughout the country.

Mobile technology has grown rapidly in the last 5 years after the country opened up to private participation in the telecommunications industry after the adoption of CAFTA-DR. Even if the telecom industry was monopolized for decades, Costa Rica is one of the countries in Latin America with the highest density in the popularization of mobile phones. Companies such as Movistar, Claro, and Tigo currently compete directly with the giant state-owned company ICE in the telecom industry. It is possible to buy a mobile phone for immediate use (for prepaid and other different plans) at many stores, most of them located in the main cities of the country.

Internet is also widely developed and connections through several Internet Service Providers may be obtained in one day. Wireless network for public use has not been expanded fully, but it is quiet common to find open networks all around the country.

#### **H. Public Services**

##### **(i) Water:**

Water is mainly distributed by the state water works agency “Acueductos y Alcantarillados” (“AyA”), with coverage of water access in the territory of approximately 97%. Tap water is 99% potable and safe for human consumption in the Central Valley and all major towns in the country. In rural areas, potable water is often higher than 86%. In some areas, local communal organizations known as ASADAS manage the local water sources and are under the supervision

of AyA. Normally water is an inexpensive service, but the rates will vary from region to region. The consumption rate is set by the regulatory agency known as “ARESEP”.

**(ii) Electricity:**

Electricity is mainly distributed by two public companies, Instituto Costarricense de Electricidad (ICE) and Compañía Nacional de Fuerza y Luz (CNFL). Other state-owned, private and a number of mixed ownership entities (granted with public concessions) provide electricity in the provinces of Cartago, Heredia and Alajuela. Electricity coverage in the country is of approximately 97%. The cost of service will vary depending on its use; typically the cost for industry use is less expensive than that for commercial and residential use, but other cost factors include area and its development level. Just like in the case with water, the consumption rate is set by ARESEP.

ICE also controls several hydroelectric power plants and other power generators that produce sufficient energy to fulfill the country’s needs.

Carbon and oil fields, and any other hydrocarbon substances, as well as existing radioactive mineral deposits in the national territory and gas deposits, are exclusively controlled by the government, who may grant public concessions for their exploitation. In some cases concessions may only be granted by the Legislative Assembly (Congress).

## **II. GENERAL CONSIDERATIONS**

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### **A. Investment policies**

#### **1. Climate for Investment**

Costa Rica has been recognized as a leader in Latin America in the areas of social and economic development. In general, the Costa Rican government welcomes and promotes foreign investment. The governmental agency in charge of promoting foreign trade is the “Promotora de Comercio Exterior”, also known as “PROCOMER.” PROCOMER coordinates all public initiatives and efforts in promoting the country abroad. Recently, on September 2013, the country launched its new national campaign for attracting investors under the slogan “Essential Costa Rica” with the assistance of highly reputable consulting firms from Europe and the USA.



There is also a private agency known as “Costa Rican Coalition for Development Initiatives” (acronym: “CINDE”), serving as an association of private sector leaders actively promoting foreign investment in the country through offices located in several countries, who also work together with PROCOMER and other public entities in endorsing the country as an investment destination.

## **2. Inflation rate**

The inflation rate for 2012 was 4.55% and as of September 2013, it was 5,01%.

## **3. Restrictions to Foreign Investment**

There are basically no restrictions to foreign investment in Costa Rica. As indicated above, foreign investment is mostly welcomed in Costa Rica. The principal incentive systems, all consisting in tax exemptions, are the following:

### **(i) Free Trade Zone Incentives**

The Free Trade Zone consists of a regulated, non-residential, industry or service areas. Within these areas or “parks”, companies that (i) process or manufacture goods, (ii) provide services (different from financial services), (iii) market products, (iv) are engaged in scientific research, or (v) manage industrial parks, are entitled to operate under a special status with significant tax incentives. The incentives will vary depending on the level of development of the geographical region in which the park has been established. Special tax rate will be of 6% or 9% under this consideration for an initial 6-year term. Free trade zone companies are also exempted from other taxes, such as importation taxes, dividend withholding tax and sales tax. The tax exemptions granted were recently reviewed to comply with international regulations.

### **(ii) Forestry Incentives**

Under local law, the Costa Rican government grants tax benefits in the form of “Certificates for Forest Conservation” to compensate landowners for environmental services rendered to the country through the preservation of forests located on private property. The “Environmental Services Program” (ESP) created FONAFIFO (National Fund for Forest Financing), a public agency, to promote and reimburse owners who maintain wooded areas or wish to establish such areas to supply environmental services to society. The certificates are issued to landowners for a minimum term of 20 years, provided that no lumbering activity takes place in

the designated area during the two preceding years and for the duration of the term agreed upon.

**(iii) Agriculture Incentives:**

Certain local legislation, unaffected by CAFTA-DR, provides for the exemption from all duties and surcharges on imports of machinery, equipment and materials to be used for agriculture, or goods required for fishing activities (other than sport fishing).

All other incentives pertaining to agricultural, tourism and export industries have been eliminated, mostly due to the approval of CAFTA-DR.

**4. De facto restrictions on Investments**

There are no de facto restrictions that affect investments activities. Public offices may sometimes work slowly, but bureaucratic discretion is illegal in Costa Rica. An official is subject to personal liability for discretionary acts or for not ruling within the laws and regulations governing the specific issue.

**5. Size of markets**

Costa Rica's population is of 4.7 million and its economic active population as of 2011 is over 2 million.

Costa Rica has also free trade agreements the following countries: United States, Central America, Dominican Republic, countries of CARICOM (the Caribbean Community), Canada, Peru, Chile, Mexico and the European Union.

**6. Types of businesses**

Traditionally Costa Rica has been an agriculture driven country, although the economy has experienced a significant diversification over the last decades. Manufacturing and services are now very active sectors, and exports have grown steadily. The high technology industry, such as those related to medical devices, is growing to a very prominent level within the manufacturing activity. Tourism has become the most significant source of income from abroad.

**B. Diplomatic Relations**

**1. Established diplomatic relations.**

Costa Rica has established diplomatic relations with the following countries: Albania, Andorra, Antigua and Barbuda, Argelia, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cabo Verde, Cameroon, Canada, Czchek Republic, Chile, China, Cyprus, Colombia, Korea, Cote d’Ivoire, Croatia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Granada, Guinea Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Israel, Italy, Jamaica, Japan, Kasajstan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malaysia, Maldives, Malta, Mexico, Monaco, Morocco, Namibia, Nepal, New Zealand, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Philippines, Paraguay, Peru, Poland, Portugal, Rumania, Russia, Democratic Saharahui, Saint Christopher and Nevis, San Vicente and the Grenadines, Santa Lucia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, South Africa, Sweden, Switzerland, Surinam, Thailand, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, U.S.A., Uruguay, Venezuela and Vietnam.

**2. Addresses, telephone numbers for the embassies or consulates**

Country	Address	Phone	Fax	P.O. Box
Argentina	Curridabat, from McDonald’s Plaza del Sol 700 meters South, 25 meters East	(506)2234-6520	(506)2283-9983	1963-1000
Belgium	Los Yoses, 25 South from the Subaru dealership	(506)2225-6633	(506)2225-0351	3725-1000
Bolivia	Sabana Sur, from the Comptroller’s Office 500 meters South and 75 meters East	(506)2255-1805	(506)2232-7292	84810-1000
Brazil	Paseo Colón, Mercedes Building, 6th floor	(506)2295-6875	(506)2295-6874	10132-1000
Canada	La SabanaCorporate Center, Southern corner of the	(506)2242-4400	(506)2242-4415	351-1007

	Comptroller's Office, Tower 5, 3rd floor			
Chile	Los Yoses, 225 meters South from Automercado, house # 225	(506)2280-0037	(506)2253-7016	10102-1000
China	Rohrmoser, from Oscar Arias Sánchez, 100 meters South and 50 meters West	(506) 2291-4811	(506) 2232-2545	1518-1200
Colombia	San Pedro, from Taco Bell 175 meters West	(506)2283-6861	(506)2283-6818	3154-1000
Czech Republic	75 meters West from the main entrance of the Humboldt School	(506)2296-5671	(506)2296-5595	12041-1000
Dominican Republic	Curridabat, from McDonald's Plaza del Sol, 400 meters South and 100 meters East	(506)2283-8103	(506)2280-7604	4746-1000
Ecuador	Pavas, from Oscar Arias house, 100 meters North, white corner house	(506)2232-1503	(506)2220-2086	1374-1000
El Salvador	From Purdy Motor in Paseo Colón 500 meters North and 50 meters West	(506)2257-7855	(506)2257-7683	1378-1000
France	Curridabat, from Indoor Club 200 meters South and 25 meters West	(506)2234-4167	(506)2234-4197	10177-1000
Germany	Torre building in La Sabana, 8th floor, 300 meters West from ICE building	(506)2232-5533	(506)2231-6403	4017-1000
Great Britain and North Ireland	Building Colón, 11th floor in Paseo Colón	(506)2258-2025	(506)2233-9938	815-1007
Guatemala	Sabana Sur, from the Fitsimons Gym 100 meters	(506)2283-2557	(506)2283-2556	328-1000

	South and 50 meters West			
Honduras	Rohrmoser Boulevard, from La Amistad Park, 50 meters South and 100 meters East	(506)2291-5143	(506)2291-5147	2239-1000
Israel	Colón Building, 11th floor, Paseo Colón	(506)2221-6011	(506)2257-0867	5147-1000

Italy	Fifth entrance of the Los Yoses Boulevard, white corner house	(506)2234-2326	(506)2225-8200	1729-1000
Japan	Sabana Norte, from the ICE building, 300 meters West and 25 meters North, La Sabana Office Tower, 10th floor	(506)2232-1255	(506)2231-3140	501-1000
Korea	Sabana Sur, Southern corner of the Comptroller's Office, Tower 2, 3rd floor	(506)2220-3160	(506)2220-3168	838-1007
Malta	From the Rohrmoser Boulevard, 100 meters Northd, Pavas	(506)2220-1602	(506)2220-3738	137-1200
Mexico	75 meters East from the Ministry of Foreign Affairs, Avenue 7, N° 1371	(506)2257-0633	(506)2258-2437	10107-1000
Netherlands	La Sabana Corporate Center, Southern border of the Comptroller's Office, Building 3, 3rd floor	(506)2296-1490	(506)2296-2933	10285-1000
Nicaragua	Barrio La California, Central Avenue, 25 Street	(506)2222-2373	(506)2221-5481	1382-1000
Norway	Centro Colón Building, Paseo Colón	(506)2257-1414	(506)2233-8113	941-1007
Panama	Higuerón, San Pedro, 200 meters South and 25 meters East	(506)2281-2442	(506)2281-2161	103-2050

Paraguay	From McDonalds Plaza del Sol, 600 meters South and 50 meters East, Curridabat	(506)2231-7707	(506)2290-8522	1356-1200
Peru	325 meters North from the Engineers and Architects Bar, Curridabate	(506)2225-9145	(506)2253-0457	4248-1000
Poland	From the Santa Teresita Church, Barrio Escalante, 400 meters East, corner house Nº 3307	(506)2234-7411	(506)2234-7900	664-2010
Russia	Barrio Escalante, 100 meters North and 150 meters East from the Santa Teresita Church	(506)2256-9181	(506)2221-2054	6340-1000
Spain	From KFC in Paseo Colón, 25 meters South	(506)2222-1933	(506)2222-4180	10150-1000
Switzerland	Centro Colón Building, Paseo Colón, 10th floor	(506)2233-0052	(506)2255-2831	895-1007
United States of America	Pavas, in front of the West Commercial Center	(506)2519-2000 220-2454	(506)2231-4783	920-1200
Uruguay	From Automercado Los Yoses, 400 meters South and 110 meters West	(506)2253-2755	(506)2234-9909	3448-1000
Venezuela	Los Yoses, 5th entrance from the Arenas shop, 400 meters South, white corner house	(506)2225-8810	(506)2253-1453	10230-1000

### 3. Prohibitions or restrictions on business dealings

In general, Costa Rica does not have any prohibitions or restrictions on business dealings. The most significant restrictions that exist are (i) on the ownership of certain coastal properties and concession on natural resources s; (ii) on the operation of public ports; and (iii) on drug



trafficking, money laundering and the financing of terrorism. Any transaction involving the transfer or cashing of US\$10,000 or more must be reported to the authorities.

#### **4. Travel restrictions to or within the country**

When traveling to Costa Rica, a passport with a validity of six months is required. For some countries, a visa is required to travel to and stay in the country. The requirements for a visa and the number of days it will allow the visitor to legally remain in the country vary depending on the country of origin.

Countries of origin are divided into four categories: (i) citizens from this group of countries do not need a visa and can stay in the country for a maximum period of 90 days (United States, European Union countries, Canada, among others, are in this group); (ii) a visa to enter into the country is not required either, but stay is limited to 30 days; (iii) a visa is required and stay is restricted to 30 days; and (iv) visas are obtained in a restricted way, and a local government approval (including the time of expiration) is also required.

No visas or permits are required for traveling within the country, but foreign citizens are required to carry a valid ID or passport evidencing their visa status.

### **C. Government**

#### **1. Election system and schedule**

Costa Rica is an independent democratic republic with a representative government comprised of four distinct and independent branches: the executive, the legislative, the judiciary and the electoral branch (which is active every four years for the Presidential and Congressional elections, organizes mid-term municipal elections, and is in charge of the nation's civil registry). The presidential and legislative terms run for 4 years, with no possibility of immediate reelection. The Judiciary Justices are appointed by the legislative with 8 year terms. Justices may be reelected indefinitely. The same applies to electoral justices, who are appointed by the Supreme Court of Justice.

There are no anticipated changes in the current government, which is about to end its term. General elections are called for the first Sunday of February, 2014.

#### **2. Stability and political history in the last decade.**

Costa Rica is one of the most peaceful and stable democracies in the world. A democratic state was constituted in 1821 when it declared its independence from Spain and has continued with only minor interruptions to this date. The army was abolished in 1948 and a decree of permanent neutrality in international conflicts was enacted in 1983. It is important to mention that many international organizations have established offices in Costa Rica, including United Nations agencies and the Inter-American Human Rights Court.

Over the last decade, the economy has suffered from the fluctuations and crisis in the global market, of which Costa Rica is highly dependent. The country has kept a slow development trend, with a fiscal deficit growing to support the welfare state that is guaranteed under the Costa Rican Constitution. A tax reform has been announced in different times over the past 15 years, but the Executive and the political parties represented at the Legislative Assembly have not reached an agreement to approve such reform.

The country has entered into various free trade agreements with the major economies in the world, as well as with all regional neighbors, in an effort to find markets to export its diversifying products.

### **3. Judicial System**

The administration of justice in Costa Rica is organized at a national level and handled by the Judicial Branch, which is administered in turn by the Supreme Court of Justice.

Being a civil law system, the Supreme Court, through its specialized panels of justices, functions as a court of appeals in most types of litigation due to Costa Rica's structure of trial and appellate courts. There are several courts with jurisdiction over civil, administrative, criminal and tax matters, among others.

The judicial system is generally perceived to be impartial and most local disputes are resolved in court. A plenary judicial procedure lasts approximately from three to six years. Summary procedures may take approximately a year. Moreover, Costa Rica has a modern alternative dispute resolution (ADR) legislation, focusing in the mediation and arbitration areas. The Constitution expressly recognizes the individual right to settle disputes through arbitration. In January 1998, Congress enacted the "Alternative Dispute Resolution and Promotion of Social Peace Act" which has become the primary legal instrument for dispute resolution mechanisms

in Costa Rica. In 2010, this law was amended to facilitate the settlement of international disputes in the country.

According to our legal system, Costa Rican Courts may enforce a judgment rendered abroad provided said judgment complies with certain recognition requirements, including due process. This procedure is called “*exequatur*”. Likewise, the possibility and procedure for enforcing local judicial decisions abroad will depend on the laws of the country where the enforcement is sought, as well as on international treaties.

Pursuant to local law, a Costa Rican court will generally have jurisdiction in any of the following situations:

- The defendant is domiciled in Costa Rica;
- The obligation giving rise to the dispute between the parties had to be performed in Costa Rica;
- The claim is based on acts or facts occurred in Costa Rica; or
- The asset in dispute is located in Costa Rica.

A foreign investor may choose by contract to be subject to the country’s jurisdiction. In case of granting a power of attorney to be represented in the country, the Commercial Code requires that an express submission to the Costa Rican Laws be made by the foreign national.

#### **4. Legislative System**

The Legislative Branch is a unicameral (one house) congress that is made up of 57 congresspersons that are publicly elected for a 4-year term. The Legislature requires a 2/3 quorum for holding a valid session and has the power to enact and amend laws, approve or reject international agreements and public treaties, and appoint the Supreme Court justices. The Constitution also requires that certain concessions on inalienable assets be granted by Congress.

Laws must be approved by majority (simple majority will suffice in most cases) in two different sessions of the Legislative Assembly. Once enacted, every law must be signed by the Executive Power. The Executive may veto the law in which case it will not become a valid provision unless the Legislative Assembly, in its turn, reseals it.

**D. Environmental Considerations**

**1. Public/government attitude towards environmental regulation**

The country's general attitude towards environmental regulation is one of protection based on constitutional principles, such as the right that each citizen has to live in a healthy and balanced environment. The government guarantees the enforceability of this right, and will act on it as required. Through the Ministry of Environment and Energy, the Ministry of Agriculture, and various NGOs, there is widespread enforcement of current environmental rules.

In Costa Rica there is a wide spread culture of protecting the environment. At least 25% of the country's territory consists of national parks and protected natural areas.

**2. Environmental regulations.**

Prior to initiating certain new projects (exploitation activities or development works), they must be submitted for approval through an environmental impact evaluation process with SETENA (the "National Technical Environmental Agency"). The fundamental objective of this procedure is to determine the environmental feasibility of the project and the impact it will have on the environment. This prior approval must be obtained before initiating any other administrative procedures and, of course, any construction works.

There are other provisions and requirements pertaining to the protection of the environment in matters pertaining to water sources, mangroves, coasts, oceans, rivers, lakes, air and forests, among others, which establish restrictions on the use of land and other resources.

**E. Intellectual Property**

Intellectual Property is currently governed by the Law of Trademarks and Other Distinctive Signs No. 7978, Law No. 7979 for the Amendment of the Law for Patents, Industrial Models, Drawings and Utility Models No. 6867, the Amendment of the Copyright Law and Related Rights No. 6683, the Law of Undisclosed Information No. 7975, the Law for the Protection of Microchips Traceability Systems No. 7961), and the Law for the Compliance of the Procedures of Intellectual Property Rights No. 8039. It is important to point out that most of these laws were amended when the CAFTA-DR was approved by the Costa Rican Congress.

Costa Rica is a party to the Berne Convention (Paris text), the Convention Establishing the World Intellectual Property Organization, the Geneva Convention, the Inter American Copyright Convention, the Inter American Patent Convention, the Paris Convention for the Protection of Industrial Property, the Rome Convention, the Universal Copyright Convention Paris Text, and the Patent Cooperation Treaty.

**(i) Patents**

In order to seek a patent in Costa Rica an applicant must apply for registration with the Industrial Property Registry Office. The Registry Office then conducts a professional technical study of the patent, notices are published to allow third party oppositions and should no oppositions be filed, the patent is approved and issued. The process usually takes two to three years.

Patents in Costa Rica are granted for a 20 year term from the filing date, or for the term remaining according to the registration date of the invention in the country of origin, provided such term does not exceed 20 years. The same applies for patent rights to medicines, goods and substances of therapeutic application, beverages, food products, fertilizers, general agrochemicals, and substances or products for the control, treatment, or prevention of weeds or animal or vegetable pests. Patents may not be renewed.

There is a use requirement in the sense that the issuance of a patent requires its exploitation (i.e., commercial use.)

**(ii) Industrial Designs and Models**

The procedure for registering patents applies to that of an industrial design or model and also takes approximately two years. The standard for registration is that the design or model exhibits novelty at both national and international levels. Protection is granted for a five-year term with no renewal. As with patents, registration of an industrial design or model imposes the obligation of exploitation.

**(iii) Copyrights**

Copyright notice is required in Costa Rica. The notice must provide a general description and publication in the Official Gazette, which is the government official journal for the purpose of hearing third-party objections. After copyright has been granted, the owner is allowed to use

the notice on the work. Although copyright registration is not required, it is highly recommended. Copyright protection lasts for the author's lifetime and extends for seventy years after death, for the benefit of the author and his/her heirs. All literary and artistic works, as well as other information including computer software, are eligible for copyright protection in Costa Rica.

**(iv) Moral and Other Related Rights**

Costa Rica protects an author's moral and economic rights. These include the right to: (a) maintain any work in unpublished form; (b) require mention of the name or pen name of the author as author of the work; (c) prevent any reproduction or distribution to the public if the work has been misappropriated, deformed, edited or altered in any way; (d) make subsequent modifications to the work, (e) defend the author's honor and reputation as author of a work; and (f) withdraw the work from public circulation.

**(v) Trademarks**

To register a trademark, the applicant must submit (i) a power of attorney requiring notarization only; and (ii) a certified copy of the original registration or a legalized Declaration of Adoption of the Trademark. In addition, the applicant or local representative must supply one printing block and twenty prints of the trademark. If no objections are filed, the registration process takes approximately seven to eight months.

Service marks, collective marks, and commercial marks are subject to registration in Costa Rica. The same applies to slogans and trade names. Unregistered trademarks are also protected if they qualify as famous, well-known, or notorious trademarks. Use is not a prerequisite to registration; however, the current Trademark Law establishes that if a registered trademark is not used within a three-year period from the registration date, it will be subject to cancellation at the request of a third party.

The initial trademark registration is granted for ten years from the date of issuance. A trademark may be renewed for additional ten-year periods, indefinitely.

**(vi) Trade Secrets**

Trade and industrial secrets are protected by the Undisclosed Information Law. This law protects the information that: (a) is secret, meaning that it is not generally known or easily



accessible for persons in groups where said information is normally used; (b) is legally under control of a person who has adopted reasonable and proportional measures to keep it secret; and (c) has certain commercial value due to its secret condition.

#### **(vii) Licensing**

In Costa Rica, there are formalities and prerequisites for the approval of licenses. In general, intellectual property licenses must be registered with the Industrial Property Registry Office.

Royalty payments to foreign entities are subject to a twenty five percent withholding tax. Currently there are no income tax treaties that reduce said withholding tax.

There are no restrictions on the assignment of intellectual property.

### **III. INVESTMENT INCENTIVES**

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#### **A. Export Incentives**

In recent years, the governments in Costa Rica have adopted a policy to remove all tax and economic incentives to commercial activities. This is a result of certain commitments the country has with the World Trade Organization's policies on the abrogation of subsidies and other distortions to free trade.

With respect to export incentives, as of the enactment of the most recent amendment of the Free Trade Zone Law, all incentives to companies with exclusive export purposes were suspended. Some incentives remained, but are not exclusive to exporters.

The Free Trade Zone Regime may be used by companies that (i) process or manufacture goods, (ii) provide services (other than financial services), (iii) commercialize products, (iv) engage in scientific research, or (v) manage industrial parks. As commented in Section II.A.3(i) above, these incentives vary depending on the level of development of the geographical region in which the park has been established. The special tax rate amounts to 6% or 9% under this consideration for an initial 6-year term. Other taxes that local entities have do not apply to companies granted Free Trade Zone status.

#### **B. Grants and subsidies to foreign investors**

Please refer to Section II.A.3 above.

**C. Tax Incentives**

Please refer to Section II.A.3 above.

**D. Regional Tax Incentives**

Costa Rica is a member of several regional agreements that are worth exploring for foreign investors in this country.

**CENTRAL AMERICAN COMMON MARKET**

The Central American Common Market (*Mercado Común Centroamericano* or “MCC”), is a trade organization which dates from the 1960s and applies to products originating in Guatemala, Honduras, Nicaragua, El Salvador and Costa Rica. Panama is an observer.

The treaty contemplates a Secretariat for the Central American Economic Integration (commonly referred to as “SIECA”), which Costa Rica joined in 1963.

The MMC had its best years during the 1960s and part of the 1970s, when local production was promoted through hefty subsidies, and intra-regional exports and imports soared in prejudice of products originating in third countries which were heavily taxed. However, serious political and economic crisis within member countries (Costa Rica excluded), civil wars and a short war between Honduras and El Salvador, brought the whole system down for two decades.

As of now, the MMC has little relevance vis-à-vis CAFTA and other trade agreements entered into by the Central American countries, whether individually or as a group.

An agreement for political, cultural, and migratory integration, known as SICA, does not include Costa Rica, who refused to join in.





## **CAFTA-DR**

The United States – Central America – Dominican Republic Free Trade Agreement, commonly called CAFTA-DR came into effect in 2006 in all signatory countries except for Costa Rica, where it took a referendum in 2009 for its ratification by the Legislative Assembly.

The purpose of CAFTA-DR is the creation of a free trade area, similar to the North American Free Trade Agreement (NAFTA: Canada – U.S. – Mexico), in which products of the member countries may enter into the other territories free of import and customs taxes.

Almost 80 percent of US export products' tariffs and taxes have been eliminated and the rest will be phased out over the next 10 years. In exchange, almost all Central American and Dominican Republic products have now full tax and customs exemptions upon entering into the United States, with few exceptions that also will be fully exempted in the next decade.

The region covered by CAFTA-DR is the second-largest Latin American export market for U.S. producers only behind Mexico, representing US\$15 billion worth of goods a year. Two-way trade amounts to some US\$32 billion annually between the Central American region and the U.S. while only Costa Rica's trade equals about US \$12 billion annually both ways.

## **Association Trade Agreement with the European Union**

As of October 1st, 2013, the Free Trade Agreement between Central America and the European Union, also known as "E.U." – Central America Association Agreement (EUCAA) entered into full force and effect for Costa Rica after being ratified by the Legislative Assembly.

In recent years, trade in Costa Rica with the E.U. has increased considerably, doubling in value from US\$1.6 billion in 2002 to US\$3.3 billion in 2012. This is the second largest Latin American trade block with the E.U. and Costa Rica being the first trading partner of the E.U. in Central America.

In 2012, foreign direct investment originating in the E.U. accounted for 20.8% of the total received by the country.

## **IV. FINANCIAL FACILITIES**

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The financial system is comprised of the Central Bank (*Banco Central de Costa Rica*), three state-owned commercial banks (*Banco Crédito Agrícola de Cartago*, *Banco Nacional de Costa Rica* and *Banco de Costa Rica*), two service banks (*Banco Hipotecario de Vivienda* and *Banco Popular*), various private banks (more than twenty) and several other financial private institutions. The General Supervisory Agency of Financial Institutions (*Superintendencia General de Entidades Financieras* or SUGEF) supervises all financial institutions (banks and also non-banking financial institutions). SUGEF, among other supervisory agencies, is subject to the Supervisory National Council of the Financial System (*Consejo Nacional del Sistema Financiero* or CONASSIF).

It is not mandatory but strongly advised that investors maintain a bank account in the country. Requisites to open a bank account are usually the same in all banks though they may vary slightly. Companies and other entities must file: a certificate of legal representation (*personería jurídica*), a copy of the identification document of the entity's representative, a certified copy of the entity's bylaws, banking and personal recommendation letters (at least two), a copy of the water or electric services invoice (to credit the existence of an actual place of business). In the case of individuals, the same above applies, except for the corporate organization documents so mentioned. In both cases "Know Your Client" forms and a written declaration about the source and destiny of funds must also be filed.

Investors may apply for local or foreign bank loans in order to finance their business ventures.

There is a stock market in the country- though small in the number of companies listed. The General Supervisory Agency of Securities (*Superintendencia General de Valores* or SUGEVAL), also subject to the supervision of CONASSIF, is the entity in charge of regulating the local securities market. The regulatory framework is set forth in the Securities Market Regulation Law which governs the trading of securities, the operation of individuals or corporations involved directly or indirectly in this trading and the acts or contracts related to these matters.

## **V. EXCHANGE CONTROLS**

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### **A. Business Transactions with Nationals, Residents or Non-Residents**

Other than money laundering regulations which require reporting cash transactions over the amount of US\$10,000, there are no restrictions or reporting requirements related to business transactions with nationals, residents or non-residents.



## **B. Investment Controls**

Except for transactions related to (i) the ownership of certain coastal properties and natural resources concessions; (ii) the operation of public ports; and (iii) drug trafficking, money laundering and the financing of terrorism, there are no restrictions on direct or indirect investments in the country.

## **C. Money Transfers**

The current foreign currency exchange allows free possession and conversion of foreign currency into local currency (the “*Colon*”) and vice versa. The exchange rate is managed by a floating system of bands (setting a maximum and minimum rates) in which the Central Bank of Costa Rica intervenes in the market to maintain monetary stability.

U.S. dollars are widely available and are also an accepted currency in the country in almost every place. It is also possible to buy U.S. Dollars at a broad variety of financial institutions, as there are no practical or legal restrictions for payments from Costa Rican entities destined to foreign counterparties.

According to our income tax rules, payments remitted abroad to individuals or corporations from a Costa Rican source, constitute taxable income subject to applicable withholding taxes. The withholding rate varies from 5% to 25%, depending on the nature of the payment being remitted.

## **VI. IMPORT/EXPORT REGULATIONS**

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### **A. Customs Regulations**

Costa Rica is a member of GATT since 1990, but not a member of the EEC.

Costa Rica is a party to the following free trade agreements: free trade agreements with the United States, the Central American countries, and the Dominican Republic (CAFTA-DR), countries of the Caribbean Community, Canada, Peru, Chile, Mexico, China and the European Union.

As member of CAFTA, Costa Rican products are entitled enter El Salvador, Guatemala, Honduras, Nicaragua, the United States and Dominican Republic either completely or partially



on a duty free basis. As a member of the European Union-Central America Association Agreement, products to Europe are also exempted of import and customs taxes.

The National Customs Service is in charge of valuing the goods. In order to clear customs, our General Customs Law requires importers to file an affidavit with full and detailed information regarding the merchandise brought into the country and, to the extent needed, allows for the inspection of such merchandise. Based on this filing and any inspection conducted, there are customs tariffs to be paid depending on the type of merchandise being imported in accordance with international and national product classifications.

Customs brokers are usually in charge of these customs clearing procedures, although individual importers may process this on their own vis-à-vis the local authorities.

In the past few years, Costa Rica has gradually reduced or even abolished its customs tariffs as a consequence of implementing international trade agreements. Nevertheless, there are important taxes that still apply to imports, such as:

- Sales tax, which is 13% on the net sale price,
- Selective consumption tax, ranging between 5% and 75%, which is charged on certain merchandise, either imported or produced locally (tariffs to be set vary according to each product.)
- 1% special tax imposed on all imports except for medicines.

## **B. Exports**

Our Consumer Protection Law promotes the elimination of restrictions on trade by eliminating all unnecessary procedures, regulations and controls on economic activities for the sake of protecting transactions in both the national and international markets. Under this legislation, the government must revise, analyze and eliminate all those requirements that are unnecessary to promote free trade and productivity. However, there are limitations to this, especially pertaining to the protection of public health (human, animal or plant), security, the environment, and compliance with applicable quality standards.

The Consumer Protection Law (art. 6) allows the government to establish export or import licenses by means of an administrative decree, after an approval or recommendation by the Consumer Protection Commission. This measure seeks to restrict trade of specific products only

under justified situations, and the government must provide the basis for the enforceability of these restrictions.

In recent years Costa Rica has focused on the attraction of new investments by foreign-based companies with the intent to increase Costa Rican exports. Three major clusters are officially promoted by the Foreign Trade Promotion Agency: (i) high-tech industries, (ii) medical devices and (iii) outsourced services (such as call centers and back office activities for companies located abroad).

### **C. Foreign Trade Regulations**

Foreign trade regulations are currently governed, for the most part, by WTO and GATT Rules, as well as existing free trade agreements entered into around the world (see Section VI.1 above.)

### **D. Imports**

Import of most products is allowed (except for fuel and alcohol). For the vast majority of products, there is no specific requirement of an import license. However, certain products such as medicines, cosmetics, chemical products, processed foods and beverages do require an import permit from the Costa Rican Ministry of Public Health and/or the Ministry of Agriculture and Farming. Arms and ammunition imports require a permit from the Costa Rican Ministry of Security.

There are import quotas especially in the agricultural and agro-industrial sector and mostly applicable in the multilateral relations of the different free trade agreements Costa Rica is a member of. Examples of these are poultry, coffee, rice, beans, sugar, banana, potatoes, onions, and meat, which are subject to import quotas.

There are still tariff and non-tariff barriers in our country, but its increasing participation in free trade agreements is tending to eliminate these barriers in order to have a more open market for imports and exports.

### **E. Manufacturing Requirements**

Import of component parts is permitted, whether they are to be sold separately, or incorporated into a final product.

Generally, there are no manufacturing requirements but only those applicable as part of the engineering science on the respective industries.

Manufacturing activities, particularly for exports purposes, are strongly promoted by the government by choices such as free trade zones, temporary duty-free imports, drawback regimes and active improvement process.

#### **F. Product Labeling**

According to our Consumer Protection Law, products offered to the public must comply with certain labeling requirements. Labels must contain the nature, composition, content, weight (when applicable), and other relevant characteristics. Measures must be expressed in the metric system and labeling must be in the Spanish language. When the original label is not written in Spanish, instead of placing a new label, a complementary label containing the mandatory information in Spanish may be used.

### **VII. STRUCTURES FOR DOING BUSINESS**

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#### **A. Business organization**

Costa Rican law recognizes the following forms of business organizations:

- Anonymous corporation (*sociedad anónima*);
- Limited liability company (*sociedad de responsabilidad limitada*);
- Liability company (*sociedad en comandita* and *sociedad colectiva*).

Corporations are the most common entities given their structural flexibility. Incorporation costs include stamp costs plus legal fees and the corporate tax prorated at the time of incorporation. Other than notary fees, stamp and registration costs are less than US\$500. They must be incorporated by at least two incorporators by means of a notarial deed, and recorded with the Mercantile Registry, provided a notice of incorporation is published in the Official Gazette. The registration of a corporation may take 24-48 hours.

Once incorporated, one person, whether an entity or an individual, may hold all of the stock of a local corporation. Foreign nationals may be shareholders and/or serve as board members or officers without limitation. No share ownership is required to be appointed as a director. When the company has no legal representative with domicile in the country, a registered agent (a

Costa Rican licensed attorney) must be appointed for purposes of receiving notices only. There is no requirement to the effect that a national has to participate in any capacity.

Under Costa Rican civil, commercial and administrative laws, corporations are separate legal entities regardless of ownership of stock or other forms of relationship. The so-called “corporate veil” applies in Costa Rica. Responsibility or liabilities of a corporation do not reach its shareholders, the parent company or other related entities unless very qualified exceptions, such as fraud. The Code of Commerce provides that a shareholder’s liability is limited to the capital contributions.

With regards to capitalization, there is no minimum required. However, whenever capitalization causes an increase in the capital stock of a company, the shareholder resolution to increase the capital stock must be documented through a public deed, published in the official Gazette and registered with the Mercantile Registry.

#### **B. Limited Liability Companies**

Limited Liability Companies (LLC) are permitted and are very common entities. They must be formed by at least two partners in a procedure similar to that of corporations. Basic rules and procedures for the creation and operation of corporations also apply to LLC companies, except that no board of directors exist (a manager or management committee must be appointed instead), and shares are substituted by capital “quotas” with more strict and personalized assignment rules.

#### **C. Liability Companies**

There are two forms of liability companies: *sociedad colectiva* and *sociedad en comandita*. Although the relevant provisions in the Code of Commerce are still in effect, these entities are no longer in use nowadays.

#### **D. General Partnerships**

Partnerships are narrowly regulated and hardly ever used in Costa Rica.

#### **E. Branches/Subsidiaries**



Investors may conduct business in Costa Rica through branches or subsidiaries of the parent company.

**a. Branches**

To register a branch of a foreign principal in Costa Rica a public deed must be executed before a Costa Rican Notary Public or a Costa Rican Consul located at the principal's domicile. The deed must include the following information: (i) the purpose of the branch and its capital; (ii) the purpose of the principal, its capital structure and corporate term; (iii) Full name and personal data of the principal's directors; (iv) the appointment of a local agent with full power of attorney to act on behalf of the Costa Rican branch. A subsequent deed must provide for an acceptance by the branch and the local officer of the laws of Costa Rica and the jurisdiction of its courts regarding acts and contracts to be executed and/or performed by the branch in Costa Rica.

The Consul or Costa Rican Notary Public must be presented with a certificate of good standing and legal representation of the principal by the officer appearing on its behalf. On the other hand, the local officer must accept its power of attorney by executing the additional public deed in Costa Rica before a Notary Public or abroad before a Costa Rican Consul.

Upon registration, the branch shall be entitled to operate. Prior to that, the agent would be jointly liable with the principal for any obligations contracted on behalf of the latter.

**b. Subsidiaries**

The subsidiary is a Costa Rican company that is owned or controlled by the foreign entity. The formation process of a subsidiary is the same mentioned for any of the types of business organizations above.

These entities need not have a Costa Rican participant, manager or director. Nevertheless, whenever the company has no legal representative with domicile in the country, a registered agent must be appointed as explained in Section VII.1.

**F. Joint Ventures**

Joint ventures are permitted even though there is no specific regulation about them. They are created and regulated through general contract regulations and usually result in the incorporation of a special purpose company.



**G. Trusts and Other Fiduciary Entities**

Trusts are fully recognized under Costa Rican laws. Through a trust, the grantor/trustor transfers to the trustee property over certain assets or rights, for the benefit of designated beneficiaries. The trustee acts under a fiduciary duty and is responsible for managing the assets and income of the trust based on the specific instructions provided in the trust agreement and default provisions. The trustee has a duty of care of the entrusted assets and may use this trust property only as authorized in the trust agreement.

A trustee may not benefit from the management of the trust assets (save for the trustee's fees) nor can the trustor be a beneficiary of the trust. New regulations recently adopted require that the trustee be authorized by SUGEF (financial entity regulatory agency) to comply with money laundering regulations.

**VIII. REQUIREMENTS FOR THE ESTABLISHMENT OF A BUSINESS**

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**A. Alien Business Law**

Business is not subject to any alien business law; there are no registration or reporting requirements.

**B. Antitrust Laws**

The Competition Promotion and Consumer Protection Law prohibits public or private monopolies and monopolistic practices that prevent or restrain competition, access of competitors to the market or that tend to exclude competitors from the market.

Due to an amendment effective as of April 4, 2013, mergers and acquisitions that meet certain thresholds must be approved by the Commission for the Promotion of Competition (COPROCOM), prior to consummation of the transaction. Ex officio controls are also within the powers of COPROCOM in connection with any mergers and acquisitions not complying with this procedure.

**C. Environmental Regulations**

Environmental regulations apply to business as described in section II.D. above.

#### **D. Government Approvals; Licenses/Permits**

All companies must comply with various obligations and administrative procedures. Registration as an employer with the Costa Rican Social Security Office (CCSS) and the National Insurance Institute (INS), usually are pre-requisites to obtain a municipal business license. The interested party must also register with the following governmental agencies:

- General Income Tax Office of the Ministry of Finance to register as a an income and sales taxpayer when applicable, to comply with the payments and other tax obligations. The registration takes approximately two hours.
- National Insurance Institute (INS), in order to purchase the mandatory labor risk insurance policy (Workers' Comp). This process takes approximately one hour to be completed.
- Registration as an employer with the Social Security Administration (CCSS), in connection with employment social security contributions. The estimate average duration is approximately eight days, which includes a visit to the employer's premises to inspect compliance with local employment regulations.
- All business activities require a municipal license (called "patente") from the municipal authority where the activity will be developed. The license involves the payment of a tax during the time of operations (Municipal Code, Law N° 7794), which varies from municipality and type of business. The forms and requirements to obtain a license may vary among municipalities, pursuant to their respective rules.
- Health Ministry Permit: prior to obtaining the municipal license a health permit is also required. The Provisions on Sanitary Permits for Ongoing Businesses Regulated by the Health Ministry (Decree No. 32161-S), provides for three categories depending on the risks introduced by each business into the market in terms of human health. Requirements for category "A" permits are the most rigid and are typically applied to the production of dangerous substances to human health or the environment (such as chemicals, fertilizers, etc. or industries producing important amounts of waste). On the other hand, category "C" permits are those with the lowest risks in the industry, such as services. Category "B" applies to risks in between both categories.

#### **E. Insurance**

Up to 2008, the insurance industry was a state-owned monopoly operated by the Instituto Nacional de Seguros (INS). Today the market is open to private participation

with the exception of two insurance coverages: the labor risk insurance and the mandatory car accident insurance. All other insurance coverages may be offered by any insurance company properly registered with the regulatory authority Superintendencia General de Seguros (SUGESE).

Insurance with foreign companies is allowed, but only under certain limitations that may include the obligation to register such insurance coverage with SUGESE. Most foreign insurance companies avoid the problem by having INS as a co-insurer.

## **IX. OPERATION OF THE BUSINESS**

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### **A. Advertising**

There are no restrictions on advertisement other than censorship policies that must be complied, particularly in regard to programming hours. There may be also restrictions established by the General Health Law, the Consumer Protection Law and related regulations aimed at misleading publicity or advertising. In general, advertising must not induce consumers to error with respect to the characteristics, conditions, weight, content, etc. of a given product or service.

### **B. Attorneys**

It is strongly advised to have local counsel for entering into any business venture. Local counsel may be found through professional directories, the Yellow Pages, the Internet, etc., although it is always good to check on any references with trustworthy sources, including other investors with previous experience in the country.

Attorneys are commonly notaries public as well and, as such, are able to provide the appropriate legal form of acts and contracts that require some form of registration (note that in Costa Rica, one of the requirements to be a notary public is to be an attorney). A general decree establishes the fixed rates for notary and attorney's fees, which correspond to a minimum fee that cannot be reduced without incurring in ethical and professional liabilities.

Attorney fees may vary depending on the consulting area. A common practice among Costa Rican law firms is to have an hourly fee for general or specialized attorney's work

outside those areas where a fixed fee has been established. The minimum hourly rate is US\$150, but depending on the expertise this hourly rate may increase.

**C. Bookkeeping Requirements**

Businesses must maintain accounting and corporate books (i.e., Journal, General Ledger, Inventory and Balance Sheet, Shareholders' Registry and Minute Books for both Shareholders and Board Meetings). These books must be bound and stamped by the Mercantile Registry. They should be kept in Spanish, with all due clarity and in chronological order.

**D. Business Ethics/Codes**

Most trades have their own ethic codes, although they are not necessarily written.

The General Law for Prevention of Illicit Enrichment provides for criminal, civil and administrative sanctions in connection with the conduct of public officers and private companies and individuals (as accomplices) when breaching ethical provisions of public office, including fraud against the government. A Prosecutor on Ethics from the Attorney General's Office (Procuraduría General de la República) has jurisdiction to prosecute parties for any infractions or breaches.

There are an important number of felonies in the Criminal Code sanctioning fraud, misrepresentation, false pretenses, malpraxis, and other illegal acts committed by private individuals and public officers. Economic and administrative liabilities are also applicable in these cases.

It is common to find business ethics provisions in private as well as public procurement contracts.

**E. Consumer Protection Laws**

The Competition Promotion and Consumer Protection Law and its Regulations were enacted to protect the legitimate rights and interests of the consumer and are also aimed to promote free competition.

**F. Construction**

Construction activities are one of the many industries flourishing in Costa Rica. Regulations about constructions originate at the national and municipal level. National construction rules are reflected in the Urban Planning Law No. 4240 and the Construction Law No. 833, which require the issuance of permits to construction plans after full compliance is demonstrated by the developer to each of the entities involved in approving such permits: (i) the Architectural and Engineering Association; (ii) the Environmental Secretariat (SETENA); (iii) the Ministry of Health; and (iv) the Urban Planning Institute (INVU).

At the local level, the Costa Rican Constitution provides that municipalities are responsible for the administration of the local interests and services of those communities under their respective jurisdictions. The Constitutional Chamber of the Supreme Court has ruled that these administrative powers include full authority regarding urban planning matters as long as they do not contradict the provisions set forth in the Urban Planning Law and the Construction Law applicable nationwide. In this regard, the municipalities are responsible for granting their joint approval to construction permits and collecting the 1% tax imposed on the value of constructions and residential developments carried out in their jurisdiction.

As to construction restrictions, no construction is allowed in protected areas such as reserves, mangroves and coastline properties.) The Costa Rican Maritime Zone Law No. 6043 provides that the Costa Rican Tourism Institute (ICT) and the municipalities are responsible for the supervision of all development projects (plans and constructions) within maritime areas declared of public interest

**G. Contracts**

There are no restrictions for foreign entities or persons to enter into contracts in Costa Rica. In general, the law makes no distinction between local and foreign citizens in business matters. However, important consideration must be made by foreign entities contracting with local distributors, agents and manufacturers since there are special regulations protecting the local contracting party (albeit most of the protective measures have been eliminated with case law and amendments to the law with the ratification of CAFTA-DR.

Choice of law provisions are enforceable provided there is no violation of Costa Rica public policy laws since those cannot be waived.

#### **H. Price Controls**

With very limited exceptions, there are no price controls in Costa Rica. The only exceptions to the above are as follows:

- (i) The government structures a “basic consumption basket” composed of certain commonly consumed products and services in order to satisfy the needs of Costa Ricans whose income is less or equal to the minimum wage. Prices of these particular products and services may be subject to price controls by the Ministry of Economy and Industry.
- (ii) In August 2013, rules on transfer pricing were enacted, establishing the governing conditions of transfer pricing between related companies (economic interest groups.)

#### **I. Product Registration**

Importers must comply with certain pre-requirements depending on the product to be imported. Specifically, some products require registration with the Ministry of Health or the Ministry of Agriculture. Registration time and costs vary depending on the type of product involved.

#### **J. Reductions or Return on Capital**

There are no restrictions on repatriation of capital while the corporation is still ongoing. Some requirements and procedures apply with respect to reduction of capital of commercial corporations, particularly where they may affect existing liabilities.

It should be noted that if the repatriation of capital is a way of covering a distribution of dividends, then a withholding tax of 15% will apply, plus a penalty if the distribution is detected by the Tax Administration as a result of an audit.

#### **K. Sale of Goods**

There are no restrictions on the manner, time or place of sale of goods, but there are certain goods that require certain permits to sell them to the public, such as guns and ammunitions.

**L. Trade Associations**

There are different trade associations the investor can join in Costa Rica. The most important ones are: the Chamber of Commerce, Chamber of Exporters, Chamber of Industries, Costa Rican-American Chamber of Commerce, the International Chamber of Commerce- (ICC), among others.

Other specialized chambers depend on the type of product or service being produced or offered by their members.

There are fees associated with belonging to a chamber, but membership is not mandatory.

**X. CESSATION OR TERMINATION OF BUSINESS**

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**A. Termination**

A business may be terminated at any time by the parties involved with minimum interference from the local authorities, provided liabilities are first settled with existing creditors. In this regard, any company, joint venture, trust or business association may be dissolved and wound up if the parties choose to do so. Generally speaking, liabilities must be established and paid, to start the process, and any remaining assets may be thereafter distributed among its partners, shareholders, investors, etc. according to their respective percentages of ownership or agreed upon between them.

**Tax Considerations**

Our Income Tax Law establishes the obligation to give written notice to the tax authorities when closing of a business and to submit a final income tax return and a final balance sheet within the next thirty days following the termination of the business, date in which the company must pay any applicable taxes. Also worth mentioning is the procedure of de-registration with the Tax Administration to discontinue the obligation to file monthly sales tax declarations, when applicable according to our Sales Tax Law.



It is important to mention that if the company is subject to any special status, such as Free Zone (*Zona Franca*), the company must give written notice to the relevant authorities to complete the corresponding deregistration process. The process will include settlement of pending tax matters, particularly in connection with any inventories, equipment, raw materials and other assets imported duty-free into Costa Rica or produced tax-exempted as part of the free zone benefits.

### **Labor Issues**

The company must also give notice of the cessation of business –within the month following the closure– to CCSS by reporting such cessation in the *planilla* (payroll report), indicating the termination of all its workers, who shall be fully indemnified therefor.

### **Other Issues**

Other notices may be required depending on the industry in which the closing business operated.

## **B. Insolvency/Bankruptcy**

Under local civil, commercial and administrative rules, corporations and limited liability companies (the two most widely used business vehicles in Costa Rica) are separate legal entities from their owners, regardless of their relationship to the entity. As previously explained, the *corporate veil* is enforced and the liabilities of an entity, even in the case of insolvency, do not affect its owners, whether individuals, a parent company or any other related entity.

The only exception to the above is related to criminal offenses, mainly fraud, whereby a criminal court may disregard the entity in order to establish legal relationships for purposes of prosecution (including criminal and civil liabilities).

There are no cases under Costa Rican law in which a company's liability for insolvency or default under a contract can reach its shareholders or parent company, in the absence of (i) a formal guarantee, or (ii) a criminal offense.



Even though bankruptcy is always a legal possibility (provided multiple unpaid creditors request a competent court to declare it) Costa Rican law also offers the alternative for financial restructuring, by means of: (i) a creditors' agreement; and (ii) the management of the business through judicial intervention (similar to Chapter 11).

A court may vary the procedure from insolvency or bankruptcy to reorganization if the company files a plan to its creditors to that end and this plan is accepted.

When a bankruptcy procedure is initiated, the court *ex-officio* submits a notice to the Criminal Court to investigate the possibility of fraud behind the bankruptcy. Further procedures will depend on the findings of the Criminal Court about any eventual criminal behaviour involved.

## **XI. LABOR LEGISLATION, RELATION, AND SUPPLY**

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### **A. Employer/Employee Relations**

Costa Rica's Labor Code, Law No. 2 of August 26, 1943, as amended, is the primary legal source and reference for employment and labor issues. Costa Rica is also a party to several international labor organizations. Besides the Labor Code, there are specific laws and regulations in the following employment related areas: anti-discrimination and harassment; child and youth labor; statutory cash bonus; workplace safety; social security and insurance; taxes; pensions; immigration; association and union; confidentiality/non-disclosure of information.

In general, there are no obligations to train employees, except for the training required for completing particularly hazardous employment tasks or handling of foods.

### **B. Employment Regulations**

There is no obligation, *strictly sensu*, to hire Costa Rican nationals.

There are minimum wages for every labor activity. The minimum wage for each occupation is published in the official gazette. Such minimum wage rates are set according to job descriptions that are classified following generic categories.



The National Wage Council, constituted by a representation of the government, employers and employees, determines basic minimum wages twice a year, in December (effective January 1) and June (effective July 1).

Working hours are classified in three (3) standard shifts (day, night and mixed) in addition to a specific shift for employees holding positions of trust:

**Day Shift (5 a.m.-7 p.m.):**

- 48 hours per week.
- 8 hours per day.
- 10 hours per day if work is not dangerous or unhealthy and does not exceed 48 hours per week.

**Night Shift (7 p.m.-5 a.m.):**

- 36 hours per week.
- 6 hours per shift.

**Split or Mixed Shift (includes day and night shifts):**

- If more than 3.5 hours are worked after 7 p.m., the entire shift is regarded as a night shift.
- 42 hours per week.
- 7 hours per day.
- 8 hours per shift if work is not dangerous or unhealthy and does not exceed 48 hours per week.

**Shifts for “Exempt” Employees:**

- 12-hour ordinary shifts with a paid break (meal and/or rest time) of 1.5 hours.

As a result of multiple needs of local businesses and outsourcing companies installed in the country to provide back office and call center services, more flexible shifts have been approved. It is possible, for example, to work 4 days for 12 continuous hours and rest for 3 consecutive days. This system is possible only on low risk industries, such as services.

It is not possible in high intensive labor, such as handling machinery or in the chemistry industry, based on the potential negative impact on worker's health and well-being.

**Vacation rights:**

- At least 2 weeks of paid vacation is mandated after 50 weeks of continuous employment.
- Paid vacation time must be awarded during the 15 weeks following the completion of the 50 week term.

**C. Hiring and Firing Requirements**

There are no minimum employments requirements in Costa Rica. However, companies operating under a free zone tax regime that committed to a certain number of employees in their free zone application must comply with the quota within the committed date. Also, there are no minimum numbers of Costa Rican nationals that must be employed, nor requirements as to certain positions they must hold in a company. However, to obtain work permits for foreign employees, the employer must prove that there are no Costa Ricans with the required expertise for the same job (and thus will not be competing for the same job). Trust positions and general managerial positions are not subject to this limitation.

Employment discrimination based on union membership, race, color, creed, citizenship, physical handicap, age, sexual orientation and gender is strictly prohibited.

Dismissal may take place for "just cause" or simply without cause (in the latter case assuming the employer's severance liability to the employee since employment agreements are to be deemed of indefinite term).

If dismissal is based on just cause, no severance payment and no prior notice of termination is required. Other labor benefits, such as vacation and thirteenth month bonus rights must be paid to the extent accrued to the moment of termination.

Employers may also dismiss their employees based on business restructuring reasons or performance. Such dismissal, however, would be considered without cause and would require payment of all severance indemnities.



It is important for the investor to take into consideration that the dismissal, even with just cause, of pregnant employees or union representatives must be authorized by the Ministry of Labor following a special procedure.

Dismissal without cause entails payment to the employee of the following indemnities:

**(i) Pre-termination Notice Requirement:**

Prior to a dismissal, the employer has the obligation to notify the worker of this decision. The employer is required to give notice under the following guidelines, based on the length of employment at the time of termination:

- More than 3 months but less than 6 months of service: 7 day notice;
- More than 6 months of service but less than 1 year: 15 day notice;
- More than 1 year of service: 30 day notice.

In lieu of a notice, the employer may compensate the employee with an amount equivalent to the salary that the employee would have earned during the notice period.

**(ii) Severance:**

Employees are entitled to receive severance indemnities on the following cases:

- Termination without cause,
- Retirement,
- Employer's bankruptcy,
- Force majeure,
- Death (payable to surviving spouse or dependents)

According to Article 29 of the labor Code, severance pay is calculated considering the employee's continuous length of employment and the average salary of this employee during the past 6 months (the definition of salary used includes most components of compensation, including any in-kind benefits). Under this severance model, the indemnity will increase with the employee's seniority, although such progression is capped to at 8 years of employment.

Employment’s length is categorized as follows:

- Employees who have been with an employer less than one year are entitled to receive a one-time indemnity payment according to the table below:

Length of Services	Severance Indemnity
Less than 3 months (trial period)	0
More than 3, months but less than 6 months	7 days of average salary
More than 6 months, but less than 1 year	14 days or average salary

- Employees who initiated work after March 2001 (date the new *Worker’s Protection Act* came in effect) and have remained with an employer more than a year, are entitled to a one-time indemnity payment as follows:

Term considered	Severance Indemnity
Year One	19.5 days of salary
Year Two	20 days of salary per year served or semester fraction thereof
Year Three	20.5 days of salary per year served or semester fraction thereof
Year Four	21 days of salary per year served or semester fraction thereof
Year Five	21.25 days of salary per year served or semester fraction thereof
Year Six	21.5 days of salary per year served or semester fraction thereof
Year Seven	22 days of salary per year served or semester fraction thereof
Year Eight	22 days of salary per year served or semester fraction thereof
Year Nine	22 days of salary per year served or semester fraction thereof

Year Ten	21.5 days of salary per year served or semester fraction thereof
Year Eleven	21 days of salary per year served or semester fraction thereof
Year Twelve	20.5 days of salary per year served or semester fraction thereof
Year Thirteen	20 days of salary per year served or semester fraction thereof

In order to calculate the severance benefit, the severance allotment that corresponds to the employee’s years of service must be multiplied times the number of years employed (capped at 8 years).

**(iii) 13<sup>th</sup> MONTH OR “CHRISTMAS” BONUS:**

Every December employees are entitled to one-twelfth of the year’s salary as a mandatory bonus. In case of termination before the end of the corresponding term, the Christmas bonus must be paid pro rata, upon termination, regardless of the cause of termination.

**(iv) UNUSED/ACCRUED VACATIONS:**

Any unused vacation time accrued by the employee must also be paid upon termination, regardless of cause.

Finally, it is important to note that the employer does not have a continuing obligation towards dismissed employees.

**D. Labor Availability**

The Costa Rican labor force is highly educated and adapts easy to most work challenges. Generally there is adequate skilled labor available for most types of business.

**E. Labor Permits**

Labor permits are not necessary, except for those required by foreign employees as immigration control.

**F. Safety Standards**

Employers must comply with legal provisions regarding the training of employees in occupational health and safety matters. It is also the employer's responsibility to provide personal protection equipment and clothing for all employees.

Every workplace with 10 or more employees is required to have a Commission of Occupational Health and Safety, in charge of determining any causes for occupational risks and hazards and propose means to resolve them. Additionally, employers with more than 50 employees are required to form a Department of Occupational Health and Safety, whose main objective is to achieve a safe and healthy environment in order to prevent labor accidents and other hazards.

The Labor Code provides for worker's compensation insurance to protect all employees in case of accidents occurred during working hours. It is the employer's obligation to pay for such insurance, under the umbrella of INS.

**G. Unions**

Unions are recognized in Costa Rica. Employees have the right to join unions of their choosing without previous authorization, but they are not common in the private sector. Unions are typically formed within the government's labor force

Employees must register within 30 days of forming or joining a union (a union must be comprised of at least 12 employees to be formed). Copies of documents stating the number of members and their names, addresses, and job titles are required, and must be delivered to the office of the Ministry of Labor and Social Security for registration purposes. Registration should take no more than 15 days.

Unions are practically non-existent in the private sector; however, there are no restrictions on the right of private sector workers to strike. To be called by a union, such union must have at least 60% of members' support to proceed.

Government unions tend to affiliate with left-wing political parties; on the other hand, private sector unions, on the other hand, being so rare, have no political influence whatsoever.

Employers have no obligation to organize a union. However, under local law employees have the right to join or form unions without restriction.

Collective bargaining agreements are not mandatory, although the right exists to have them. As provided by law, unions are entitled to have the employer sign a collective bargaining agreement if at least 1/3 of the employees have joined a union.

#### **H. Solidarity Associations:**

The predominant form of association in the private sector is the so called “Asociaciones Solidaristas” (associations of employees seeking common objectives). These forms of organization have served dissuade employees from organizing as unions.

These associations are not created with the idea of negotiating or changing the employment conditions, but to collaborate with the employer in developing the business and improving the financial conditions of all employees that have elected to join it. This includes the creation of a fund for the benefit of its members, which is usually used to grant loans for residential purposes at subsidized rates.

At the end of a fiscal year, the association’s net income (“excedentes”) may be distributed to employees as an additional benefit.

## **XII. CORPORATE TAXES**

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### **A. Allowances**

Corporate entities may deduct from their gross income all costs and expenses that are necessary to produce taxable income as well as any depreciation of assets that produce taxable income.

Expenses incurred to obtain exempted income are not deductible. Our Income Tax Law lists the major expenses that may not be deducted, which include, inter alia: income





taxes, sales taxes, selective consumption taxes, profits or dividends paid to shareholders, expenses and taxes incurred abroad, among others.

**B. Calculation of Taxes**

The taxable base is the net income, which is the total income produced by the corporation less all costs and expenses that are necessary to produce such taxable income.

**C. Capital Gains**

There is no capital gains tax in Costa Rica as long as the income obtained is not from the “habitual” course of business of the company or arises as a consequence of the sale of a depreciable asset. If any of those two criteria are not met then the income will be considered and tax as ordinary income.

**D. Filing and Payment Requirements**

With respect to income tax, corporations must file tax returns and pay the applicable tax, within two months and 15 calendar days from the end of the fiscal period (the statutory fiscal year for corporations start on October 1st and ends on September 30th of the following year, but these dates can be changed if requested and approved by the Tax Administration).

Taxpayers must make three partial payments as an advance of the income tax liability during the fiscal year; the balance must be paid within the term stipulated above.

**E. Miscellaneous Taxes Due**

There is no tax on capital as such.

At a local or municipal level, corporations with lucrative activities are subject to a mandatory operating license (*patente*) tax associated with local profits or certain payment categories previously determined by the corresponding municipality.

**F. Registration Duties**



Upon incorporation, the bylaws of the company must be filed with the Costa Rican Mercantile Registry for registration, subject to payment of certain duties and stamp taxes.

A tax on all entities registered with the Mercantile Registry was recently enacted. Said tax is paid annually every January on any active or dormant company. The tax for active entities is US\$380 per year, while dormant companies pay US\$200 (the tax is updated every year). The corporate tax is paid upon registration of new entities and is prorated based on the date of incorporation.

Appointments of new directors and amendments to company charter or articles of incorporation, including capital increases, require registration of the corresponding corporate resolutions. Such registration is also subject to the payment of a stamp tax.

Transfers of real property and certain personal property (mostly vehicles) must be recorded with the Public Registry and are subject to a transfer tax.

All commercial agreements, whether notarized or not, must also pay a stamp tax of 0.5% on the total value of the respective transaction.

#### **G. Sales Tax or Other Turnover Tax**

The sales tax regime is very similar to V.A.T. The tax rate is currently 13%.

Input tax is creditable against output tax.

The V.A.T. must be withheld by the obliged party (mostly commercial establishments) and paid thereby no later than on the 15th calendar day of each month accompanied by a return which includes a statement of sales made during the previous month.

#### **H. Social Security and Welfare System Contributions**

Employers must register before the Costa Rican social security authority (*Caja Costarricense de Seguro Social* or CCSS). This is so because our country has a compulsory social security program that provides all workers with medical care, disability payments and old age benefits. See also answer VIII.4 above.

These benefits are prescribed by law and therefore are considered a matter of right and may not be waived by the employee. The employers' contribution to social security program ranges approximately from 25% to 28% of the employee's reported salary; and the employees' contribution equals 9%. This contribution is paid on a monthly basis.

In addition to the above, employers are compelled to withhold income tax and social security contributions from the employee's salary, as a withholding agent. Self-employed individuals are subject to a progressive income tax ranging from 10% to 25% depending on their monthly taxable income and with a minimum income exempted. Self-employed individuals must also contribute 12% of their gross income to social security.

**I. Special Tax Schemes**

There are none; taxes are applied equally to businesses promoted by local and/or foreign-based investors.

**J. Tax on Profits**

The general corporate income tax rate is 30%, but lower rates apply to businesses that qualify as "small enterprises". Municipal operating permits are also subject to taxes calculated on the basis of profits.

**K. Tax Treaties**

There is a Tax Information Exchange Agreement between Costa Rica and the U.S. Government (Law No. 7194 of 1990). There is also a Tax Information Exchange Agreement and Special Regime with Spain (Law No. 8888 of 2010) which is in full force and effect.

Trade agreements such as CAFTA-DR, among others, provide exemptions on import taxes. Refer also to section III.D.

**L. Territoriality Rules**

In general, the Costa Rican income tax system is based on the territorial principle, whereby only income generated within the country or from a Costa Rican source is

subject to income tax. Income obtained abroad or from foreign sources is not taxable in Costa Rica.

According to article 1 of the Income Tax Law a tax is imposed on occasional or continual revenues received by legal entities and individuals, obtained within the national territory, without regard for the recipient's nationality or domicile.

**M. Treatment of Tax Losses**

Only industrial and agricultural companies are allowed to carry forward net operating losses. In the case of agricultural companies, the carry forward period is five years. For industrial companies the carry forward period is three years.

**N. Wealth Tax**

There is only one type of wealth tax and it applies on luxury homes as further explained in section XIII.7.

**O. Withholding Taxes**

Payments remitted abroad to individuals or corporate entities from a Costa Rican income source are subject to applicable withholding taxes. The withholding tax on dividends, earnings and interests, and similar distributions of interests and other financial payments is 15%. Other rates, generally higher, apply to certain types of revenues depending on the activity from which they derive.

**XIII. TAX ON INDIVIDUALS**

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**A. Allowances**

As is the case with corporate entities, individuals may deduct from gross income all costs and expenses that are necessary to produce taxable income as well as any depreciation of assets that produce taxable income. Only expenses incurred to obtain taxable income can be deducted.

**B. Calculation of Taxes**

The taxable base for individuals is his/her net income, which is the total income generated during the fiscal year less all costs and expenses that are necessary to produce such income.

**C. Capital Gains Tax**

There are capital gains. Refer to section XII. 3 above.

**D. Filing and Payment Requirements**

See section XII. 4 above. Notice, however, that individuals under an employment relationship do not have to file income tax returns since the employer already withholds their income tax.

**E. Inheritance and Gift Tax**

There is no inheritance or gift tax.

**F. Miscellaneous Taxes Due**

See section XII. 5 above.

**G. Real Estate/Habitation Tax**

There are taxes assessed on land ownership, buildings and other permanent structures. The tax is managed, assessed and controlled by the municipality with jurisdiction over the respective real property. The real estate tax rate is set by law at 0.25% of the assessed value. The real estate tax is calculated on a calendar year basis and can be paid annually, semiannually, or quarterly.

In recent years a solidarity tax on luxury homes was approved. Luxury homes are those valued at more than US\$250,000 (only building structures are considered, not the value of the land.) The applicable tax rate thereon will vary from 0.25% to 0.55% of the construction and property value.

**H. Sales Tax**

Individuals have to pay sales tax as well. This tax is paid on regular sales of merchandise or certain services rendered in Costa Rica. The tax is also paid when importing goods into the country. When acting on a regular basis, the taxpayer must register with the Tax Administration. This also applies to legal entities and *de facto* companies when engaged in similar transactions.

In general, this tax is transferred through the price of goods to the final consumer.

**I. Social Security and Welfare System Contributions**

See section XII.8 above.

**J. Stock Option, Profit Sharing and Savings Plans**

Stock options between employers and employees are subject to payment of withholding taxes (salary tax). Profits obtained from the exercise of said stock options are considered salary in kind and are therefore subject to a flat withholding tax with no deductions or credits allowed.

There is no taxation on savings plans.

**K. Taxation of Benefits In Kind**

According to the Income Tax Law, bonuses (except for the statutory 13th month bonus) and benefits in kind are subject to a flat 15% withholding tax with no deductions or credits allowed. Benefits in kind are also subject to social security contributions.

**L. Taxes on Dividends**

Dividends paid by companies to individuals (both local and foreign) or to foreign entities are subject to a 15% withholding tax. There is no withholding required when dividends are paid out to other local corporate entities.

**M. Tax on Income**

For income tax purposes, a resident is defined as any person who has continuously resided in Costa Rica for more than six months during the relevant tax year, or who has obtained a work permit from the Immigration Authorities.

Nonresidents, either employed or self-employed are subject to a flat 15% withholding tax on all income derived from personal services performed in Costa Rica and are not required to file income tax returns in the country.

Self-employed nonresidents receiving rental or business income must file an annual tax return and are subject to the self-employed progressive tax rate. However, in order to validly carry a business in the country, the proper immigration status is required.

**N. Tax Treaties**

See section XII. 11 above.

**O. Territoriality Rules**

Individuals with business activities are subject to the same regulations as corporate entities, except that they are subject to a progressive tax rate schedule. See section XII.12 above.

**P. Wealth Tax**

See section XIII.7 above.

**Q. Withholding Tax on salary**

Salary is subject to a withholding tax. See section XIII.13 above.

**XIV. TAX ON OTHER LEGAL BODIES**

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Off-shore offices of local banks or financial entities are subject to applicable withholding taxes according to our Income Tax Law (territorial principle application).

Also, the net income of individuals or corporate entities deriving from the operation of casinos or other legally authorized gaming rooms is subject to certain specific taxes.

Finally, motels, nightclubs, unlicensed hotels and massage houses, must pay a welfare specific tax in favor of the Instituto Mixto de Ayuda Social (IMAS.) The tax is established at 30% of the rate value charged for each room.

## **XV. GENERAL TAX CONSIDERATIONS**

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### **A. Taxes Generally**

Tax planning by proper specialists in tax and accounting is common and recommended since it will depend on the type of activity involved, investor citizenship, if there are tax treaties avoiding double taxation available, among others.

Our Tax Code has a procedure that allows taxpayers to request a formal interpretation of tax rules in the form of a prior consultation that will be binding afterwards for the company and the Tax Administration. Recent changes to our law make such ruling binding only with regards to the matter being consulted and on the parties involved therewith.

Finally, there is no general anti-tax avoidance system.

## **XVI. IMMIGRATION REQUIREMENTS**

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### **A. Immigration Controls**

Costa Rica does not have any immigration quotas. Immigrants from certain countries are required to show medical and/or vaccine certificates (malaria, etc.).

An exit visa (tax) is also required. The Immigration Law mandates that foreigners residing temporarily or permanently in the country must obtain an exit visa to travel outside the country, just as nationals do. Costa Rican minors must obtain an exit permit issued by the National Children Welfare Institution, based on the parents' authorization.

### **B. Immigration Requirements/Formalities**



Immigration tourism visas are automatically issued for citizens of some countries and must be requested to the Costa Rican consulates abroad in the case of other countries (see section II.B.4.)

Foreign nationals who wish to reside in Costa Rica must apply for residency, which may be temporary or not. This permit is required for stays in excess of the one authorized under a tourism visa. There are various regimes under which residency status may be obtained.

To process a residence application, the expatriate will be required a considerable amount of paperwork, including birth certificates and police records issued by the respective foreign authorities. Residence permit applications must be initially filed with the Costa Rican Consulate office closest to the foreign residence of the applicant. Processing thereafter is very formal and will take place in Costa Rica through the Immigration Administration.

Usually the processing time takes between 4 to 8 months after a full application has been submitted to the Costa Rican immigration authorities.

**C. Visas**

A visa is required to travel and stay in the country for certain nationalities. See section II.B.4. above.

**XVII. EXPATRIATE EMPLOYEES**

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**A. Cost of Living and Immigration**

By international standards, the cost of living in Costa Rica is moderate/high although the quality of life is rather high. According to the United Nations' Human Development Index (HDI) for 2012, Costa Rica has an HDI of 0.773.

The inflation rate for 2012 was 4.55% and it is expected that the final figure for 2013 will be 5.5%.

**B. Drivers' Licenses**

It is not mandatory but recommended for the investor to obtain a driver's license in Costa Rica. The investor can legally drive with a valid foreign license. If the investor wants to obtain a Costa Rica driver's license, he must go to the Licenses Department of the Ministry of Transportation (MOPT), while his/her visa is still in force, and submit the required documents.

**C. Education**

Costa Rica is considered to have one of the best educational systems in Latin America, with even the smallest of towns having their own public school. There are public and private schools operating within the country and the Ministry of Education oversees them all. Bilingual education is common around the country.

**D. Housing**

Any type of housing is available for the investor, who may own or lease property without limitation. It is not necessary but advisable for the investor to have made housing arrangements before getting established in the country. We recommend that counsel prior to entering into any agreement with seller/landlord as the case may be review the sales/lease agreement.

**E. Importing Personal Possessions**

The investor may import his/her personal belongings subject to payment of import duties.

Every traveler entering the country must submit the Traveler's Customs Declaration at Customs, filled out and signed, prior to the importation of the merchandise. Travelers must specify all goods brought other than their personal baggage. Baggage is defined as "all the new or used articles that a person may reasonably need for his or her personal use or for the practice of his or her professional or occupational activities during the trip" (Article 114 of the General Customs Law).

There is a random selective system in place that determines whether the merchandise that the traveler is bringing requires a physical inspection. Regardless of the type of inspection made, the declaration form must be presented to the customs authorities. No live-products or unsealed food products may be introduced to the country.

**F. Medical Care**

Costa Rica offers high quality medical care services. There is a government-sponsored network of approximately 29 hospitals, 10 major clinics and more than 890 regional health clinics throughout the country administered mainly by the *Caja Costarricense del Seguro Social (CCSS)*.

CCSS also provides affordable medical service to any foreign resident or visitor. Foreigners living in Costa Rica may join CCSS by paying a small monthly fee based on their income or they can buy health insurance from any of the local insurance companies, including state-owned Instituto de Nacional de Seguros (INS).

**G. Moving Costs**

See section XVII.5. above.

Only Costa Ricans that have resided abroad during the 24 months prior to their arrival into the country have the right to a partial exemption from taxes on household goods.

**H. Tax Liability**

See section XIII.

**I. Work Contracts**

As a general rule, the Labor Code requires the use of written employment agreements. However, this is a practice that is not always followed by local employers except for high ranking or skilled employees.

The law provides that (i) written and no written contracts are just as valid; (ii) reality of the employment relationship will prevail over any written provisions in a contract between the parties; and (iii) in case of doubt, the employee's position will be favored (*in dubio pro operario* principle.)

**J. Work Permits**



Expatriates, defined as foreign nationals (non-Costa Ricans) temporarily assigned to work in Costa Rica must apply for a temporary work permit with the Costa Rican Immigration Authorities.

This permit is recommended for assignments under one year and for expatriates assigned to complete a particular project assignment for which a technician with special qualifications is required. To process a temporary work permit, the expatriate will be required certain amount of paperwork, including birth certificates and police records issued by the respective foreign authorities. Temporary residency applications must be initially filed with the Costa Rican Consulate office closest to the foreign residence of the applicant. Processing thereafter is very formal and will take place in Costa Rica through the Immigration Administration. Provided all information is properly submitted, these permits can be processed in 5-6 weeks' time and require less paperwork than a residency application. Companies granted Free Trade Zone status may register with the Immigration Administration in order to expedite the granting of work permits.

A company in need of a significant amount of foreign employees may register under the so-called "Company Visa Program."