



## **Bolivia: Regulations to Law 2341 on Administrative Procedure, DS No. 27113, July 23, 2003**

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CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

### CONSIDERING:

- That on April 23, 2002, [Law No. 2341](#) on Administrative Procedure was enacted with the aim of regulating administrative activity and administrative procedure in the public sector, enforcing the right to petition the Public Administration, and regulating the challenge of administrative actions and special procedures.
- That Article 2 of [Law No. 2341](#) of April 23, 2002, establishes its scope of application, and that the Public Administration is made up of the Executive Branch, which includes the national administration, departmental administrations, decentralized or deconcentrated entities, and the SIRESE, SIREFI, and SIRENARE regulatory systems; as well as municipal governments and public universities within the framework of their autonomy.
- That the aforementioned Administrative Procedure Law, in its First Transitional Provision, establishes a period of eight months for the Executive Branch, through the Ministries of Justice and Human Rights and the Presidency, to analyze and present regulatory projects for each administrative organization system, and states in its Second Final Provision that the Law shall enter into force twelve months after its publication.
- That [Law No. 2446](#) of March 19, 2003, on the Organization of the Executive Branch, and [Supreme Decree No. 26973](#) of March 27, 2003, which approves its Regulations, establish the basic rules of organization and operation, the structure, number, and powers of the Ministers of State, as well as the rules of operation of national public entities. In application of the aforementioned Law, the powers of the former Ministry of Justice and Human Rights have been transferred to the Ministry of the Presidency.
- Paragraphs I and II of Article 15 of [Law No. 2446](#) of March 19, 2003, on the Organization of the Executive Branch, extend the deadline for the submission of draft regulations and the entry into force of the Administrative Procedure Law by three months.

## *Title PRELIMINARY General provisions*

- That it is necessary to approve the Regulatory Decree of [Law No. 2341](#) of April 23, 2002, on Administrative Procedure, for its corresponding application in the national administration, departmental administrations, and decentralized and deconcentrated entities, with the aim of modernizing public administration, providing legal certainty to citizens, and ensuring diligent and timely attention in procedures. The Sectoral Regulation System (SIRESE), SIRENARE, and SIREFI are exempt from the scope of application of this Decree, as their technical and legal nature will be subject to special regulation.
- That the first provision of Article 96 of the [Political Constitution of the State](#) empowers the President of the Republic to execute and enforce laws by issuing the appropriate decrees and orders.

IN CABINET COUNCIL, DECREES:

### **Title PRELIMINARY General provisions**

**Article 1.- (Purpose)** The purpose of this Supreme Decree is to regulate [Law No. 2341](#) of April 23, 2002, on Administrative Procedure, for its application in the Executive Branch.

**Article 2.- (Scope of application)**

- I. These Regulations apply to the Executive Branch, which includes the national administration, departmental administrations, and decentralized entities.
- II. The Regulatory Systems: Sectoral - SIRESE, Financial - SIREFI, and Renewable Natural Resources - SIRENARE, and others established by law, shall apply their regulations promulgated for each of these systems, in compliance with the provisions of the Administrative Procedure Law.
- III. Public companies and mixed economy companies shall be subject to these Regulations for the exercise of their administrative functions.

**Article 3.- (Principles)** Administrative activity shall be governed by the general principles established in Article 4 of the Administrative Procedure Act, with the aim of achieving transparency and efficiency, publicity, and observance of the legal order in force.

**Article 4.- (Citizen guarantee)** Petitioning is a right of citizens and commits the public administration to provide a timely and relevant response.

## **Title I Institutional Framework**

### **Chapter I Jurisdiction**

**Article 5.- (Competent bodies)** Administrative matters shall be processed and resolved with the intervention of the competent authorities or bodies, in accordance with the provisions of the legal system in force.

**Article 6.- (Substitution)**

- I. In the event of leave, vacancy, illness, impediment, or temporary absence for ninety (90) calendar days or less, the substitute shall perform the duties until the incumbent resumes them.
- II. In the event of a vacancy due to resignation, death, expiration of term, or dismissal from office, the substitute shall serve until the new incumbent, who shall be appointed by the competent body, takes office.
- III. In the event of a public servant's excuse or recusal, a substitute shall be appointed for the specific hearing and resolution of the proceeding.
- IV. The substitute shall be the public servant established by law and, in the absence thereof, the official designated in accordance with the administrative hierarchy or by the corresponding supervisory body if, in the latter case, it is a matter of replacing the highest authority of a decentralized entity.

**Article 7.- (Declaration of incompetence)**

- I. The administrative authorities shall, ex officio, by means of a reasoned decision, at any stage of the proceedings, declare their lack of jurisdiction on grounds of subject matter, territory, time, or degree, when matters not falling within the scope of their powers are brought to their attention.
- II. Once incompetence has been declared, the administrative authority shall, within three (3) days, refer the proceedings to the body or entity it considers competent. If the latter also considers itself incompetent, within three (3) days following receipt of the proceedings, it shall refer them to the competent administrative authority to resolve the conflict.

**Article 8.- (Question of jurisdiction)** The question of jurisdiction may be raised by an interested party in their first intervention in the proceedings, by means of:

- a) Declining jurisdiction, requesting that the administrative authority that considers itself incompetent withdraw from the case and refer the proceedings to the competent administrative authority.
- b) Inhibition, requesting that the administrative authority that considers itself competent require the incompetent authority to withdraw from hearing the matter and refer the proceedings.

**Article 9.- (Conflicts of jurisdiction)** Once the question of jurisdiction has been raised, within three (3) days, the administrative authority shall rule, declaring itself:

- a) Incompetent, within the following three (3) days, it shall refer the proceedings to the authority it considers competent. If the latter denies its competence, it shall refer the proceedings to the competent administrative authority to resolve the conflict within three (3) days of receipt.
- b) Competent, within three (3) days, it shall request the authority it considers incompetent to recuse itself and refer the proceedings within the same period. If the requested authority does not accept its incompetence, it shall refer the proceedings to the competent administrative authority to resolve the conflict within three (3) days of receiving the request.

**Article 10.- (Simultaneous jurisdiction)** If two or more authorities, bodies, or administrative entities are simultaneously hearing the same matter, any of them, either ex officio or at the request of an interested party, shall submit the question of jurisdiction, within three (3) days of becoming aware of it, to the higher administrative authority competent to resolve the conflict.

**Article 11.- (Decision-making bodies)**

- I. The President of the Republic shall resolve conflicts of jurisdiction that arise between Ministers of State.
- II. The Minister of the Presidency shall resolve conflicts of jurisdiction that arise between Ministers and Department Prefects.
- III. Ministers of State and Department Prefects shall resolve conflicts of jurisdiction arising between administrative authorities, decentralized bodies, or decentralized entities exercising functions at the headquarters or within the scope of their respective Ministries or Prefectures.
- IV. The highest administrative and executive authorities of decentralized entities shall resolve conflicts of jurisdiction arising between authorities or bodies exercising functions at the headquarters or within the scope of the respective entity.

**Article 12.- (Resolution of jurisdiction)** The competent administrative authority shall resolve the conflict of jurisdiction by means of a reasoned decision, following a legal opinion within ten (10) days of receiving the proceedings, without further recourse.

## **Chapter II**

### **Excuse and recusal**

#### **Section I**

#### **Excuse**

**Article 13.- (Excuse)** The administrative authority that falls under any of the grounds for excuse established in Article 10 of the Administrative Procedure Law shall, by means of a reasoned decision, excuse itself from hearing the matter, either at the first stage of the proceedings or at the stage following reliable knowledge of the supervening cause.

**Article 14.- (Procedure)** Once the excuse has been decided, within the following three (3) days, the excused authority shall refer the proceedings to the hierarchically superior administrative authority or to the supervisory body if, in the latter case, it concerns the excuse of the highest administrative-executive authority of a decentralized entity.

**Article 15.- (Resolution of the recusal)** The higher administrative authority or supervisory body shall, within ten (10) days of receiving the proceedings, after obtaining a legal opinion, issue a reasoned decision on the admissibility or inadmissibility of the recusal.

**Article 16.- (Referral of proceedings)** The administrative authority that decided on the admissibility or inadmissibility of the excuse shall, within five (5) days, refer the proceedings to the substitute who will replace the excused authority or return them to the latter so that it may continue with the hearing of the matter.

**Article 17.- (Suspension of time limits)** The time limits for issuing a final decision or equivalent administrative act shall be suspended from the date of the excuse until the date of receipt of the proceedings by the substitute or the incumbent if the excuse was declared inadmissible.

## **Section II Recusal**

**Article 18.- (Challenge)** The parties involved in the proceedings may challenge an administrative authority on the grounds for challenge established in Article 10 of the Administrative Procedure Act.

**Article 19.- (Opportunity)** The recusal shall be filed at the first intervention of the party in the proceedings or, if the grounds are supervening, before the final decision or equivalent administrative act is issued.

**Article 20.- (Submission)** The recusal shall be submitted to the administrative authority hearing the matter, by means of a written statement setting out the reasons justifying it and accompanied by the relevant documentary evidence.

**Article 21.- (Procedure)** Within three (3) days of the filing of the challenge, the challenged authority shall issue a reasoned decision on the acceptance or rejection of the challenge and shall refer the proceedings to the higher administrative authority or to the supervisory body if, in the latter case, the challenge is against the highest administrative-executive authority of a decentralized entity.

**Article 22.- (Resolution of the challenge)** The higher administrative authority or supervisory body shall, within ten (10) days of receiving the proceedings, after obtaining a legal opinion, issue a reasoned decision on the admissibility or inadmissibility of the challenge, without further recourse.

**Article 23.- (Referral of proceedings)** The administrative authority that ruled on the admissibility or inadmissibility of the recusal shall, within three (3) days, refer the proceedings to the substitute who will replace the recused authority or return them to the latter to continue with the hearing of the matter.

**Article 24.- (Suspension of deadlines)** The deadlines for issuing a final decision or equivalent administrative act shall be suspended from the date on which the challenge was filed until the date of receipt of the proceedings by the substitute or the incumbent if the challenge was declared inadmissible.

## Title II Administrative act

### Chapter I Elements of the administrative act

**Article 25.- (Competence)** The administrative act must emanate from a body that exercises the powers conferred upon it by the legal system in terms of subject matter, territory, time, and/or degree.

**Article 26.- (Will)** The expression of administrative will shall be subject to the following rules and principles:

- a) *Regular Body*. The public servant who issues the act must be legally appointed and in office at the time of issuing it.
- b) *Authorization*. If a rule requires the authorization of another body for the issuance of an act, such authorization must be prior and cannot be granted after the act has been issued.
- c) *Approval*. If a rule requires the approval by one body of an act issued by another, the act may not be executed until approval has been granted.
- d) *Purpose*. Public servants must act to achieve the purpose of the rule that confers jurisdiction on them. They must not pursue other public or private ends.
- e) *Reasonableness*. Public servants must reasonably assess the factual circumstances and the legal rule applicable to the case and take measures that are proportionate to the purpose pursued by the legal system.
- f) *Collegiality*. Collegiate bodies shall issue their acts in accordance with the rules of session, quorum, and deliberation.

**Article 27.- (Collegial will)** The expression of the will of collegiate bodies shall be subject to the following rules:

- a) The President shall convene meetings. The notice of meeting shall indicate the agenda for the meeting and the place, date, and time of the meeting, and shall be communicated to the members of the body at least two (2) days in advance, except in cases of urgency.
- b) The agenda shall be set by the President, and members may include items they request on the agenda 24 hours before the date set for the start of the session. Once the session is in session, the first step shall be to decide on the inclusion of the proposed items and the order in which they will be addressed.
- c) r válidamente constituido el órgano colegiado, cuando todos sus

members meet and unanimously agree to hold a session, without the need for a formal call to order.

- d) The valid constitution of the collegiate body shall require a quorum of an absolute majority of its members. If there is no quorum, the body shall be constituted, on second call, at the same time on the following business day, with the minimum legal quorum.
- e) Decisions shall be adopted by an absolute majority of the members present at the respective meeting.
- f) Matters not included in the agenda shall not be subject to decision, except as provided in subsection c) above.
- g) Sessions shall be of reasonable duration, allowing all members to express their opinions fairly, and decisions shall be taken once deliberations have concluded.
- h) Detailed minutes shall be taken of each session, recording the relevant aspects of the deliberation and decision.
- i) Members may record in the minutes their dissenting vote on the agreement adopted and the reasons on which it is based, in which case they shall be exempt from any liability that may arise from that decision of the collegiate body.

**Article 28.- (Purpose of the administrative act)**

- I. The purpose of the administrative act is the decision, certification, or value judgment on the matter subject to the knowledge of the administrative body. The act must expressly rule on all petitions and requests from the parties involved in the proceedings that gave rise to it.
- II. The act must contain a resolution that:
  - a) Strictly observes constitutional, legal, or administrative provisions of higher hierarchy.
  - b) Comply with the rulings of the Constitutional Court.
  - c) Ensure rights acquired through past rulings that have become final or through administrative acts that are final in the administrative sphere.
  - d) Be precise and clear.
  - e) Be enforceable.
  - f) Do not contradict the facts established in the case file or the factual situation governed by the rules.
- III. Administrative acts of individual scope shall be subject to the requirements and provisions of administrative acts of general scope and shall not violate or make exceptions to them, even if the general act originates from an administrative authority of equal, lower, or higher rank.



**Article 29.- (Form)**

- I. The administrative act shall be expressed in writing and shall include:
  - a) Place, date, and number of issue.
  - b) Mention of the body or entity from which it emanates.
  - c) A clear and precise expression of the content of the administrative will.
  - d) Reasons based on facts and law, when this requirement is necessary.
  - e) Identification and signature of the public servant involved.
- II. The written form may be dispensed with when:
  - a) The effects of the act are exhausted at the time of its issuance.
  - b) In the case of verbal orders or ordinary and routine matters.
  - c) The administrative will is expressed through signals or signs.
- III. Acts that impose duties and sanctions shall determine the circumstances or modalities of their fulfillment and the deadline for fulfilling them, in the absence of regulatory provisions.

**Article 30.- (Form in collegiate bodies)**

- I. Administrative acts of collegiate bodies must comply with the provisions of Paragraph I of the preceding Article; in addition, they must indicate:
  - a) The time, place, and number of the session.
  - b) Public servants and persons who participated.
  - c) Main aspects of the deliberation.
  - d) Form and result of the vote.
- II. The minutes of the decisions adopted shall be signed by the members involved, including those who cast dissenting votes, under oath.

**Article 31.- (Reasons)**

- I. The acts referred to in Article 30 of the Administrative Procedure Act shall be justified, as well as those that:
  - a) Decide on subjective rights and legitimate interests.
  - b) Resolve petitions, requests, or claims from citizens.
  - c) Result from the exercise of discretionary powers.
- II. The reasoning shall succinctly state the background and circumstances resulting from the file; it shall set out the factual and legal reasons justifying the act; it shall identify the rule applied and assess the evidence determining the decision.
- III. Reference to proposals, opinions, background information, or previous resolutions shall not replace the reasoning required in this Article.

**Article 32.- (Essential requirements)** Without prejudice to the requirements of other rules, the following are considered essential requirements prior to the issuance of an administrative act:

- a) The opinion of the permanent legal advisory service, when there is a risk of violation of subjective rights.
- b) Due process or guarantee of defense, when subjective rights or legitimate interests are compromised.

## **Chapter II**

### **Effects of the administrative act**

#### **Section I**

#### **General, individual, and special acts**

**Article 33.- (General acts)** Administrative acts of general scope shall take effect on the business day following their publication.

**Article 34.- (Individual acts)** Administrative acts of an individual nature shall take effect on the business day following their notification to the interested parties.

**Article 35.- (Special acts)**

- I. Acts that declare petitions or requests with collective impact to be admissible shall have general effect. Their effects shall extend to all those in the same situation without it being necessary to initiate new proceedings for the same purpose and on the same grounds.
- II. These acts shall take effect individually upon notification to the parties to the proceedings and generally upon publication.

**Article 36.- (Clarification and supplementation)**

- I. The parties involved in the proceedings may request, within three (3) days of notification, clarification of administrative acts that contain contradictions and/or ambiguities, as well as the supplementation of essential issues expressly proposed that have been omitted from the resolution.
- II. The administrative-executive authority shall decide on the admissibility or inadmissibility of the request within five (5) days of its submission. The clarification shall not substantially alter the resolution.
- III. The request for clarification shall interrupt the period for filing administrative appeals and contentious-administrative actions.

## **Section II Notification and Publication**

### **Article 37.- (Scope of notification)**

- I. Administrative acts that have not been legally notified or published shall have no effect and the time limits for filing appeals against them shall not run.
- II. Verbal notification shall be admissible when the act is not validly documented in writing. Knowledge of the act shall constitute notification.
- III. Publication does not compensate for the lack of notification of individual acts.

**Article 38.- (Means of notification)** Notifications may be made, interchangeably, by any of the following means:

- a) Spontaneous presentation by the interested party.
- b) Identity card.
- c) Certified postal correspondence, with delivery notice.
- d) Public notices.
- e) Proceedings at the Secretariat of the administrative body or entity.
- f) Facsimile.
- g) Email.

**Article 39.- (Spontaneous submission)** The spontaneous submission by the interested party or their representative, expressed in writing, stating that they are fully and reliably aware of an administrative act, shall result in notification of the same. The notification shall be deemed to have been made on the day of the spontaneous submission.

**Article 40.- (Certificate)** Notification by certificate shall be made at the address provided by the interested party. The notification certificate shall be delivered to the interested party or their representative or, failing that, to any person over fourteen (14) years of age who is at this address, following the procedure established in Article 33, Paragraphs III and IV of the Administrative Procedure Law. The notification shall be deemed to have been made on the date of delivery of the certificate recorded in the proceedings, or, failing that, on the date of impossibility of delivery.

**Article 41.- (Postal correspondence)** Notifications to persons whose domicile is outside the urban area where the administrative body or entity is located may be made by certified postal correspondence, with delivery notice. The delivery receipt to the addressee, included in the file, shall be sufficient proof that the procedure has been carried out. The notification shall be deemed to have been made on the date of delivery of the correspondence.

**Article 42.- (Public notices)** Notifications to persons whose address is unknown shall be made by means of public notices in the manner established by Article 33, Paragraph VI of the Administrative Procedure Law. The same procedure shall be followed when notification by registered letter has not been possible. The notification shall be deemed to have been made on the date of publication of the public notice.

**Article 43.- (Notification at the secretariat)** Notifications to parties who do not establish an address for the purposes of the proceedings shall be made at the Secretariat or at the Office designated by the authority of the administrative body or entity, on Mondays and Thursdays, by means of a formal entry in the file. The notification shall be deemed to have been made on the day of the formal entry.

**Article 44.- (Notification by fax)** The administrative authority may issue notifications by facsimile, provided that the parties voluntarily register a fax number for this purpose. The registration shall be enabled by means of a document stating the consent of the interested party. The proof of confirmation of delivery, included in the file, shall certify that the procedure has been carried out and shall be deemed to have been carried out on the day of its delivery.

**Article 45.- (Electronic notification)** The administrative authority may issue notifications by email, provided that the parties concerned have voluntarily registered for this service. Registration shall be enabled by means of a document certifying the consent of the party concerned. Confirmation of delivery to the interested party, included in the file, shall constitute sufficient proof that the procedure has been carried out. The notification shall be deemed to have been made on the day the email is sent.

**Article 46.- (Designation of domicile)** Those involved in a proceeding shall establish their domicile in their first action, within the urban radius of the headquarters of the respective administrative body or entity. If they do not establish a special domicile, the provisions of the final part of Article 43 of these Regulations shall apply.

**Article 47.- (Publication)** General administrative acts expressed in: Laws, Supreme Decrees, Presidential Decrees, Supreme Resolutions, Prefectural Resolutions, and those relating to Intellectual Property, shall be published in the Official Gazette of Bolivia. Other general administrative acts that do not take this form shall be published once in a national newspaper or in a local newspaper in the area where the administrative body or entity is based if, in the latter case, the territorial scope of the act is limited to that area, locality, or region.

### **Chapter III**

#### **Characteristics of the administrative act**

**Article 48.- (Legitimacy)** An administrative act is presumed to be valid unless its nullity is declared by a final administrative decision or by a final court ruling.

**Article 49.- (Enforceability)**

- I. The administrative act is binding and enforceable from the working day following its notification or publication. An act requiring approval shall be enforceable from the working day following the notification or publication of the resolution approving it.
- II. The filing of administrative appeals or legal actions shall not suspend the execution of the contested administrative act, except in the cases of suspension established in Article 59 of the Administrative Procedure Law.

**Article 50.- (Enforceability)** The administrative authority may enforce its own administrative acts, through direct or indirect means of coercion, when the legal system expressly empowers it to do so. In all other cases, the coercive enforcement of its acts shall be required in court.

**Article 51.- (Stability)**

- I. An individual administrative act that grants or recognizes a right to the administered party, once notified, may not be revoked in an administrative proceeding, unless:
  - a) The revocation is the result of an administrative appeal filed within the deadline by an individual.
  - b) The citizen, acting in bad faith, who, having knowledge, did not report the defect affecting the administrative act.
  - c) The revocation favors the interested party and does not cause harm to third parties.
  - d) The right had been validly and expressly granted on a provisional basis.
  - e) It is a permit for the use of public property.
- II. An individual administrative act, which is final at the administrative level, may be challenged before the competent judicial body by the administrative body that issued it or its hierarchical superior, when it is affected by defects and is contrary to a current and specific public interest.

## **Chapter IV**

### **Nullity and annulability of administrative acts**

**Article 52.- (Nullity)** The administrative authority, upon the filing of an appeal for revocation or hierarchical appeal, in the event of an allegation of nullity, may:

- a) Accept the appeal, revoking the defective administrative act in whole or in part.
- b) Reject the appeal, confirming the contested administrative act in its entirety.

**Article 53.- (Voidability)**

- I. The administrative authority, after an appeal for revocation or hierarchical appeal has been filed, in the event of an allegation of voidability, may: a) Accept the appeal, remedying, validating, or rectifying the flawed act, if it has the authority to do so, or revoking it in whole or in part, if it does not have the authority to correct its flaws or, even if it does, revocation is more convenient for the satisfaction of the public interest at stake; b) Reject the appeal, confirming the contested administrative act in its entirety.
- II. The rectification, validation, or correction of the flawed act at the time of resolving the appeal for revocation shall not prevent the administered party from filing a hierarchical appeal if it considers that any flaw in the act remains.

**Article 54.- (Effects of nullities)**

- I. The revocation of an administrative act declared null and void shall have retroactive effect to the date on which the revoked act took effect, and the revocation of an act that is voidable shall have future effect from the date on which the revocation takes effect.
- II. The administrative authority may, exceptionally and by means of a reasoned decision, vary the effects indicated in the previous paragraph when necessary for the better realization of the public interest at stake or the protection of rights acquired in good faith by the parties concerned.

**Article 55.- (Nullity of procedures)** The revocation of an act that is voidable due to procedural defects shall be admissible only when the defect causes the parties to be without defense or harms the public interest. In order to avoid the nullity of final administrative acts or equivalent acts, the administrative authority shall, ex officio or at the request of a party, at any stage of the proceedings, declare the nullity of the proceedings up to the oldest defect or shall take the most appropriate measures to correct the defects or omissions observed.

**Article 56.- (Correction of defects)** The administrative authority may remedy, validate, or rectify voidable acts, taking into account that:

- a) The correction shall consist of remedying the defects in the act.
- b) Validation shall consist of the ratification by the competent administrative authority, depending on the degree, of the act issued by the lower authority or the granting by the administrative control authority of the authorization omitted by the controlled authority at the time of issuing the act that required it.
- c) Rectification shall consist of the correction of material and/or arithmetic errors.
  - I. Remediation, validation, and rectification have retroactive effect to the time when the act containing the defect was in force.

## **Chapter V**

### **Extinction of the administrative act**

**Article 57.- (Extinction by operation of law)** The administrative act is extinguished by operation of law, without the need for any further action, by:

- a) Fulfillment of its purpose.
- b) The impossibility of fulfilling its purpose due to supervening circumstances.
- c) Expiration of the term for fulfillment of its purpose.
- d) Occurrence of a resolutive condition.

**Article 58.- (Extinction by waiver)**

Administrative acts whose sole purpose is to grant rights to citizens may be extinguished by express waiver by the holder, expressed in writing to the administrative authority that issued the act.

- I. The waiver shall take effect upon notification, without the need for acceptance by the administrative authority, except in cases where it gives rise to liabilities.

**Article 59.- (Extinction by revocation)**

- I. The administrative authority may, ex officio, by unilateral declaration of intent, revoke an administrative act in whole or in part due to defects existing at the time of its issuance or for reasons of expediency in order to better serve the public interest.
- II. The ex officio revocation of stable administrative acts that acquire this status in accordance with the provisions of these Regulations shall not be applicable. Violation of this restriction shall oblige the authority that issued the illegal act or its hierarchical superior to revoke it.

**Article 60.- (Competence to revoke)** The following rules of competence shall apply to the ex officio revocation of administrative acts:

- a) The revocation shall be ordered by the same administrative authority that issued the act, provided that it retains its jurisdiction, or by the competent higher administrative authority.
- b) In the case of assumption of jurisdiction, the lower administrative authority does not have the jurisdiction to revoke the act of the higher authority.
- c) In the delegation, while it remains in force, the administrative authority receiving the delegation has the power to revoke its own acts and does not have the power to revoke previous acts issued by the delegating authority.
- d) Complex acts may only be revoked by another complex act issued by the same bodies that issued the original act.
- e) The administrative authority that issues an act subject to approval by another authority has the power to revoke its own act before approval by the higher or supervisory body.

**Article 61.- (Extinction due to expiration)**

- I. The administrative authority, when provided for in the legal system in force, may extinguish an administrative act by means of a unilateral declaration of expiration, based on the failure of the administered party to comply with the essential obligations imposed by the act.
- II. Expiration shall proceed after the administered party has been declared in default and a reasonable period of time has been granted for them to fulfill their obligation.

## **Title III Administrative Procedure**

### **Chapter I Subjects of the procedure**

#### **Section I Administrative authority**

**Article 62.- (Powers and Duties)** In the procedure the administrative authority has the following duties and powers:

- a) To initiate administrative proceedings ex officio, upon complaint, or at the request of a party.
- b) To assume and delegate powers.
- c) Promote and instruct the procedure ex officio.
- d) Process the proceedings swiftly, economically, and simply, according to their



order and decide them as they become ready for resolution.

- e) Provide in a single resolution all the procedures that, by their nature, can be combined.
- f) Concentrate all relevant proceedings and evidentiary measures in a single act or hearing.
- g) Order the correction of defects in the submissions of interested parties and take the necessary steps to avoid nullities.
- h) Require the unification of representation.
- i) Arrange for the personal appearance of interested parties or their representatives to request explanations, reduce any discrepancies that may exist, or, after verification of their identity, ratify the signature and content of documents, under penalty of dismissing the submission without further proceedings in case of doubt as to the authenticity of the signature.
- j) Sanction the parties and their representatives.
- k) Assess the evidence.
- l) Comply with deadlines.
- m) Investigate the material truth, ordering measures of evidence.
- n) Suspend the execution of administrative decisions.
- o) Accept or reject petitions, claims, and appeals.
- p) Promote settlement or conciliation between individuals without harming the public interest.

**Article 63.- (Disciplinary measures)** The administrative authority, in order to maintain order and decorum in proceedings, may:

- a) Strike out any phrase that is insulting or written in offensive or indecent terms.
- b) Order the removal of persons who disrupt hearings.
- c) Call attention to or warn those responsible.

**Article 64.- (Offenses)**

- I. Administrative offenses are defined as acts or actions by those being administered or their representatives that:
  - a) Maliciously obstruct or delay the proceedings.
  - b) Offend or show disrespect to the administrative authority, other interested parties, and third parties.
  - c) Disrupt hearings. d) Fail in their duty of integrity and procedural loyalty.
  - d) Fail to return the file within the time limit set for that purpose.
- II. The administrative authority shall impose fines on those responsible, depending on the nature or severity of the offense, ranging from Bs. 100.- (one hundred 00/100 bolivianos) to Bs. 10,000.- (ten thousand 00/100 bolivianos). The amounts of the fines will be updated taking into account the variation of the Housing Promotion Unit (UFV) published by the Central Bank of Bolivia, and will be

Housing Promotion Unit (UFV) published by the Central Bank of Bolivia, and shall be deposited in the account of the public entity handling the case or procedure.

**Article 65.- (Assistance to the administration)** The police, Public Prosecutor's Office, and judicial authorities, upon written request from the competent administrative authority, shall provide the necessary cooperation for the fulfillment of its functions and the execution of its resolutions, within the period established in the organic or procedural laws and, in the absence thereof, within a reasonable period set by the requesting authority, under the corresponding administrative, civil, and/or criminal liability in case of non-compliance.

## **Section II Administrated**

### **Article 66.- (Capacity)**

- I. Persons over eighteen (18) years of age shall have the capacity to intervene directly in proceedings as interested parties.
- II. Administrative entities have the right to file petitions or claims and appeals established by the Administrative Procedure Act and these Regulations.

### **Article 67.- (Representation)**

- I. Any person appearing in administrative proceedings on behalf of another shall attach to the first written submission the power of attorney certifying the capacity invoked. If the power of attorney is attached to another file of the same entity, certification by the relevant administrative authority shall suffice.
- II. The representation of rural communities and grassroots territorial organizations may be accredited through the presentation of minutes or legal instruments in accordance with the law.

### **Article 68.- (Cessation of representation)**

- I. Representation shall cease due to:
  - a) Express revocation of the mandate certified in the file.
  - b) Resignation from the mandate, once the represented party has been notified.
  - c) Extinction of the legal personality of the representative or represented party, in the case of legal entities.
  - d) Death or subsequent incapacity of the representative or represented party, in the case of natural persons.
- II. If there is evidence in the file of the termination of representation, the administrative authority shall set a reasonable period for the interested party, their legal representatives, or successors to appear in person or

accredit a new representative. The proceedings and time limits shall be suspended from the moment of the record until the expiry of the time limit set for the appearance of the interested party or their new representative.

**Article 69.- (Common representative)** In the event of unified representation, the common representative shall be notified of all proceedings, unless there is an express rule or decision requiring the personal appearance of the interested parties or their direct notification in relation to certain administrative acts.

**Article 70.- (Associations of administered parties)** Associations for the protection and defense of collective rights, recognized by the State, may intervene in administrative proceedings whose subject matter is related to the corporate purpose of the entity. Once their intervention is admitted, they shall have the rights, obligations, and duties corresponding to the directly interested parties.

## **Chapter II Procedural actions**

### **Section I Time limits**

#### **Article 71.- (Supplementary deadlines)**

- I. The actions listed below, which do not have a deadline expressly established in the Administrative Procedure Act, in these Regulations, or in other provisions in force, shall be subject to the following maximum deadlines:
  - a) Registration of resolutions, files, and their transfer to the offices responsible for their processing: 3 days
  - b) Mere administrative procedures: 3 days
  - c) Notifications: 7 days
  - d) Administrative reports without technical content: 7 days
  - e) Technical opinions and reports: 10 days
  - f) Decisions on procedural issues: 7 days
  - g) Decisions on substantive issues: 20 daysThese deadlines shall be calculated from the day following receipt of the file or action by the respective body.
- II. The actions listed below, which do not have a deadline expressly established in the Administrative Procedure Act, in these Regulations, or in other provisions in force, shall be subject to the following minimum deadlines:
  - a) Summonses to appear and notifications of hearings must be served at least three (3) days prior to the date

of appearance or hearing.

- b) Notices and summonses to the parties shall be issued for a period of not less than ten (10) days.
- c) Hearings and transfers shall be carried out within a period of no less than three (3) days. These periods shall be calculated from the working day following the date of notification.

**Article 72.- (Effects of negative silence)** The negative silence of the administration resulting from failure to issue a ruling within the time limits established by current regulations in relation to the application, request, or appeal shall give rise to the administered party considering the procedure or process denied and, consequently, may make use of the remedies afforded by the Administrative Procedure Law and these Regulations.

**Article 73.- (Responsibility of public servants)** Public servants who fail to resolve matters within their competence within the established time limits shall be liable for public service, in accordance with [Law No. 1178](#) of July 20, 1990, on Government Administration and Control, and regulatory provisions.

## **Section II Writings**

**Article 74.- (Formalities)** Documents:

- a) May be submitted on standard paper and using any means of writing, indicating the general provisions of the law and the address of the person submitting them, with or without the signature of a lawyer. b) Shall summarize the petition at the top.
- b) They shall identify the file to which they refer, except for those initiating the proceedings. d) They shall be signed by the parties or their representatives. If they are unable or do not know how to sign, they shall affix their fingerprint or the signature of a third party at their request.

**Article 75.- (Submission)**

- I. The documents shall be submitted to the document reception office of the competent body or entity or sent by certified mail.
- II. Interested parties may submit petitions or requests and appeals by email or fax to the administrative body or entity. Within two (2) days of this submission, they shall be presented in the manner established in the previous paragraph, under penalty of being considered not submitted.
- III. Documents may be submitted in Spanish or in the native or indigenous language

**Article 76.- (Reception)**

- I. The public servant who receives documents shall:
  - a) shall verify that the name, surname, and address of the interested parties are clearly identified and, if not, shall request clarification at the bottom of the documents.
  - b) They shall verify whether the documents indicated in the text are included and, if they are missing, shall request their submission.
  - c) It shall record this in the documents, affixing the relevant stamp or seal, with the date, time of submission, signature, and name of the receiving public servant.
- II. Documents received by mail shall be deemed to have been submitted on the date of receipt at the post office, for which purpose the corresponding record shall be added to the file.
- III. Documents received by email or fax, in compliance with the requirement established in Paragraph II of the preceding Article, shall be deemed to have been submitted on the date of dispatch of the email or fax.

**Article 77.- (Receipt)** When documents are submitted, the interested parties shall be given a receipt or copy certifying their submission and the file number.

**Section III Files**

**Article 78.- (Identification)**

- I. Files shall be identified by a numerical order or other identification system adopted by the administrative authority.
- II. The identification with which a file is opened shall be retained throughout the successive proceedings, regardless of the administrative bodies or entities involved in its processing.
- III. No other identification number or system shall be entered in the file other than that assigned by the body or entity of origin.

**Article 79.- (Collation)** Files shall be collated into numbered sections not exceeding two hundred (200) pages, except in cases where such a limit would entail the division of writings or documents that constitute a single text.

**Article 80.- (Pagination)**

- I. All proceedings shall be paginated in the order in which they are added to the file, even when they are integrated with more than one body of files. Copies of documents, notes, reports, or provisions that are added together with their originals shall also be paginated in sequential order.
- II. Files that are incorporated into others shall continue the pagination of the latter.

**Article 81.- (Appendices)** When files are accompanied by background information that cannot be incorporated into them due to their volume, appendices shall be prepared; which shall be paginated separately and shall retain the number of the respective file.

**Article 82.- (Accumulation)** Files that are incorporated into others shall continue the pagination of the latter. Those requested for informational purposes only shall be accumulated without incorporation.

**Article 83.- (Breakdown)**

- I. Any request for separation shall be subject to prior authorization by the authority in charge of the file, with proof of the proceedings and incorporation of certified copies to replace the separated parts.
- II. When a file is opened with separated pages, these shall be preceded by a note mentioning the proceedings from which they originate and the number of pages with which the new file begins. In addition, a copy of the resolution ordering the separation shall be added.

**Article 84.- (Removal from the file)**

- I. Files may be loaned to interested parties, representatives, attorneys, and experts or technical consultants, in cases where their processing or complexity so requires, with the prior authorization of the authority in charge and for a period not exceeding five (5) days. The person removing the file shall sign a receipt identifying their name and surname, identity card number, address, file number, number of pages, date, and the period for which the file is removed.
- II. The administrative authority may waive the loan of the original file by providing a copy certified by a competent official.

**Article 85.- (Certifications and legalizations)**

- I. Certifications requested by the parties shall be free of charge.
- II. Certified copies or photocopies of the documents in the file under review shall be stamped within twenty-four (24) hours of the request. The photocopying of the documents indicated shall be at the expense of the person concerned.

## **Section IV**

### **Review of proceedings**

#### **Article 86.- (Knowledge of the proceedings)**

- I. Administrators involved in a proceeding, their representatives, or attorneys shall have the right to know the status of the proceeding at any time and to review the proceedings.
- II. It shall be considered a fundamental procedural defect if the party did not review the proceedings due to obstruction or resistance by the administrative authority.

#### **Article 87.- (Confidential proceedings)**

- I. All proceedings are public, except those declared confidential in accordance with the law.
- II. The declaration of confidentiality must be specific and justified in relation to a particular file, information, or document and, where appropriate, indicate the items or proceedings subject to confidentiality.

## **Section V**

### **Evidence**

#### **Article 88.- (Investigation)**

- I. The administrative authorities involved in the proceedings shall take steps to investigate the facts on which their decision is based, without prejudice to the right of the interested parties to offer and produce relevant evidence.
- II. The admission and production of evidence shall be subject to criteria of breadth, flexibility, and informality. In case of doubt as to its admissibility and relevance, it shall be admitted and produced.

**Article 89.- (Receipt of evidence)** Evidence shall be received in an economical and efficient manner, subject to the following rules:

- a) In disciplinary proceedings and appeals, the parties shall not be summoned to produce evidence, which shall be the responsibility of the administrative authority during the evidentiary period.
- b) Witnesses who do not reside in the place where the administrative body or entity hearing the proceedings is located may be questioned, in any state office located in their place of residence, by the public servant entrusted with the task.
- c) The parties may propose the appointment of experts at their own expense. The administrative authority

shall obtain reports from its technical offices, unless the hiring of experts is necessary as a means of evidence.

- d) Confessions by the parties or public servants are not admissible.
- e) The parties may propose public servants as witnesses, informants, or experts.

**Article 90.- (Recently obtained evidence)** Once the evidentiary period has concluded, the administrative authority may, on its own initiative or at the request of an interested party, order the admission of recently obtained evidence in the following cases:

- a) If it becomes aware of a new fact relevant to the decision.
- b) When there is documentary evidence that is decisive for the decision that was not previously known to the interested party or that the interested party was unable to obtain.

**Article 91.- (Reports)** Any public body or entity, upon written request from an administrative authority, shall, within ten (10) days, submit a report on facts contained in documents, records, or files held by those agencies, under administrative, civil, and/or criminal liability, as applicable, in the event of non-compliance.

**Article 92.- (Administrative inspection)**

- I. The administrative authority may order inspections of items and places related to the facts that are the subject of a proceeding. The report drawn up for this purpose shall serve as background information for the initiation of proceedings and/or as evidence for the issuance of a final decision or equivalent administrative act.
- II. Those in charge of the items and places subject to inspection shall facilitate access to them for the authority and shall cooperate in the performance of the inspection. To this end, the administrative authority may request the assistance of law enforcement.

## **Chapter III Procedural incidents**

### **Section I Lapse of proceedings**

**Article 93.- (Applicability)** Lapse is a form of termination of administrative proceedings based on the material impossibility of continuing them due to supervening causes, applicable to proceedings whose purpose is to grant rights to the parties or to obtain any type of



authorization or permission for the exercise of such rights.

**Article 94.- (Summons)**

- I. If thirty (30) days elapse without progress in the proceedings for reasons attributable to the interested party, the administrative authority shall declare the lapse of the proceedings ex officio.
- II. Once the deadline has expired, the administrative authority shall order the file to be closed.
- III. The lapse of the procedure does not entail the extinction of the right.

**Section II Public  
hearing**

**Article 95.- (Incidental nature)** Public hearings shall be conducted incidentally to the main proceedings, prior to the final decision.

**Article 96.- (Suspension of deadlines)** The deadlines for the main proceedings shall be suspended from the date of the first publication of the notice until the date of cancellation or closure of the hearing.

**Article 97.- (Attendees)** Hearings shall be public, and any person may attend as an observer. Participation is reserved for legitimate parties.

**Article 98.- (Participants)** The following may participate in the hearing:

- a) Persons who provide technical reports, specialized studies, or any other instrument of a similar nature, subject to prior authorization.
- b) The parties involved in the main proceedings and third parties who may be affected by the final decision, who shall be summoned by notification with the announcement.
- c) Associations of parties involved, recognized by the State, whose purpose of protection is related to the subject matter of the decision, after authorization.

**Article 99.- (Notice)** The notice shall indicate:

- a) The purpose of the hearing.
- b) The place where interested parties may obtain background information, which shall be available to them from the day following publication.
- c) The public servant responsible for the authorization of participants and the preparation of the hearing.
- d) The place, date, and time for the authorization of participants.
- e) The place, date, and time of the hearing.

**Article 100.- (Communication)**

- I. The call for participation shall be published in a national newspaper at least five (5) days prior to the date of participant qualification and shall be notified to interested parties involved in the procedure.
- II. The publication shall be at the expense of the interested party.

**Article 101.- (Qualification of participants)** The public servant responsible at the place, date, and time indicated in the hearing notice shall qualify those interested parties who may attend the hearing as participants. The requested qualification shall be rejected if the interested parties do not submit the documents in accordance with the conditions required by subsection a) of Article 99 of these Regulations.

**Article 102.- (Authorization report)** Once the authorization of participants has been completed, the responsible public servant shall submit a report to the administrative authority responsible for the hearing, containing the background information and list of authorized participants, the recommended order of participation, and the accepted documentation.

**Article 103.- (Cancellation)** The responsible administrative authority may cancel the hearing when there are no interested parties authorized to participate or when they do not appear on the day of the hearing, unless, for reasons of public interest, it considers it useful to hold the hearing with the sole participation of the parties involved in the main proceedings.

**Article 104.- (Commencement)** The administrative authority shall: a) After verifying the attendance of eligible participants, declare the hearing open at the designated place, date, and time. b) Preside over the hearing and act as moderator, taking the necessary measures to ensure order, for which purpose it may request the assistance of law enforcement.

**Article 105.- (Deliberation)**

- I. Once the hearing has been opened, the responsible administrative authority shall read the notice of hearing, the eligibility report, and the relevant background information and documents. It shall then invite the eligible participants, in the order and at the times it specifies, to present their opinions or views on the matter that gave rise to the hearing.
- II. The responsible administrative authority may, for duly justified reasons of force majeure, either on its own initiative or at the request of a participant, order the suspension of the hearing for a maximum period of ten (10) days.

**Article 106.- (Conclusion)**

- I. Once the participants have finished speaking, the responsible administrative authority shall declare the hearing closed and, as of the following business day, shall continue with the main proceedings.
- II. Detailed minutes of the hearing shall be taken, recording the issues that the participants consider to be of interest. The minutes shall be signed by the responsible administrative authority and by those participants who wish to do so.

## **Chapter IV Instance and sanctioning procedures**

**Article 107.- (Procedure for administrative actions)**

- I. The General Administrative Procedure, established in the Administrative Procedure Act for the formation of administrative acts, shall apply to requests and petitions from citizens that do not have a special procedure specified in these Regulations.
- II. Administrative bodies and entities shall publish in a simple, clear, and complete manner, and in places accessible to the public, the requirements that must be contained in and accompany an application when the procedure is initiated at the request of the interested parties, without prejudice to the forms provided for that purpose.

**Article 108.- (Penalty procedure)** The General Administrative Procedure, established in the Administrative Procedure Act for the imposition of penalties, shall apply to the hearing of administrative offenses for which no special procedure is specified in these Regulations.

## **Chapter V Enforcement Procedure**

**Article 109.- (Scope of the procedure)** The General Administrative Procedure, established in the Administrative Procedure Act for the enforcement of final administrative acts and equivalent acts, shall apply to the enforcement of resolutions for which no special procedure is specified in these Regulations.

**Article 110.- (Warning)** The procedure for the enforcement of final decisions or equivalent administrative acts shall commence, except in cases of urgency, with a formal warning to the party concerned, stating:

- a) The requirement to comply.
- b) A clear statement of what is required.
- c) The statutory deadline for compliance or, failing that, a reasonable deadline set by the same authority.
- d) Communication of the coercive means to be used in case of resistance.

**Article 111.- (Means of enforcement)** The administrative authority shall enforce its final decisions and equivalent administrative acts coercively, once the deadline for voluntary compliance has expired, through:

- a) The imposition of progressive fines.
- b) Enforcement by a third party at the expense of the debtor.
- c) Other means of direct enforcement authorized by law.
- d) Judicial enforcement of assets.

**Article 112.- (Fines)**

- I. The decision imposing progressive fines shall set an initial amount that shall be increased for each day of delay in complying with the decision subject to enforcement.
- II. If there are legally valid reasons, the decision may be challenged on an exceptional basis, which must be resolved within a non-extendable period of three (3) days from the date of submission, with no further recourse.
- III. The administrative authority shall, within thirty (30) days of notification of the decision imposing the progressive fine, revoke it ex officio if the person responsible complies with the decision subject to enforcement before the expiry of this period; otherwise, it shall issue a decision determining the accumulated amount of the fine, without further recourse, through the forced judicial execution of the assets of the person responsible.
- IV. The amounts collected from the enforcement of fines shall be used for the purposes provided for in the regulations in force; in the absence of regulatory provisions, they shall be credited to the account of the public entity that processed the proceedings.

**Article 113.- (Enforcement by a third party)** The administrative authority may contract the services of third parties, at the expense of the obligated party, through the exception procedure enabled by the Administrative Procedure Law, for which purpose enforcement constitutes a justified necessity.

**Article 114.- (Enforcement against property)** Determinative resolutions of the administrative authorities containing liquid and enforceable amounts shall constitute sufficient grounds for enforcement and shall be enforced in court through the enforcement against the property of the person responsible, in accordance with Article 55 of the Administrative Procedure Act. To this end, the administrative authority

shall refer these decisions to the competent judge or court and shall request their enforcement in accordance with the applicable judicial procedure.

## **Chapter VI Appeal Procedures**

### **Section I General provisions**

**Article 115.- (Scope of challenge procedures)** The General Administrative Procedure, established in the Administrative Procedure Act for challenging final administrative acts and equivalent acts, shall apply to challenges to resolutions that do not have a special procedure specified in these Regulations.

**Article 116.- (Means of challenge)** Final or equivalent administrative acts and decisions may be challenged administratively through appeals for revocation and hierarchical appeals, and in court through the appropriate legal actions.

**Article 117.- (Legitimacy)** Appeals may only be lodged by those who invoke a subjective right or legitimate interest that has been harmed, either currently or imminently, by the act being challenged. They shall be based on grounds of illegitimacy due to defects of nullity or voidability existing at the time of their issuance.

**Article 118. (Form of presentation)** Legitimate parties shall submit their claims and appeals in writing to the same authority that issued the contested act, within the period established for that purpose, identifying the act being challenged and indicating the subjective right or legitimate interest they are invoking, with the formalities set forth in Article 41 of the Administrative Procedure Law.

**Article 119.- (Failure to meet requirements)** If the written submission does not meet essential formal requirements, the administrative authority may require the interested party to correct the deficiencies observed or to provide the missing documents within five (5) days of notification, under penalty of dismissal of the appeal.

**Article 120.- (Effects)**

- I. The filing of appeals shall have the following effects:
  - a) They empower the administrative authority to suspend the execution of the contested act, in accordance with the provisions of Article 59, Paragraph II of the Administrative Procedure Law.
  - b) The start of the deadlines for processing and resolving them.
  - c) The start of the period for interested parties to exercise their right to consider them tacitly denied.
- II. The interested party may expand the grounds for the appeals, filed within the time limit, at any stage of the proceedings prior to their resolution.

## **Section II Appeal for revocation**

**Article 121.- (Revocation decision)** The administrative authority shall decide on the appeal for revocation within a maximum period of twenty (20) days, calculated from the date of its filing:

- a) Dismissing it if it has been filed after the deadline or by an appellant who is not entitled to do so; if it does not comply with the essential formal requirements; if it has been filed against a preliminary or purely procedural decision that does not leave the appellant without a defense or prevent the continuation of the proceedings; or if the subject matter of the appeal does not fall within the scope of its competence.
- b) Accepting it, revoking the appealed decision in whole or in part in the event of nullity; or correcting its defects or revoking it in whole or in part in the event of annulment.
- c) Rejecting or confirming in its entirety the decision of the lower court.

**Article 122.- (Challenge)** If the appeal for revocation is dismissed or rejected, or if the deadline for resolving it has expired without a decision on its dismissal, acceptance, or rejection, the appellant may file a hierarchical appeal against the decision of the lower court and, where appropriate, against the decision to dismiss or reject the appeal for revocation.

## **Section III Hierarchical Appeal**

**Article 123.- (Competent bodies)** The following are the competent bodies for resolving hierarchical appeals:

- a) The President of the Republic in the case of administrative acts issued by Ministers of State.
- b) The Minister of the Presidency, in the case of appeals for revocation dismissed or rejected by the Prefects of Department.
- c) The Ministers of State in the case of Appeals for Revocation dismissed or rejected by the authorities, bodies, or administrative entities under their jurisdiction or entities over which they exercise supervision.
- d) The Department Prefects in the case of Appeals for Revocation dismissed or rejected by the authorities, bodies, or administrative entities under their jurisdiction.
- e) The highest administrative authorities of decentralized entities, in the case of appeals for revocation dismissed or rejected by the authorities, bodies, or administrative entities under their jurisdiction.

**Article 124.- (Hierarchical resolution)** The administrative authority shall resolve the hierarchical appeal within a maximum period of sixty (60) days from the date of its filing:

- a) Dismissing it if it has been filed after the deadline or by an appellant who is not entitled to do so; if it does not comply with the essential formal requirements; if it has been filed against a resolution that has not been challenged by an appeal for revocation; or if the subject matter of the appeal is not within its jurisdiction.
- b) Accepting it, validating the flawed act, if it has jurisdiction to do so; or revoking it in whole or in part, if it does not have jurisdiction to correct its flaws or, even if it does, the revocation is more convenient for the satisfaction of the public interest at stake.
- c) Rejecting or confirming in its entirety the decision of the lower court.

**Article 125.- (Special regulations)**

- I. The silence of the administration established in Paragraph II of Article 67 of the Administrative Procedure Law shall be considered a positive decision, exclusively in those procedures expressly provided for in special regulatory provisions, as established in Paragraph V of Article 17 of the aforementioned Law.
- II. In the event that no express decision has been issued or the hierarchical appeal has been resolved, the interested party may resort to judicial challenge through contentious administrative proceedings, subject to the provisions of Paragraph III of Article 17 and Article 70 of the Administrative Procedure Act.

## **ADDITIONAL PROVISIONS**

**Additional Article 1.- (Special Procedures)** Without prejudice to the supplementary application of the General Administrative Procedure established in the Administrative Procedure Law and the provisions contained in these Regulations, the following special procedures shall remain in force for the formation of procedural acts, the imposition of sanctions on those administered, and the challenge and enforcement of resolutions relating to:

- a) The Systems for the Administration and Control of State Resources.
- b) The tax system.
- c) The customs regime.
- d) The health, social security, and labor regime.
- e) The internal regime of the National Police.
- f) The internal regime of the Armed Forces of the Nation.
- g) The agricultural regime.
- h) The environmental regime.
- i) Compliance with obligations established in international treaties or agreements.

**Additional Article 2.- (Basic regulations)** These Regulations constitute the legal framework for the Public Administration. The Regulatory Systems, SIRESE, SIREFI, and SIRENARE, and others that may be created in accordance with the law, in the absence of express provisions, shall apply them on a supplementary basis.

**TRANSITIONAL PROVISIONS**

**Additional Article 3.- (Pending cases)** Proceedings and appeals pending at the time of entry into force of these Regulations shall, for legal and administrative purposes, be subject to the respective legal provisions under which they were initiated. **SECOND PROVISION.- (PREVIOUS EVENTS).** Events occurring prior to the entry into force of these Regulations, which are not the subject of pending proceedings or appeals, shall be subject to the rules established in these Regulations.

## **Repealing provisions**

**Sole Article.- (Repeal)** All regulatory provisions in force for the Ministries of the Executive Branch and the Departmental Prefectures and their decentralized and deconcentrated entities, relating to administrative procedures for:



- a) Issuance of administrative acts.
- b) Imposition of sanctions.
- c) Enforcement of resolutions.
- d) Challenging resolutions.

## **FINAL PROVISIONS**

**Final Article 1.- (Training)** The executive authorities of the entities of the Executive Branch shall schedule activities aimed at disseminating information and training their public servants in the correct application of the Administrative Procedure Law and these Regulations.

**Final Article 2.- (Validity)** These Regulations shall enter into force on July 25, 2003.

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The Ministers of State and Department Prefects in their respective offices shall be responsible for the compliance with and execution of this Supreme Decree.

Issued at the Government Palace in the city of La Paz, on the twenty-third day of July of the year two thousand and three.

SIGNED: GONZALO SANCHEZ DE LOZADA, Carlos Saavedra Bruno, José Guillermo Justiniano Sandoval, Yerko Kukoc del Carpio, Freddy Teodovich Ortiz, Javier Comboni Salinas, Moira Paz Estenssoro, Jorge Torres Obleas, Carlos Morales Landivar, Jorge Berindoague Alcocer, Hugo Carvajal Donoso, Javier Tórres Goitia Caballero, Juan Walter Subirana Suárez, Arturo Liebers Baldivieso.

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## Links to other documents

### See also

[BO-L-1178] [Bolivia: Government Administration and Control Act \(SAFCO\), July 20, 1990](#)

Government Administration and Control Act (SAFCO)

[BO-CPE-19940812] [Bolivia: Political Constitution of 1994, August 12, 1994](#)

Political Constitution of 1967 with amendments of 1994

[BO-L-2341] [Bolivia: Administrative Procedure Act, April 23, 2002](#)

Administrative Procedure Act

[BO-L-2446] [Bolivia: Law on the Organization of the Executive Branch \(LOPE\), March 19, 2003](#)

Law on the Organization of the Executive Branch

[BO-DS-26973] [Bolivia: Regulations to the Law on the Organization of the Executive Branch \(LOPE\), DS No. 26973, March 27, 2003](#)

REGULATIONS A LA LAW ON ORGANIZATION OF  
EXECUTIVE BRANCH.

## References to this regulation

[BO-DS-27466] [Bolivia: Supreme Decree No. 27466, April 26, 2004](#) Regulating the Law of December 17, 1956, referring to publications that must be made by the Official Gazette of Bolivia.

[BO-DS-29799] [Bolivia: Supreme Decree No. 29799, November 19, 2008](#) Regulates the rules for the operation of express service, courier, and mail delivery companies, within the framework of Supreme Decree No. 22616 of October 8, 1990, elevated to the rank of Law No. 1424 of January 29, 1993; through the institutions empowered by law.

[BO-DS-N1347] [Bolivia: Supreme Decree No. 1347, September 10, 2012](#) Regulates Law No. 259 of July 11, 2012, on the Control of the Sale and Consumption of Alcoholic Beverages, establishing mechanisms and procedures for its implementation.

[BO-DS-N1436] [Bolivia: Regulation - Law No. 264 National Citizen Security System "For a Safe Life," DS No. 1436, December 14, 2012](#)

REGULATION - LAW No. 264 NATIONAL CITIZEN SECURITY SYSTEM "FOR  
A SAFE LIFE"

[BO-L-N403] [Bolivia: Law No. 403, September 18, 2013](#)

Establishes the grounds for reversion of mining rights granted by Special Transitional Authorizations (ATE) and Mining Contracts, based on the strategic nature and public interest of natural resources, after verification of the non-existence of the implementation or development of

*References to this  
standard*

mining activities.

[BO-RM-N4-15] *Bolivia: Ministerial Resolution No. 4-15, January 20, 2015*  
JANUARY 13, 2015.- MINISTRY OF HYDROCARBONS AND ENERGY

## Important note

Lexivox offers this publication of regulations as an aid to facilitate their identification in conceptual searches via the WEB.

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