

Legislación Economía

Fiscal Overview 2021-2022

The virtue of the concilled reorganization process

Learning losses due to COVID-19 could cost the current generation of students us \$ 17 billion of the total income that they will earn over life

The Panama Canal delivery direct contributions to the national treasure for b /.
2,080,629,685.06

Resumen del año 2021 en 11 gráficos: la pandemia de la desigualdad

Comprehensive home health care program for people with disabilities

The chilean
disjunctive

Editorial Board

In this edition

José Javier Rivera

Giovana del C. Miranda Garzola

Yinnelle Smart

Dayra Castañedas

Ivana Herrera

Casilda Quiróz

Lidia Domínguez

Rafael Fernández Lara

Narciso Cubas

Ana Sofía Corrales

Claudia Cubas

Ayeisha Williams

Mariela de Sanjur

José Javier Rivera J.
Giovana del C. Miranda G.

Design and Layout:
Gabriela Melgar

R♦B♦C
Rivera • Bolívar • Castañedas
ATTORNEYS AT LAW



Rivera Bolívar y Castañedas



@rbcabogados



@rbcweb



RBC Abogados

DECEMBER 2021

Editorial

5



2022: CRUCIAL ELECTIONS WILL
THE LEFT CONTINUE TO MOVE
FORWARD?

Content

35. Politics

THE CHILEAN DISJUNCTIVE

39. Panamanian Economy

CONSUMER PRICE INDEX (CPI): NOVEMBER 2021

THE PANAMA CANAL DELIVERY DIRECT
CONTRIBUTIONS TO THE NATIONAL TREASURE FOR
B / . 2,080,629,685.06

42

43. World Economy

LEARNING LOSSES DUE TO COVID-19 COULD COST
THE CURRENT GENERATION OF STUDENTS US \$ 17
BILLION OF THE TOTAL INCOME THAT THEY WILL
EARN OVER LIFE

SUMMARY OF THE YEAR 2021 IN 11 GRAPHICS: THE
PANDEMIC OF INEQUALITY

46

TRADE IN THE REGION WILL HAVE A MAJOR RISE
IN 2021, BUT THE RECOVERY WILL BE ASYMMETRIC
AND HETEROGENEOUS IN A CONTEXT OF
UNCERTAINTY

53

LATIN AMERICA AND THE CARIBBEAN: IT IS TIME FOR
CONSENSUS REFORMS TO FACE THE STRUCTURAL
DEVELOPMENT TRAPS THAT AFFECT THE REGION,
ACCORDING TO A NEW REPORT

55

THE IMF'S MANDATE IS TO SAFEGUARD THE STABILITY OF
THE INTERNATIONAL MONETARY AND FINANCIAL SYSTEM,
AND CRYPTO ASSETS ARE DEEPLY TRANSFORMING THAT
SYSTEM

57

INTERNATIONAL LABOR CONFERENCE
CALLS FOR GREATER ACTION ON INEQUALITIES AND
QUALIFICATIONS END THE SECOND SESSION OF THE 109th
INTERNATIONAL LABOR CONFERENCE

60

62. Environmental Capsule

64. Sports Capsule

Norms of Interest

TEMPORARY MODIFICATION
OF THE WORKING DAY

17



DAVID AND GOLIAT, THERMOPILS AND THE CODE OF TAX
PROCEDURE

14

Content

NEW MINIMUM WAGE RATES WILL GO INTO
GOVERN THE SECOND FIFTEENTH OF JANUARY 18

COMPREHENSIVE HOME HEALTH CARE
PROGRAM FOR PEOPLE WITH DISABILITIES 20

INCENTIVE FOR THE PRODUCTION, PROCESSING AND
DEVELOPMENT OF COCOA 21

CORPORATE SOCIAL RESPONSIBILITY IN CONCESSION
CONTRACTS 22

CABOTAGE AND DOMESTIC TRADE ACTIVITIES 23

67. Psychological Capsule

72. The Current

74. Cultural Agenda

Consult, 26 doctrine and Jurisprudence

THE INTER-AMERICAN COURT OF HUMAN RIGHTS (IDH)
DECLARES THE INTERNATIONAL RESPONSIBILITY OF THE
STATE OF ECUADOR

THE CONSTITUTIONAL COURT OF COLOMBIA, RULES IN FRONT
OF FUNDAMENTAL RIGHT TO HABEAS DATA AND PRINCIPLES
GOVERNING THE ADMINISTRATION OF THE DATA OF THE ISRAELI
CITIZEN ITAY SENIOR, AGAINST THE NATIONAL POLICE

THE VIRTUE OF THE CONCILLED REORGANIZATION PROCESS

28

32



José Javier Rivera - Partner
jj.rivera@rbc.com.pa

Editorial

2022: Crucial elections will the left continue to move forward?

After Christmas and New Year holidays, yesterday we listened to the speeches of the president of the assembly of deputies and the president of the Republic. Both speeches will be topics of discussion in the coming days. Looking towards our neighbors and a little beyond, paradoxically we have elections in Costa Rica, Colombia and also in Brazil.

It is known that, in Chile, the left has largely and forcefully triumphed and, therefore, this circumstance will have a tremendous impact on guiding principles of new Constitution of Chile, which is currently being drafted through a constituent assembly.

Unlike our country, citizens have opted for a new Constitution to try to eradicate the fundamental bases laid by the military government of Augusto Pinochet and introduce radical changes to seek a less unequal society.

In addition, they have opted for a president who doesn't represent the traditional political

parties and whose political career began through a movement that raised equality in public educational programs versus private education.

It is a very complex bet, which must seek democratic causes to undertake major reforms in the economic, ideological, political and social levels.

Costa Rica

Next month, Costa Ricans will have to choose between the candidates José María Figueres, Lineth Saborío, José María Villalta, Fabricio Alvarado and Welmer Ramos.

According to current polls, in the midst of cold weather for the elections, former president José María Figueres seems to have a minimal advantage and is closely followed by candidate Lineth Saborío (former vice president), and successively the other candidates have some option.

It is ruled out that there is a winner in the first round,

therefore, in the second round, surprises could occur.

Now, it is interesting to mention that the most important issue for our Costa Rican neighbors when electing the president is the issue of corruption, followed by security and complementary issues.

Costa Rica is a country that has joined the OECD, enjoys great prestige in environmental matters, tourism and has known how to place education, particularly technological, as a strength to attract international investment.

In all these areas, it represents a clear advantage over our country..

Colombia

In the coming months, presidential elections will be held in Colombia and here the situation is totally polarized, since the current president Ivan Duque, despite his youth, could not articulate a government program that would represent fundamental changes in the economic and political situation, health and therefore today a non-egalitarian country is reflected. The events that occurred in 2019 and 2020 showed that there has been a setback rather, since the tax reform structured by the government was totally regressive and confiscatory.

Police repression and the intervention of the army have recently been considered harmful to human rights. For this reason, after the primary elections, it is glimpsed in Colombia that Gustavo Petro, a leftist candidate, will probably become the first president of that tendency to come to power.

The foregoing means that the ideological current that governs countries such as Venezuela, Bolivia, Argentina, Chile, Mexico and Nicaragua, will have a strong reception in Colombia and, therefore, the band of left-wing parties in Latin America will expand.

Brazil

In October this year, elections will be held in the most populous country in Latin America, and once again the right represented by Jair Bolsonaro will face off

against the left through Luis Ignacio Lula Da Silva.

The Bolsonaro government has had a total rejection, both locally and internationally and, therefore, the country has been isolated in terms of environment, health, combating inequality and poverty, and prevalence of corruption.

His contender represents a period of validity of the workers' party and was the subject of different processes in Brazil as a result of investigations into millionaire public contracts with local companies for high-impact works in Brazil. Brazilian voters will find themselves with a political offer of very little value.

The polls today give Bolsonaro little chance of being re-elected and no other candidate is in sight who today has the chances of beating Lula Da Silva.

If this were to be maintained, then this year the workers' party would return to power.

Conclusion

As we have commented in recent months, and the president of the assembly of deputies has recognized this in his speech yesterday, citizens in many parts of the world, including Latin America, are frustrated with political parties and have little confidence in democracy. Circumstances that lead them to political fatigue, low turnout at the polls and to seek an ideal solution regardless of the capabilities and proposal of a government program.

This has been aggravated, because all current leaders in our America have found in the Covid-19 pandemic, the perfect excuse to evade their primary responsibilities and foil the different strains of Covid-19, paralysis in government action.

Finally, in the case of Panama, there is still a lot of wool to cut.

It will dawn and we will see...L&E

Invited Writer



FISCAL OVERVIEW 2021-2022

“The species that survive are not the strongest, nor the fastest, nor the most intelligent; but rather those that adapt better to change. .”

Charles Darwin

Yinnelle Smart. - Attorney
yinnelle.smart@rbc.com.pa

Since the irruption in the US Capitol, through the different coups, conflicts, massive protests and numerous electoral processes around the world, the year 2021 has been anything but futile.

2021 left an indelible mark on the lives of billions of people, but not all the news has been negative, nor all the catastrophic consequences, because during this year a large part of the population was able to receive the COVID-19 vaccine, which allowed a significant part of the population to return to “the new normal” and with it the reactivation of the economy.

According to data from the World Bank, in 2021 the Gross Domestic Product (GDP) of Panama contracted 17.9%. Panama responded to the COVID-19 crisis by maintaining approximately the same investment levels as in 2019, while also expanding social spending, despite a large drop in income (21.2% in 2020). As a result, the fiscal deficit widened to 10.3% of GDP in 2020. Fiscal expansion was financed mainly with debt, made possible by wide access

to multilateral and market financing. Total public debt jumped from US \$ 31 billion (46.4% of GDP) in 2019 to US \$ 36.9 billion in 2020 (69.8% of GDP).

According to data from the Ministry of Economy and Finance, the Quarterly Gross Domestic Product (QGDP), in the second quarter of 2021, presented an increase of 40.4% in the performance of the Panamanian economy, compared to the similar period of 2020. The measures Mitigation measures and the vaccination process have been allowing health authorities to reduce or eliminate the restrictions established to contain the pandemic, helping economic activities to begin their recovery process.

Improvise, adapt, get over it...

We are nearing the end of the second year in which we live with COVID-19 and among so many lessons that the pandemic gave us, we bring to the fore a task in which the Panamanian State was delayed for several years, but in which it decided to take action.

day in 2021: Efficiency in tax collection and auditing.

The economic reactivation and the need for the State to deal with the public debt have led the State to implement new strategies in order to improve collection, international prestige and all that this entails. In 2021, the Panamanian State issued several laws, decrees and regulatory resolutions of a fiscal and compliance nature in order to improve the Treasury's auditing and collection capacity, as well as our international reputation in terms of compliance with money laundering. It is necessary for this article to address some of these with a view to reviewing the news that awaits us for this 2022.

1. Tax Amnesty.

Through Law 257 of November 26, 2021, Law 99 of October 11, 2019 was modified, by which General Tax Amnesty is granted for payment of taxes, Law 76 of February 13, 2019, relative to the Tax Procedure Code and other provisions were issued.

The tax amnesty remains in force until January 31, 2022 and applies to arrears in the payment of taxes, fees and special contributions prior to January 31, 2021.

• **In the case of payments made from August 31, 2021 to January 31, 2022, up to 75% of all interest, surcharges and penalties will be waived.**

• **In the case of payment arrangements requested until January 31, 2022, up to 70% of the total interest, surcharges and penalties will be forgiven, being able to pay them until June 30, 2022.**

In addition, the modifications made by this Law include the 15% real estate tax discount benefit to the taxpayer who pays the total property tax corresponding to that year within the first four-month period of 2022; the Good Taxpayer Certificate is created; the entry into force of the Tax Procedure Code is postponed again, the registration of dissolutions of legal persons in the Public Registry of Panama is added among the procedures that must have peace and safe with the National Treasury and the Social

Security Fund before to be processed, among others.

2. Electronic invoicing and fiscal equipment with communication device.

The DGI seeks to streamline its auditing faculty while minimizing face-to-face inspections in stores, which is why it has been working on the electronic billing project for some years. Controversial and even inconsistent for some, the truth is that through Law 256 of November 26, 2021, articles of Law 76 of 1976 are modified, which establishes the obligation to issue an invoice or equivalent document to accredit operations related to transfers, sales of goods and provision of services.

In accordance with this Law, the documentation of operations related to transfers, sale of goods and provision of services, must be issued through authorized fiscal teams, or through the Electronic Billing System of Panama (SFEP), whether under the modality of Biller Free from the SFEP or Qualified Authorized Provider (PAC).

• **Every Single Taxpayer Registry (RUC) must use the Electronic Invoicing System of Panama (SFEP) as of January 1, 2022 as a means to invoice their operations.**

• **The companies established in the free zones must consider the adoption calendar of the authorized Fiscal Teams or the Electronic Invoicing System of Panama (SFEP) that the Executive Branch will be establishing for the implementation of these methods for the documentation of the operations they carry out.**

• **Taxpayers of the Pilot Plan must issue electronic invoices through the Electronic Billing System of Panama (SFEP) under the modality of Qualified Authorized Provider (PAC) or Free Biller of the SFEP as of the first business day of 2023.**

• **Public entities are obliged as of July 30, 2022 to only receive the electronic invoice issued in accordance with the SFEP for the management of purchases of goods and services by the State. Those invoices issued by authorized fiscal teams**

will have the same legal validity for the purpose of supporting the checks of costs and deductible expenses.

• The following activities must wait for the Executive Branch to establish the calendar for the documentation of its operations through authorized fiscal teams or the Electronic Invoicing System of Panama (SFEP):

o Services provided in the exercise of liberal, artisan and artistic professions, independently or through civil partnerships.

o Cargo transportation services for petroleum derivatives.

o Public passenger transport services, national or international, by land, air or sea, not excepted by this law.

o Operations carried out by the stock and product exchanges authorized to operate in Panama.

o General operations and services carried out by banks and other financial institutions, including financial leasing companies and investment funds, as well as activities carried out by credit, trust or financial banking institutions governed by special laws, cooperatives, savings institutions and funds, pension funds, retirement and social security funds, and savings and loan entities.

o Operations carried out by the stock and product exchanges authorized to operate in Panama.

o Hostels with less than seven rooms.

o Private entities duly authorized by the Panama Maritime Authority to guarantee compliance with the rules of construction, navigation, pollution prevention and safety of merchant ships, passenger transport, pleasure, scientific research, work, oil exploration and drilling for

international traffic, whether or not they are registered with the Merchant Navy of Panama.

o Free zones, free zones that exist or are created.

Sanctions:

• Sanctions for violations of the Law will be fined B / .500.00 B / .1,000.00.

Recurrence of the conduct will generate the following sanctions:

• Fine of B/. 5,000.00 to B/. 10,000.00 and temporary closure of the establishment the first recidivism.

• Fines from B/. 10,000.00 to B/. 25,000.00 and temporary closure of the establishment.

The recidivism will be determined by the repetition of the conduct in a period of twenty-four (24) months from the first sanction.

Buyers of goods and services who, when leaving the premises or commercial establishment, have not requested the issuance of the invoice (physical or digital) for the fiscal equipment or electronic invoicing with a fine that will correspond to the amount that is greater between:

• One Balboa (B/. 1.00) or 7% of the value of the good or service not invoiced.

Commercial establishments must place a sign where they establish and detail the billing method they use and the penalties for not requesting the issuance of invoices by buyers of goods and services. Non-compliance with the placement of the advertisement will be sanctioned with a fine of:

• A fine of B/. 100.00 the first time and in case of recidivism it will be increased to B/. 100.00 more

each time the breach is proven.

The DGI is empowered to place a label on establishments that, during their inspection tasks, comply or fail to comply with the provisions established in the Law, which will be placed at the entrance and must remain visible. The manipulation of said label will entail:

- **Fine of B/. 500.00 the first time and the fine will increase by B/. 1,000.00 more in case of recidivism each time the breach is proven.**

3. New Sales Report and Provision of Services or Form 1027.

In accordance with Resolution No. 201-10011 of October 20, 2021 as of 2022, those natural and legal persons who must present an affidavit of income and who have received annual gross income or greater than USD1,000,000.00 and / or owned by on same date, total assets for an amount equal to or greater than USD 3,000,000.00 in the period prior (annual) to the current period in which the form must be formalized, the Sales and Service Provision Report or Form 1027 must be submitted.

This report seeks to improve compliance with the Tax (ITBMS) through knowledge of the sales operations reported by the main taxpayers of the tax. Although the operations carried out by means of electronic invoices will be viewed when the report is generated, they must be confirmed by the taxpayer in order to integrate them into the form to be reported.

The report must be submitted monthly, on the last business day of the month following the reporting period, so the date for its submission will be from February 1, 2022 and must contain the required information corresponding to the previous month, starting with the operations for the month of January 2022.

The Sales and Service Provision Report must be submitted through the e-Tax 2.0 platform and the taxpayer must file a copy and keep them available if required.

Sanctions:

Failure to present this report in a timely manner will cause a fine of B/. 1,000.00 to B/. 5,000.00. It is important to note that the information will be presented under the gravity of oath and the verification of inaccuracy or falsehood will lead to prosecution for tax fraud in accordance with the behaviors established in the Tax Procedure Code.

4. Modifications in the presentation and payment of the Planilla 03.

Through Executive Decree No.186 of November 22, 2021, important changes are established in the Planilla 03, which allows the taxpayer to present the information of all their workers in respect of income tax withholdings.

- **As of the year 2022, this report must be submitted on a monthly basis within 15 calendar days following the expiration of the previous month.**

- **If when submitting the form there are balances in favor of the Treasury, the employer must pay the tax owed on behalf of the worker at the time of submitting the form, no later than the last business day of each month.**

- **If there are balances in favor of the worker, the employer will proceed to pay said credits.**

The information reported must coincide with the information submitted to the Social Security Fund, through the monthly pre-prepared form..

Sanctions:

Failure to present this report in a timely manner will cause a fine of B/. 1,000.00 to B/. 5,000.00.

5. Changes in the procedures before the Sub-Directorate of International Taxation, regulations for the recognition of tax benefits in the Panama Pacific Special Economic Area and complaint for fraud and tax evasion.

In 2021, the DGI got down to work with several pending tasks such as the regulation of the necessary

procedures for the recognition of tax benefits in the Panama Pacific Special Economic Area contemplated in Law 41 of 2004, the renewal of some procedures related to International Taxation and the regulation of the complaint for fraud and tax evasion. The usual thing would be to issue a resolution for each of these issues, but as a student saving the year, the DGI regulated all these points in a single resolution: Resolution No. 201-8097 of August 30, 2021 "By means of which establish the requirements and conditions of the procedures in the fiscal Regime of the Special Economic Area of Panama-Pacific, contemplated in Law 41 of 2004 and its modifications, which must be carried out by taxpayers and interested parties, before the General Directorate of Revenues."

Among the procedures covered by this resolution we find:

- **Recognition of the tax benefits contemplated in article 58 of Law 41 of 2004 and its amendments.**

- **Request for a tax residence certificate (legal person and natural person).**

- **Application of the benefits established in the agreements to avoid international double taxation.**

- **Application of the benefits established for the exemption of real estate contemplated in Resolution No. 201-1838 of 2019. (legal person and natural person).**

- **Complaint for Tax Evasion and Fraud (Article 287 Code of Tax Procedures).**

6. Issuance of Tax Residence Certificates electronically.

Without a doubt, the pandemic has forced several state institutions to advance their transition to the digital world. As a consequence of the mobility and quorum restrictions in 2020, the General Directorate of Revenue digitized a wide variety of procedures, a task in which the institution did not stop striving in 2021. Exemplifying the above, we find Resolution

No. 201-9673 of October 11, 2021 by means of which the issuance of the Tax Residence Certificate is approved electronically in the Republic of Panama.

7. Regulation of formal requirements to be met by natural and legal persons who wish to avail themselves of special regime for the benefit of micro, small and medium-sized enterprises, businessmen and entrepreneurs.

Through Executive Decree 182 of November 22, 2021, articles of Executive Decree 170 of 1993 are repealed, modified and added, by which the income tax provisions contained in the Fiscal Code are regulated and Executive Decree 60 is repealed. of 1965. Through this Executive Decree modifications are introduced to Executive Decree 170 in order to regulate the formal requirements that natural and legal persons who wish to benefit from the special regime for the benefit of micro, small and medium enterprises, must satisfy. businessmen and entrepreneurs; It also regulates the procedure to verify your income and the procedure contemplated in Executive Decree 170 of 1993 is updated.

8. Certified Public Accountant Law.

Law 280 of December 30, 2021 that regulates the exercise of the profession of Public Accountant Authorizes repeals Law 57 of September 1, 1978 and Decree 68 of October 29, 1986 and, according to its explanatory memorandum, was the The result of a joint work with all organized public accountants unions, and interested in having a new legal instrument that is in accordance with advances in accounting procedures and standards that the economic, commercial and financial world currently require to establish themselves. in an accurate and reliable way on the basis of the acts and economic actions that are carried out in Panama and internationally.

9. Strengthening of transfer pricing surveillance.

As a consequence of the progress towards the digitization of tax revenues, the DGI has built a risk matrix that allows detecting taxpayers who present inconsistencies between forms and returns submitted periodically, in order to

measure the potential of audits based on the tax regime, industry and taxpayer profitability.

Additionally, with the entry into force of Law 254 of 2021 as of November 12, 2021, the fine for not complying with the presentation of the Country by Country Report (CbC) was increased to US\$ 100,000.00, plus a fine of US\$ 5,000.00 per day up to that the non-compliance be remedied. In the event that the obliged entity presents inconsistent or erroneous information, fine will amount to US\$ 25,000.00. If competent authority verifies that the information provided was intentionally altered, a fine of up to US\$ 500,000.00 will be applied.

10. Global minimum tax of 15%.

For a decade, the OECD (Organization for Economic Cooperation and Development) has led conversations to achieve the standardization of corporate taxes for large companies with operations in different countries, this effort finally saw the light in the year 2021 in which 137 countries Panama, among them, agreed on a global minimum tax of 15%, as well as a fairer system of taxing profits wherever they are earned.

In continuation of this effort, on December 20, 2021, the OECD published detailed rules to assist in the implementation of a historic reform to the international tax system, which will ensure that MNEs are subject to a minimum tax rate of 15% from 2023. The regulations delimit the scope and establish the mechanism of the so-called GloBE rules (acronym for Global Anti-Base Erosion) in accordance with the Second Pillar, which adopts a world minimum tax rate for corporate tax of 15%. The minimum tax will apply to MNEs whose income exceeds 750 million euros and is expected to generate an additional revenue of US \$ 150 billion worldwide.

Panama is poorly known internationally as a "tax haven" so adherence to these new policies should represent a change in the international reputation of our country. In this sense, Panama's position must be more proactive in order to promote that the changes are necessary to abandon these black and gray lists from being implemented, as well as being implemented by our peers.

By having several special tax regimes and special economic zones, task will be especially arduous for our country as existing rules of the game must soon change.

New beginnings, new opportunities...

Metallic opportunities:

In our October 2021 edition, we addressed the issue of the failure to publish the ruling declaring the contract between the Panamanian State and Minera Petaquilla (today Minera Panama) unconstitutional. This sentence was finally published in the Official Gazette of Wednesday, December 22, 2021.

On September 1, 2021, the National Government and Minera Panama set up a table to negotiate a new contract for the extraction of metals in Donoso, an opportunity that the Government can take advantage of to seek more advantageous conditions both in terms of royalties and taxes..

Technological opportunities:

It is estimated that in 2021 the country has recovered around 8% to 12%. This is encouraging, as the figures suggest that the national economy is stabilizing faster than expected. It is expected that by 2022 there will be a growth of 8.2% of GDP in the isthmus, a recovery that the Treasury will probably take advantage of to continue its collection efforts in order to face the considerable public debt.

When contemplating the reality and contrasting it with the reactivation in the collection activity of the Treasury, a question arises. What new paths can the Tax Administration take to strengthen the treasury?

For some time, the Director General of Revenue, Publio De Gracia, indicated that the digital economy is in the sights of the General Directorate of Revenue to collect more resources for the State. Corollary we find Law Project 229, "which creates the Tax and Labor Regulation Law for companies that operate through the digital platform system" which was returned to first debate in August 2021.

In Latin America, already 21% of the economies have advanced unilaterally in the establishment of taxes on this type of economy, this due to the fact that the digital economy offers great opportunities for collection. The legislative advisor Eloy Núñez affirmed that "digital platforms are not paying taxes" therefore, in his opinion, "there is no fiscal equity." As indicated by this, it is estimated that with the application of these regulations, about 80 million balboas in taxes would be collected in taxes..

In the same vein, we cannot ignore the fact that the independent deputy, Gabriel Silva, presented the draft bill in the National Assembly: "Crypto Law: What makes Panama compatible with the digital economy, Blockchain, Cryptoassets and the Internet ". The project seeks to promote the use of blockchain in public administration to make processes "more transparent and efficient." It also highlights the legal, regulatory and fiscal certainty to use of cryptoactives. A market that surpassed a trillion dollars in early 2021 and which is estimated to reach 3 trillion dollars in 2025.

The digital economy is a gold mine in data that the Panamanian Treasury is pending to exploit. Digital platforms, Fintech, Cryptoactives such as cryptocurrencies or NFT's are gaining more and more popularity among the population and can become important opportunities for the Panamanian state, as it would allow Panama to project itself as a country at the forefront in the implementation of technologies at the time to receive additional income for the betterment of the country.

We thank all our readers for continuing with us, this 2022 will be a year full of fiscal changes and at RBC we will be at forefront offering trainings, informative capsules and webinars with the aim of informing and advising our public on current issues.

Happy 2022 for everyone. *L&E*



Find us on Facebook:

**Rivera, Bolívar y
Castañedas**

DAVID AND GOLIATH, THERMOPILS AND THE CODE OF TAX PROCEDURE

“The importance that taxation and the treasury-taxpayer relationships in particular have acquired, have determined the need to clearly establish the rules of the game, in order to ensure the rights and obligations of both parties.”

Charles Darwin

Yinnelle Smart.- Attorney
yinnelle.smart@rbc.com.pa

We all know the story of David and Goliath: the mythical battle between the giant and the little one, a reminder that, even if we have everything against us, there will always be a chance to emerge triumphant. It is a metaphor that shapes the universal desire to be able to decide our fate by our own hand, without being subjected to external influences.

Currently processing in the administrative-tax jurisdiction many times reminds of this type of crusade since the Tax Administration is an examiner, judge and executor of all controversies that are settled before it, which often leaves taxpayers in a state of vulnerability when trying to do assert your rights and fulfill your obligations.

In order to equalize the balance and improve Panama's reputation internationally, in 2019 Law No. 76 of February 13, 2019 was enacted, which approves the Code of Tax Procedure of the Republic of Panama. This guarantor court code was promulgated in order to clarify the diffuse administrative tax procedure that

often depends on the “booklet” that the official on duty manages. Additionally, it was sought to unify in a single text the adaptations of the existing legal texts, together with a robust system of principles and procedural guarantees in accordance with due process and the minimum standards currently in force, offering greater transparency to convoluted processes than today. They are labyrinthine and exhausting due to the lack of uniformity of criteria between taxpayers and the State.

On various occasions we have referred to this Law in our Legislation and Economy magazine, but the issue we wish to refer to today is the lack of entry into force of many of the articles that are favorable to taxpayers. In accordance with the original text of Law No. 76 of February 13, 2019, this Code would take effect on January 1, 2020, except for article 65, number 3 of article 88, articles 127, 128, 208, 259, 262, 273, 284, 285, 286, 287, 288 and numeral 11 of article 324, which will enter into force three months after its promulgation. However, this legal norm has been modified and extended on several occasions,

the last of them through Law 257 of November 26, 2021, which again extends its entry into force (except for some articles) for January 1, 2023.

The truth is that the Treasury advanced the entry into force of some articles either to be able to face the “new reality” product of the COVID-19 pandemic, or to comply with the international commitments acquired in terms of collection and money laundering and thus improve our international reputation with a view to getting off the gray and black lists. However, it ignored guarantee articles that would assure taxpayers a more even and fair playing field.

As an example, the Tax Administration has initiated investigation processes for tax evasion or fraud against taxpayers, bringing into effect articles related to this type of procedure, but forgetting to bring articles such as 107 which determines that the burden of proof rests with the Tax Administration regarding the acts constituting the tax obligation of a fraudulent nature, such as in cases of tax evasion or fraud, while the burden of proof is on the taxpayer regarding the impeding, modifying or terminating events of the tax obligation whose controversy does not imply the establishment of a fraudulent act.

At the same time, the Tax Administration has increased the issuance of transfer pricing fines resolutions (which can reach a million dollars) as well as increasing the fines for non-compliance with reporting, but has not brought into effect articles referring to the. Mitigating circumstances (Article 275), Reduction of sanctions (Article 276), or the Procedure for the application of sanctions for tax administrative infractions (Article 296).

Because the bulk of the articles in Chapter 11 on Procedures through Administrative Resources have not entered into force the Administrative Tax Jurisdiction that incorporates the tax administrative courts as decision-making entities of the reconsideration resources, these controversies are still captive in the departments of the General Directorate of Revenue waiting for its processing. A slow process that, due to the saturation of the system and the limitations that the staff faces, remain pending processing for several years, accumulating surcharges and unfair and disproportionate interests that sometimes can exceed the nominal value of the scopes. Reality that remedied the extended article 347 (Suspension of the application of default interest due to lack of decision regarding the appeal for reconsideration).

This article 347 on the suspension of the application of default interest due to lack of decision regarding the appeal for reconsideration provides the following:

Article 347. Suspension of the application of default interest due to lack of decision regarding the appeal for reconsideration.

The resolution that puts an end to the appeal for reconsideration must be notified no later than within six months from its filing, in accordance with the period of two months or a maximum of four months to resolve established in article 343. After one year After the periods indicated above, without the resolution having been issued and the appellant having not filed the direct appeal to which he was entitled after the four months provided for in article 343 have elapsed, the application of default interest

¹ According to Law Law 257 of November 26, 2021, this Code will take effect on January 1, 2023 except for articles: 1, 2, 3, 4, 5, 6, 9, 11, 65, 78, art. 88, numeral 3, 100, 101, 127, 208, 259, 262, 273, 284, 285, 286, 287, 288, 324 numeral 11 90 days of promulgation. And the articles 52, 53, 54, 55, 56, 60, 68, 80, 81, 82, 83, 84, 85, 103, 104, 105, 136, 137, 138, 139, 140, 141, 158, 175, 176, 290, 298, 299, 300 and 301 that came into effect with the promulgation of this Law.

² This article indicates that the Director General of Revenue, the administrative tax judges and the magistrates of the Administrative Tax Court are empowered to reduce the penalties applicable to taxpayers or taxpayers, whether they are natural or legal persons who are penalized in the case of certain circumstances.

will be suspended until the issuance of the resolution that culminates the reconsideration procedure before the tax administrative judge, provided that the expiration of the term was due to causes attributable to the court.

The interested party will request the issuance of the corresponding note to inform the General Directorate of Revenue of this circumstance or with the receipt of said request, so that it can proceed to suspend the interest.

Once the period of one year referred to in this article has expired, the interested party may consider the appeal rejected in order to once again be able to present the appeal, within fifteen business days following the expiration of the year. Once the appeal is filed with the Administrative Tax Court, at the expiration of a one-year period, the suspension of the application of default interest will cease and interest will begin to run again.

This article has a twin brother (article 356) applicable to appeal before the Administrative Tax Court. And both could be applicable to ongoing processes in accordance with the content of article 13 on the non-retroactivity of tax regulations.

The State has also set aside the articles that offer the Tax Administration and individual alternative methods of conflict resolution (Article 357) such as the tax transaction (Article 358) or tax arbitration (Article 360).

Other articles that benefit the taxpayers and that continue to sleep the sleep of the just are those related to Unchallenged actions (Article 167), deadlines for answering requests (Article 178 Deadline), effects of the answer to the query tax (Article 147), right of repetition and refund (Article 185) and the procedure for the refund of undue payments at the request of the interested party (Article 189 and 190), Deadlines for reconsideration and appeal resources, among others.

In addition to the above, it has denied the taxpayers the possibility of taking action against the Treasury for the violation of their rights through the Complaint Resource (Article 376), the Special Procedure of Claim for Infringement of Taxpayer Rights, and the Abbreviated Procedure or to seek the protection of an independent entity in charge of guaranteeing the fulfillment of the rights and procedural guarantees of their rights in the actions that are carried out or that are managed before the General Directorate of Revenues, the tax administrative courts and the Administrative Court Tax: Taxpayer Defender (Article 383).

Today, these and many other articles remain as a dead letter, preventing law from fulfilling its duty to limit power of the Administration, a Tax Administration with a power that sometimes recalls Xerxes I requiring taxpayers to become Greeks capable of demonstrating A Spartan Determination and Employing Attentive Cunning in Medical War of the 21st Century: The Treasury-Taxpayer Relationships.^{L&E}

³Article 13. Irretroactivity of tax regulations. Tax regulations will not have Retroactive effect, except for the rules that regulate infractions, penalties and surcharges when their application is more favorable for the taxpayer or taxpayer, except in the case of enforceable acts. The repeal of a tax regulation does not prevent its application to the events produced during its validity.

Norms of INTEREST

TEMPORARY MODIFICATION OF THE WORKING DAY

Giovana del C. Miranda G. - Attorney
giovana.miranda@rbc.com.pa

Through Resolution No. 73 of December 28, 2021, provisions related to temporary modification agreements of the working day are established.

The first article provides that the effects of the temporary modification agreements of the working day signed during the year 2021, between employers, unions or workers, will not extend beyond December 31, 2021.

However, employers who need to apply article 159 of the Labor Code, beyond December 31, 2021, must present in person for their registration, the temporary modification agreements of the working day before the General Directorate of Labor.

When signing the temporary modification agreements, the following points should be kept in mind:

- 1. The agreement must be signed by employers, union representation or workers where there is no union representation.**
- 2. It must maintain the same terms and conditions**

for workers who carry out the same activity.

3. For the agreements to be valid, they must comply with the procedure indicated in the preceding paragraphs, failure to comply with said procedure will be considered void.

In accordance with the text of Executive Decree No. 73, as of January 1, 2021, the signing of agreements for the temporary modification of the working day will continue to be allowed, which seems to us to be a successful measure; However, it does not indicate how the presentation procedure will be and if it is only a presentation to which a receipt stamp will be placed or if the General Directorate of Labor will analyze the content of the document.

Another point that is not indicated is the number of hours allowed for the reduction and here it could be considered that the reduction does not exceed 50% of the working day, taking into account the criteria used during the quarantine. *L&E*

NEW MINIMUM WAGE RATES WILL GO INTO GOVERN THE SECOND FIFTEENTH OF JANUARY

Giovana del C. Miranda G. - Attorney
giovana.miranda@rbc.com.pa

On December 31, the Executive Branch, through Executive Decree No. 74, set the new minimum wage that will govern in the Republic of Panama from the second half of January 2022.

It should be noted that the adjustments to the new minimum wage range from 1.5% to 2.0% only for some activities with positive growth prospects, that is, the new salary adjustment was made in those activities that have presented some level recovery in 2021 compared to 2019, suppressing 2020, which was an atypical year due to the crisis generated by Covid-19.

Among the activities that showed good behavior and where the new salary increases will be applied are agriculture, fishing and livestock; activities of social, financial and private health services, and domestic service, among others.

For activities such as agriculture, fishing and livestock, among others, the salary adjustment is 1.5% and 2.0% for activities such as social, financial and private health services, as well as in the supply of electricity and water, among others.

Domestic service will have an increase of 5%, establishing the salary for region 1 at \$ 315 per month and \$ 290 in region 2.

The construction sector is among the sectors with positive prospects, according to the government's plans to reactivate the economy, for which the increase in the salary adjustment was 1%.

Next, we present the table of salary adjustments according to economic activity. *L&E*

ECONOMIC ACTIVITIES	Increase percentage %	Current hourly wage	Proposal Per hour	Hourly increase proposal	Salary Current (monthly)	Monthly proposal	Proposal Monthly increase
AGRICULTURE, LIVESTOCK, HUNTING AND FORESTRY							
Small company	1.5	1.55	1.57	0.02	322.40	326.56	4.16
Big company	1.5	1.91	1.94	0.03	397.28	403.52	6.24
Banana Activities	13.0	2.13	2.41	0.28	443.04	501.28	58.24
PESCA FISHING							
Handcrafted	1.5	2.17	2.20	0.03	451.36	457.60	6.24
Industrial	1.5	2.38	2.42	0.04	495.04	503.36	8.32
QUARRY EXPLOITATION	1.0	2.85	2.91	0.03	590.04	605.28	6.24
Mines (National)	2.0	3.15	3.21	0.06	655.20	667.68	12.48
SUPPLY OF ELECTRICITY, GAS, STEAM	2.0	3.20	3.26	0.06	665.60	678.08	12.48
WATER SUPPLY, SEWAGE, WASTE MANAGEMENT	2.0	3.20	3.26	0.06	665.60	678.08	12.48
CONSTRUCTION	1.0	3.24	3.27	0.03	673.92	680.16	6.24
FINANCIAL AND INSURANCE ACTIVITIES	2.0	3.27	3.34	0.07	680.16	694.72	14.56
SOCIAL AND HUMAN HEALTH RELATED SERVICES	2.0	2.94	3.00	0.06	611.52	624.00	12.48
Health Clinics and Hospitals	2.0	3.24	3.30	0.06	673.92	686.40	12.48

COMPREHENSIVE HOME HEALTH CARE PROGRAM FOR PEOPLE WITH DISABILITIES

Giovana del C. Miranda G.- Attorney
giovana.miranda@rbc.com.pa

Through Law 260 of December 3, 2021, the Comprehensive Home Health Care Program for people with severe disabilities is created.

The aforementioned Law is provided, and its purpose is to guarantee that people who present some type of disability or severe disability and who live in places that are difficult to access or who do not have means of transportation to go to health and rehabilitation institutions will receive a Comprehensive, efficient and free medical care in their residences, in person or by telehealth, through

a comprehensive home health care program.

It will be the responsibility of the National Disability Secretary to create a disability certification program at home, as established by Law 42 of 1999 and Law 23 of 2007, taking into consideration people facing disabilities.

It is important to note that Law 260 by its own disposition will take effect the year following its promulgation and it must be regulated by the Executive Branch. *L&E*

INCENTIVE FOR THE PRODUCTION, PROCESSING AND DEVELOPMENT OF COCOA

Giovana del C. Miranda G. - Attorney
giovana.miranda@rbc.com.pa

With the enactment of Law 261 of December 23, 2021, guidelines are established to improve and strengthen cocoa production, the processing and development of products and by-products derived from it, as well as its commercialization.

The purpose of Law 261 is to establish bases that allow easy and expeditious access to personal loans with low interest or with payment facilities and direct non-reimbursable financial assistance, to produce, establish, increase or renovate cocoa plantations and cover costs. processing and supply chain, which will generate the development of industrialization activities, research, development and innovation of new technologies in process of sowing, harvesting and post-harvesting of cocoa cultivation.

It has been established that small and medium producers, cooperatives, rural associations and community-based organizations that are dedicated to the production, marketing and / or industrialization

of cocoa may be beneficiaries of the financial programs and incentives established in this Law.

It will correspond to the Ministry of Agricultural Development to be the governing body and must create the Cacao Agri-Food Chain, in a term not exceeding six months, counted from the entry into force of the law.

It should be noted that the Technical Cocoa Commission is created, which will be attached to the National Directorate of Incentives and Trust of MIDA, whose objective will be to evaluate, approve or reject the proposals for direct non-reimbursable financial assistance.

Likewise, MIDA will create the National Cocoa Program, aimed exclusively at granting the incentives established in the law for the improvement and strengthening of cocoa production, the processing and development of products and by-products derived from it, as well as its commercialization.^{L&F}

CORPORATE SOCIAL RESPONSIBILITY IN CONCESSION CONTRACTS

Giovana del C. Miranda G. - Attorney
giovana.miranda@rbc.com.pa

Law 262 of December 23, 2021, which integrates, implements and promotes corporate social responsibility in concession contracts, was enacted.

It provides that Law 262, has as the implementation, integration and promotion of corporate social responsibility in the concession contracts that they carry out with the State within Panama, to implement socially responsible activities based on the design, development and execution of policies, plans, programs, projects and operations that tend to achieve social objectives, focused on aspects such as the eradication of poverty, respect for human rights and responsible behavior towards the environment based on the prevention and reparation of damages in the ecosystems and in compliance with the sustainable development goals.

Based on Law 262, the concession contracts must stipulate a clause that establishes the obligation to present, in a period that does not exceed 30 business days, counted from the start of the activities that are the

object of the concession, the design, development and execution of plans, programs and projects of corporate social responsibility that it will carry out, as well as its strategic implementation plan and the benefits that are intended to be achieved in the community or province.

Likewise, a clause will be included in the concession contract that determines the obligation of the concessionaire to present an annual sustainability report in December of each year, which will be public, but will not contain information that, when made available to third parties, seriously harms the concessionaire or violates the personal privacy of managers, workers or shareholders. Said report must be endorsed by an independent auditor.

Finally, it has been established that, in the event of non-compliance with corporate social responsibility clause stipulated in contract, a fine equal to the corresponding amount of the mandatory percentage of social responsibility will be imposed. *L&E*

CABOTAGE AND DOMESTIC TRADE ACTIVITIES

Giovana del C. Miranda G. - Attorney
giovana.miranda@rbc.com.pa

With the approval of Law 266 of December 23, 2021, the regulatory framework on cabotage and domestic trade activities that take place within the jurisdictional waters of the Republic of Panama and that are under the jurisdiction of the Maritime Authority is established. of Panama, in its condition of supreme authority for the execution of the national maritime strategy.

Law 266 addresses everything related to the general provisions; security and annual inspection of the ships; delegation of powers; responsibilities of the owner, operator and captain of the vessel; boats; shipwrecked species; special notification procedure for the cancellation of operating licenses; additional provisions and final provisions.

It contemplates the norm in reference, that it will be applied in waters under the jurisdiction of Panama, in attention to what is indicated in the international conventions related to this matter ratified by the country and will be applicable to the following types of ships or boats:

- Ship that has an interior service patent registered in the Panamanian merchant marine.

- Vessel that flies a flag other than the Panamanian, which is in jurisdictional waters of Panama.

- Vessel with an international patent registered in the Panamanian merchant marine, located in jurisdictional waters of Panama.

In this regard, application of Law 266 excludes warships, school ships and hospitals, areas and operations of the Panama Canal Authority and the Panama Canal, as well as their floating equipment, which does not provide cabotage service and navigates in waters under the exclusive administration of the Panama Canal Authority.

It is established that Panama's inland service vessels will be built and maintained in such a way that they don't represent a danger to navigation or the environment and will be subject to an annual survey or inspection to determine if they meet the minimum safety standards. that are applicable to them, that establish the legal provisions and regulations.

It will correspond to the General Directorate of Merchant Marine to establish the aspects that the

annual inspection will include, among them, the documentation that every vessel must keep on board, the case, the machine and structure, the activities that must be carried out to guarantee the safety of navigation, the fire fighting equipment, the rescue devices, the crew, the electrical installations, the radio communication installations, the satellite identification and monitoring systems.

Likewise, the Merchant Marine Directorate is empowered to establish the minimum requirements related to construction, subdivision or compartments, stability, cargo lines, governance systems, manning, propulsion, collision prevention, radiocommunications, fire fighting equipment, navigation equipment, as well as to determine the number of people that can carry on board the ships that are dedicated to the transport of passengers.

Another aspect to mention is that ships that are applied by Law 266 must have on board the necessary safety devices to safeguard the lives of people, cargo and their own. The AMP by resolution will indicate the devices or security elements that each ship must keep on board, taking into account the type of service of the ship, its cargo and other pertinent considerations.

On the other hand, it is indicated that the Law is applicable to any vessel with a registration other than Panamanian, which is in jurisdictional waters of the Republic of Panama, consequently, the AMP may carry out inspections to verify that the vessel complies with the provisions of the noma in review.

Regarding the delegation of powers, it has been established that when, for reasons of public safety, navigation in specific areas is temporarily restricted to all vessels with outboard motor, less than 10 gross tons and these require to navigate will communicate

it previously to the AMP; however, the AMP may delegate this authorization to the National Police or the National Aeronaval Service, as appropriate, except in the case of duly verified emergencies.

Law 266 adds that any passenger ship that transports more than 12 people must take out an insurance policy with sufficient coverage, which will be regulated by the Panama Maritime Authority.

On the other hand, every ship that is dedicated to the activity of passenger transport must have a Security Management System structured and based on documents that allow the owner, company or organization to comply with the principles of navigation safety and environmental protection.

Similarly, all vessels that operate in the jurisdictional waters of Panama, to which this LAW applies, must comply with the measures relating to stability and maximum load.

It should be noted that the rule in question, prohibits any vessel, any type of discharge into the sea, hydrocarbon waste or harmful substances, dangerous to the environment, except for the exceptions, conditions and procedures established by international conventions ratified by the Republic of Panama.

It has been established that all vessels, regardless of their tonnage or the type of activity, whether commercial or pleasure, must have an insurance policy in force for the refloating and removal of shipwrecks with coverage proportional to their size. This subject will be regulated by the board of directors of the AMP and will establish the exceptions according to the social nature that applies.

Regarding the special procedure for notification

of the cancellation of the operating license, it has been established that all resolutions related to the cancellation may be notified by means of a publication on the AMP website, the institution having to prepare monthly a report of canceled licenses.

Law 266 that we are commenting on today modifies some provisions of Law 2 of 1980, Decree Law 7 of 1998 and Law 57 of 2008.

Article 16 of Law 2 is modified to eliminate the amount of fines for non-compliance with regulations, now leaving the Board of Directors to set the amount of fines to be applied through regulation.

Within the main objectives of the Maritime Authority of Panama, contained in article 3 of Decree Law 7, numeral 4 is added, which provides the objective of establishing, promoting, directing, encouraging and executing projects, programs and contributions of social responsibility. and environmental protection and management, which will be executed by the entity itself and in other cases through the signing of agreements and conventions.

Regarding the functions and attributions of the Board of Directors, it has been established that they will also have to regulate matters relating to the protection zones of submarine cables in the jurisdictional waters of Panama, including their general principles, activities, prohibitions, procedures. and sanctions.

Numeral 13 of article 5 of Law 56 of 2008 is modified, by establishing a definition of cabotage, which tells us that it is the maritime transport of cargo, passengers and services whose origin and final destination is within the jurisdictional waters of Panama for which an operating license is required.

We must mention that article 65 of Law 266, provides that the Board of Directors of the AMP regulate, without prejudice to existing laws, incentive policies for nationalization through imports of ships and imports that provide cabotage services and industries. auxiliary maritime services, as well as incentives for the maintenance and repair of shipbuilding in existing shipyards in Panama. It is worth mentioning that the relations between capital and work that occur on board Panamanian registered vessels that navigate exclusively in jurisdictional waters of Panama will be governed by the maritime Labor Law applicable to the matter. With the exception of activities that by their nature require specialized personnel without supply in national market.

The Law establishes that vessels that navigate in jurisdictional waters of the Republic of Panama and provide services under Operating Licenses for auxiliary maritime services must be registered only under the Panamanian flag.

Finally, the AMP is empowered to promote the flagging of vessels in the Panamanian Mercantile Registry, through the application of exemptions taking into account, among other criteria, the type, size and year of construction of the vessels, economic group, shipowners, if these Panamanian marine embarkations Proven means are used to reduce environmental pollution and any other criteria that are considered beneficial to the Panamanian flag.

In this order of ideas, AMP will manage before national banking system establishment of differentiated credits, or complementary banking services that imply easy access to credit and preferential interest rates for auxiliary maritime industries and internal service maritime transport, prior authorization of Board of Directors of AMP.*L&E*



THE INTER-AMERICAN COURT OF HUMAN RIGHTS (IDH) DECLARES THE INTERNATIONAL RESPONSIBILITY OF THE STATE OF ECUADOR

Casilda Quróz - Legal Assistant
casilda.quiroz@rbc.com.pa

The Inter-American Press Society (IAPA) expressed its acceptance of the recent ruling of the Inter-American Court of Human Rights, which ratifies precedents of great importance in favor of journalists when they are harassed by public officials through criminal complaints and civil lawsuits. millionaires.

On November 24, 2021, the Inter-American Court issued a ruling declaring the "international responsibility of the State of Ecuador" due to the violations of various rights to the detriment of journalist Emilio Palacio Urrutia, former Opinion editor of El Universo de Guayaquil, and against the owners of that newspaper, Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga.

In 2011, the Ecuadorian Justice had condemned the journalists to pay the sum of 40 million dollars, as a result of a criminal lawsuit that had been filed by

the then president of that country, Rafael Correa, who felt humiliated by the wording of the article "No to lies" which was published by the journalist on February 6, 2011, where he questioned his conduct during a police riot that occurred a few months earlier.

The Inter-American Court stated that the criminal sanction and especially the millionaire financial sanction generated a "chilling effect", thus preventing the circulation of ideas, opinions and information by third parties, affecting the right to free expression. Similarly, it stated that the financial penalty equivalent to more than double the capital stock of the newspaper was a violation of property rights.

The Inter-American Court, among other decisions taken, ordered the State to seek alternative ways to the criminal process to protect the honor of public officials, in the same way, it requested

that a training plan be implemented for public officials on freedom of expression, in the same way stable amounts compensation in favor of the journalist and the directors of the newspaper. In this sense, the directors of the newspaper stated that for years the IAPA has been denouncing the abusive use of criminal and civil lawsuits in order to silence and prevent journalists from having the right to free expression..

The IAPA encourages Judges of countries such as Brazil, Guatemala, Panama, Peru and Venezuela to consider exhaustively demands before accepting them, and thus, to deny criminal complaints that aim to silence critical and independent journalism.

Opinion

The ruling issued by the Inter-American Court of Human Rights seems very successful to me, since the people have the right to remain informed about the acts, ideas, opinions and information that occur within the National territory, without causing both verbal harassment, as well as the judicial processes that often come from public officials and citizens towards journalists, seeking to silence, censor and intimidate freedom of expression and information. *L&E*

RBC
Rivera • Bolívar • Castañedas
ATTORNEYS AT LAW



**Síguenos en
Instagram como:**

@rbcweb



THE CONSTITUTIONAL COURT OF COLOMBIA, RULES IN FRONT OF FUNDAMENTAL RIGHT TO HABEAS DATA AND PRINCIPLES GOVERNING THE ADMINISTRATION OF THE DATA OF THE ISRAELI CITIZEN ITAY SENIOR, AGAINST THE NATIONAL POLICE

Habeas data is an autonomous fundamental right, which seeks to protect personal data, as information that has the possibility of associating a certain content with a specific natural person, whose scope of action is the process by virtue of which an individual or an entity acquires the power to collect, manage and disclose such data.

It is clear that there is an unbreakable nexus between the owner of the information and the personal data, and that from such a link derives the possibility that the subject can request access, rectification, updating, exclusion and certification from the database administrator. of the information. The classification of personal data has a fundamental practical sense, since, strictly speaking, it constitutes an extremely relevant criterion to define the limits to its disclosure and to be certain about its standard of protection. Thus, the subject or entity in charge of data administration must use such elements for the correct treatment of the information and for the proper application of the principles that govern the administration of personal data, since the The effective guarantee of the fundamental right to habeas

data is associated with the fulfillment of the latter.

Due to the peculiarities of the criminal process, the State may be the recipient of the defendant's personal information and, in turn, generate information that affects the latter's computer identity. For this reason, in this field the principles of data management are extremely relevant, given that only from their effective compliance can the owner of the data access the information, demand its restricted circulation and, if applicable, claim the rectification or correction to which there is place. Even when the judicial records are supported by a firm judicial order and, therefore, in principle have a public dimension, the information is, strictly speaking, semi-private, taking into account that its access, incorporation into databases and disclosure is limited. Additionally, a third party can only have knowledge of the completeness of the data as long as there is a constitutional and legally recognized interest.

The Plenary Chamber of the Constitutional Court of Colombia, in compliance with its constitutional powers, issues SU.139 / 21 of May 14, 2021, which refers to a case, of the ISRAELÍ ITAY SENIOR citizen,

Lidia Domínguez- Legal Assistant
lidia.dominguez@rbc.com.pa

who, through his legal representative, took a series of steps to obtain a criminal record certificate.

In the first place, an attempt is made to obtain the information through the website of the National Police, through the mechanism for online consultation of criminal records and judicial requirements. By this means it was not possible to access the required document, because the system indicated that it could not be generated. After that, a request was made for the institution to issue the aforementioned certification, which it was not able to obtain either, said police entity stated that he was an individual linked to an ongoing criminal process and that information on the subject could only be provided in the extent to which the interested party approached any of the National Police facilities, a procedure that could not be carried out due to being outside the country.

In protection action, petitioner points out that his fundamental right to habeas data is violated, while, without having been convicted by a criminal judge, the petitioner has refused to certify his criminal record. In said claim, issues of great importance are revealed, such as the fundamental right to habeas data, the criteria for classifying the data and the principles for their treatment, as well as the relationship between the aforementioned guarantee, the presumption of innocence and personal freedom, with the means of access to information, criminal or judicial records, their nature, handling, certification and formats and the possible existence of a gap regarding timely access to information on criminal records and judicial requirements.

Thus, the authorities cannot limit the data owner or third parties entitled to access it, especially when it comes to information with negative content, such as criminal records and legal requirements, since this contravenes the principles of access, freedom, transparency and truthfulness that govern the administration of personal data.

PROCEDURAL PROCEDURE

By means of an Order of September 14, 2020, the Seventh Labor Court of the Medellín Circuit took

cognizance of a protection action and, consequently, notified the National Police so that, within the term provided for that purpose, it would present a respective report. In a brief presented on September 16, 2020, the Information Systems Administrator of the SIJIN MEVAL (Police Command of the Aburrá Valley), answers the guardianship as follows: On the one hand, it insisted that the institution gave a timely response, clear and substantive to the petition submitted by the actor on August 26, 2020. It maintains that the National Police sent a letter on September 3 of that same year, in which it reported the reason why it was not possible to issue a certification of the absence of a criminal record. In this regard, he reiterated once again that the Israeli citizen "appears linked to the criminal process carried out by the Office of the Attorney General of the Nation, at the head of the Office of the 89th Sectional Life Unit Prosecutor of the Sectional Office of the Prosecutor's Office of Medellín and is It is necessary for him to go to said entity to inquire about the current status of said investigation ". On the other hand, he clarified that the National Police - Directorate of Criminal Investigation and INTERPOL, is the entity in charge of managing the information sent by the judicial authorities at the national level on the initiation, processing and termination of criminal proceedings, arrest warrants and others. measures provided for in the Code of Criminal Procedure. Based on these elements of judgment, the guardianship judge was asked to declare the current lack of purpose, since the SIJIN MEVAL Criminal Investigation Section of the National Police formulated a clear, consistent and substantive response to the petition raised by the plaintiff and finally, it requests the Constitutional Judge to urge Itay Senior to appear before the Colombian authorities so that he can exercise his right to defense.

CONSIDERATIONS

This Chamber is competent to review decisions made within reference file, based on articles 86 and 241.9 of Political Constitution. The actor, through his attorney, took a series of steps to obtain a criminal record certificate. First, he tried to obtain information through website of the National Police, in particular through the online consultation mechanism for criminal records and judicial requirements. However, in this way it

was not possible for him to access the required data, given that the system gave the answer: "the query result cannot be generated // Please go to the nearest National Police facilities so that can advance your query ". Then a petition is raised to the Metropolitan Police of Valle de Aburrá, in order for the institution to issue the certification in question, but by this other means it was not possible to access the information, as the Police argued that, in the case of a individual linked to an ongoing criminal process, the information could only be provided to the extent that the interested party approached any of the National Police facilities.

In response to the foregoing, the plaintiff filed a guardianship claim, with the claim that his fundamental right to habeas data be protected, in which it is questioned that the entity refused to provide information on the absence of a criminal record, with the argument that the owner of the data is linked to a criminal process.

SOLUTION OF THE SPECIFIC CASE

In order to make a statement on this case, it is essential to reiterate the factual circumstances that gave rise to this controversy, thus, it is clear that on September 14, 2020, attorney James Vélez López, acting as attorney-in-fact Mr. Itay Senior, filed a protection claim against the National Police of Colombia, considering that, by refusing to issue the certificate of judicial records of his principal, he violated the fundamental right to habeas data. As proven in the file, it was impossible for the actor's attorney to access the aforementioned information, both through virtual channels and through a petition filed on August 27, 2020. On the one hand, the online consultation system does not gave you no satisfactory result.

However, despite the fact that, in response on September 3, 2020, the National Police reported that the Israeli citizen was involved in a criminal process, it did not provide the data required by the lawyer. In the framework of the guardianship process, the instituted action stressed that, if the Israeli citizen wanted to obtain the information on him that rested in the databases of judicial records, he had to appear personally before the competent authorities. Based on the foregoing, the first and second instance

guardianship judges concluded, in line with what was stated by the National Police, that the defendant entity subjected its conduct to the legal and constitutional norms applicable to the matter, in particular to what provided for in Sentence SU-458 of 2012.

In this context, it is up to the Chamber to determine whether the Colombian National Police effectively violated the fundamental right to habeas data of the actor, by denying him access to information on his judicial background, by virtual means in the online consultation or through of the right to petition, due to the fact that it is linked to a criminal process and there are legal requirements against it. For these purposes, it is appropriate to emphasize that, at the review site, the Chamber found the following: based on the reports presented to this Corporation, it is proven that the National Police of Colombia did not agree at any time to the request submitted by the plaintiff, aimed at the institution certifying his judicial record that it is proven that the actor is not in the country and has: a deportation / expulsion alert in force; an order for cancellation of a foreign visa; an ongoing criminal process for the crime of homicide; and legal requirements against him.

That it is proven that, since there were current legal requirements, the actor could not access, neither by virtual means nor by exercising the right to petition, to the information that, on criminal records, rests in the databases of the National Police. The only way to access this information, as stated emphatically by the action, is for the actor to appear personally at the institution's facilities.

Likewise, the Chamber was able to verify that the conduct of the National Police is closely related to the way in which, to date, information on antecedents and judicial requirements is provided. As recognized by this entity, although the Political Constitution of Colombia reveals a conceptual distinction between one and the other, in practice, and based on the constitutional jurisprudence in force, the institution developed a consultation system that provides information related to the antecedents and the judicial requirements.

In this last scenario, the entity requires the owner of the data to appear before the authorities and make

the consultation in person. Throughout this ruling, the Chamber had the opportunity to reiterate its jurisprudence on habeas data. In this regard, it was emphasized that this is an autonomous fundamental right that seeks to protect personal data, as information that has the possibility of associating a certain content with a specific natural person, and whose scope of action is the process under from which an individual or entity acquires the power to collect, manage and disclose such data. Additionally, the Chamber stressed that these two dimensions are closely related to the essential core of the law, which, among other things, allows people to know and access the information that is collected about them in databases.

Finally, the Chamber stipulates that even though access to the data can be achieved through various means, the channels of access to information with negative content do not always, nor must they necessarily be electronic or remote. In the case at hand, the Court found that, due to the particularities of the information on antecedents and judicial requirements, require the owner of the data to appear before the National Police to carry out the consultation in person, when he has pending matters with the competent judicial authorities.

Based on the above, and based on the circumstances of this matter, The Chamber concludes that the Colombian National Police violated the fundamental right to habeas data of the actor. Throughout the process, it was established that the National Police prevented the actor from knowing if he had been sentenced to conviction. As can be seen in the background of this sentence, The plaintiff could not have access to the data required either through the online consultation system or through the right to petition, given that, since there were legal requirements against him, he had to personally approach the Police facilities to carry out there the respective query.

Certainly the conduct of the institution is not, in principle, legally reprehensible, since the acted entity reported at all times that, in order to obtain knowledge of the required data, the actor had to appear before the respective authorities. In any case, the National Police lost sight of two core aspects: 1) that the interested party is not in the country, and 2) that he

is under a current deportation / expulsion alert that prevents him from entering the national territory.

Although the conduct of the instituted action is based, on the sub-rules decided by the jurisprudence of the Court, both in matters of the certification of antecedents and judicial requirements as in what refers to the importance of providing consultation mechanisms (in this case in person) in order to guarantee access to the data, the Chamber cannot ignore that, due to his immigration status, the actor could not comply with the burden of presenting himself before the National Police facilities, because in practice he cannot even legally enter the national territory, in this case, the institution's conduct insurmountably limited the access of the actor, owner of the data, to information on their judicial background.

This put in suspense the essential nucleus of the fundamental right to habeas data in its dimension of access to information. Thus, to safeguard the fundamental right violated and the principles that govern the administration of data on criminal records and judicial requirements, the Plenary Chamber of the Constitutional Court will revoke the judgment of second instance of guardianship, issued on October 2, 2020, by the Fifth Chamber of Labor Decision of the Superior Court of the Judicial District of Medellín, which confirmed the sentence handed down on September 22, 2020 by the Seventh Labor Court of the Medellín Circuit, which denied the tutela action filed by James Vélez López, on behalf of Itay Senior and, instead, protect the fundamental right to habeas data of the actor. In this way, the Room will order the National Police of Colombia that, within (3) business days from the notification of this ruling, provide the actor with complete and truthful information on the criminal record and legal requirements that exist against him. *L&E*

THE VIRTUE OF THE CONCILLED REORGANIZATION PROCESS

Dayra Castañedas López - Ivana Herrera
dayra.castanedas@rbc.com.pa / ivana.herrera@rbc.com.pa

The reconciled reorganization process is introduced into our legislation by Law 212 of April 29, 2021, which is presented as a different and useful option, which offers the possibility of starting a process for those businesses and companies that have been affected by the pandemic of Covid-19, the intention of promoting said regulation is mainly to ensure that companies or businesses are rescued and preserved, which are a source of jobs and income for our economy. Law 212 of 2021 was regulated by Executive Decree 90 of July 9, 2021, through an abbreviated, efficient and economic process.

Our country is not indifferent to the current global situation that we are going through, the impact on economic markets worldwide and the generation of a crisis in the midst of the pandemic has determined that countries take government measures of economic support and new strategies emerge to preservation of the economy.

Panama, within its support measures, determined that it was necessary to regulate a reconciled reorganization process, for the purposes of this law, various

requirements must be met by the company so that it is within the parameters to be used. Let us remember that in our legislation there is already a Law 12 of 2016 in force by which the Regime of Insolvency Process is established, in which Reorganization and Liquidation are distinguished. The new Reorganization Law becomes an option for the person who considers conciliation as a mechanism that offers greater speed and economy, giving the interested party the option of selecting the way they consider convenient, as long as it is within the scope of application..

Only those who meet the requirements established in article 2 of the same may be accepted by law, which are the following:

1. That it is in a situation of default, imminent insolvency or foreseeable lack of liquidity due to the state of national emergency imposed by the Covid-19 Pandemic.

2. That they have a minimum of twenty-four months of continuous operation.

3. That they present the notice of intention within a maximum period of two years, counting from the date of enactment of the law, without prejudice to the conciliation agreements that may be executed beyond this two-year period.

The Reconciliated Reorganization Process, as its name suggests, includes conciliation as an extrajudicial mechanism, which may be institutional, that is, authorized private conflict resolution centers, such as the Panama Conciliation and Arbitration Center (CeCAP), Conflict and Resolution Center (CESCON) or ad-hoc.

Its duration must not exceed six (6) months from the date of publication of the intention to benefit from the reconciled reorganization process.

The ad-hoc process will begin with the sole presentation of intention before the insolvency judge, before the presentation of the notice of intention, a record of the date and time of the presentation of the writing will be issued immediately.

The previous Stages to start the process before the presentation of the notice of intention of the reorganization, is the meeting with the main creditors to appoint a conciliator, by mutual agreement, and formalize the desire to start the process, the company must present to the designated conciliator a request, which must contain the requirements that are stipulated in article 10 of Law 212 of 2021.

After appointing conciliator and once position is accepted, conciliator will have five business days from presentation of request to verify and validate the documentation provided by the company based on articles 2 and 10 of Law 212 of 2021.

Once the notice of intention is presented before the corresponding court, the conciliator will order the publication of the notice of intention for five consecutive days in the written communication media, this including the appeal to national and international creditors. As of the publication of the notice of intention, the bankruptcy financial protection begins and no lawsuits or actions may be initiated during the process, which may not last

more than six (6) months, counted from that date.

In the process of reconciled reorganization, it seeks approval of a business continuity plan through a Conciliation Agreement approved by the debtor and the absolute majority of the creditors representing 51% of the total liability.

The agreements approved by the majority are binding on the debtor and all creditors, whether or not they have attended the reconciled reorganization process.

The process concludes with the approval of the Continuity Plan, due to non-approval, due to withdrawal of the claim, due to unjustified absence of the debtor to the process and due to the debtor's incapacity, which makes reorganization impossible. In any of these cases, a record will be drawn up, which is sent by the Judge of the case to proceed with the closing of the file.

Following the Executive Decree that regulates Law 212 of 2021, the Center for Conciliation and Arbitration of Panama (CeCAP), issued a Regulation for the Reconciliated Reorganization processes that are presented in said center.

CeCAP successfully held a conciliators training seminar in reconciled reorganization processes, in compliance with article 15 of Law 212. Thus, the country has a significant number of conciliators certified by the Ministry of Government.

Due to the judicial delay that occurs in our country and the difficult changes that are occurring due to the Pandemic, it is necessary to implement processes that are more effective and express, that is why the help of the Centers is earned. Conciliation, the answer that must be given to companies must be "express"; We are talking about companies that are affected by the cause of a Pandemic, that is to say, in the same way that this unfavorable position can be reestablished in an expeditious manner.

The functionality of the reconciled reorganization law will be verified below in the months to come; It is public knowledge that many companies suffered large losses during the pandemic

period, which haven't recovered to 100%.

We know that the law is recent and that it was approved in order to have a national contingency plan by the state for its economy, and as it is used, its "faults or errors" will be seen, however, equally In this way, the virtue of it will be seen and it will create precedents for its implementation and improvements.

It is important to note that Law 12 of 2016 and Decree Law 5 of 1999, are of supplementary application for everything that is not provided in this Law regarding the Reconciliated Reorganization Process.

Law 212 is valid for two (2) years from April 29, 2021, however, it will remain in force and apply to the reconciled reorganization processes that have been initiated during the validity of said law.

To learn more about the Reconciliated Reorganization Process, do not hesitate to contact us:

- **Dayra Castañedas López :**
dayra.castanedas@rbc.com.pa

- **Ivana Herrera:**
ivana.herrera@rbc.com.pa.*L&E*

RBC
Rivera • Bolívar • Castañedas
ATTORNEYS AT LAW



**Follow us on
Instagram:**

[@rbcweb](https://www.instagram.com/rbcweb)

Politics



THE CHILEAN DISJUNCTIVE

Rafael Fernández Lara - Independent Lawyer
rbcweb@rbc.com.pa

In October 2019, serious protests were unleashed by the Chilean population against the measures of the government of President Sebastián Piñera to raise the price of the Metro ticket, a decision considered by some as the last straw. Subsequently, the situation worsened due to the deep malaise of the population when the violence spread to the streets of Santiago, the capital of the South American country, and other cities, with the burning of metro and bus stations, looting of supermarkets and attacks on public facilities.

Faced with this situation, a state of emergency was decreed, which increased the violence in the protests. Not a few Chileans feel abused by an economic model that does not meet the standards of a just society. They censured the pension system, health and lack of protection, public transport that represents one of the biggest problems facing the Chilean capital. The privatization of water, education and social mobility, tax evasion of large companies and the exposure of abuse and corruption in government entities.

Faced with discontent, the Piñera Administration

suspended the increase in Metro fares in Santiago and other measures. Although it is true that Chile is one of the richest and most stable countries in Latin America, the obligatory question was why people are in the streets and cause protests in all cities, without a doubt it represents a contradiction.

After the social outbreak described in 2019 that prompted important changes, as contemplated, the South American country held the presidential election for the period 2022-2026 on November 21, 2021, with an electoral participation of 47.34%, the same in elections for deputies, senators and regional councilors. The result of these elections was the following:

JOSÉ ANTONIO KAST RIST, from the P.L.R. Party, obtained 1,961,122 votes, which represented 27.91% of the total votes. Previously, in 2017, Kast was an independent presidential candidate, ranking fourth out of eight candidates with 7.93% of the vote. He is 55 years old, was a congressman for four consecutive terms (2014 to 2018) and is considered far-right, which he denies. Kast is questioned for his defense of

the military dictatorship (1973-1990). He is married and has nine children. He was assistant professor of the Chair of Law and Society at the Institute of Economics of the Pontificia Universidad Católica de Chile. He was a councilor for the Municipality of Buin. He was Head of the Bench of the UDI Deputies in the years 2007, 2008 and 2011. He considers President Bolsonaro of Brazil as a representation of order, authority and traditional family. He is a devout Catholic and brother of the one who was president of the Central Bank during the Pinochet dictatorship.

In second place was **GABRIEL BORIC**, from Approve Dignity, obtaining 1,814,809 popular votes in the first round, or 25.83% of the votes. Former student leader who ran for a left-wing coalition. A law graduate from the University of Chile, he was elected deputy on two occasions and seeks to be the youngest president in the history of Chile. Currently he is not married. Boric has been criticized by the ruling party and the candidate Provoste for his alliance with the Communist Party and has expressed his admiration for Pablo Iglesias, the leader of the Podemos Party of Spain, with whom he has a good relationship.

FRANCO PARISI FERNÁNDEZ, from the People's Party (PDG), comes third with 899,403 popular votes that represented 10.11% of the votes. Parisi is an economist and former presidential candidate. In his previous presidential bid in 2013, he obtained 12.80% of the votes and was ranked fourth. He developed his campaign and mobilized his voters through social networks from the United States to avoid going to the country before the possibility of being arrested and tried for a millionaire food debt that he maintains with his children. He ranks him as a populist economist.

In fourth place, **SEBASTIAN SICHEL**, an independent from Chile Vamos and an official from Chile Podemos Más, who won 898,510 presidential votes, representing 12.79%. He was President of State Bank in 2020 and Minister of Social Development in 2019-2020. He

was profiled as the candidate of President Sebastian Piñera and is located as a right-wing ruling party.

In fifth position, **YASNA PROVOSTE** of the Christian Democratic Party (PDC), in a New Social Pact that obtained 8715,558 presidential votes and represented 11.61%. She was a Senator for Atacama and President of the Senate in 2021. She also served as Governor of the Province of Huasco, was Minister of Planning between 2004 and 2006 and Minister of Education from 2006 to 2008. She is a Senator and was elected President of the Senate on March 17, 2021 until August 24 of the same year. She ranks as center-left.

MARCO ENRIQUE OMINAMI of the Progressive Party (PRO) obtained 534,485 presidential votes, thus representing 7.61%. Progressive filmmaker, she ranks as left-wing. He was a candidate in the presidential elections of 2009, when he obtained 20.14% of the votes. He then participated in the 2013 electoral tournament as a presidential candidate and obtained 10.99% of the votes and the third position.

In seventh and last position, **EDUARDO ANTONIO ARTES** of Unión Patriótica (UP), obtaining 103,181 votes, or 1.47%. He was a presidential candidate in 2017, he obtained 0.51% of the votes and the seventh presidential position. He occupies the position of Secretary General of the Chilean Communist Party (Proletarian Action). He is a teacher and is classified as ultra left.

The Chilean population repeats the Latin American pattern of past and regrettable elections. They have voted in the first round for the extremes, for the most antagonistic rivals that Chile has had in recent decades. This result constitutes the narrowest difference between the two most favored by the votes of recent times in the first round. It will be up to them to vote in the second round to be held on December 19 of the current year and to choose the

future president between two diametrically opposed candidates, **JOSE ANTONIO KAST** and GABRIEL BORIC, who obtained the majority of votes abroad.

JOSE ANTONIO KAST, from the hard right, has indicated that he will "regain peace and thereby increase private sector investments in the country", that "it is the alternative to confront criminals and drug trafficking" and that "will put an end to terrorism". He has promised to dig a ditch on the border to stop migrants and the militarization of the Mapuche area in the face of acts of violence that take place in that Chilean territory. He promises to cut taxes of all kinds, oppose abortion and has expressed his admiration for the dictator Pinochet, Ronald Reagan, Margaret Thatcher and the controversial President of Brazil, Jair Bolsonaro. He favors the reduction of fiscal spending, deregulation of markets and privatization of companies. As for the pension system, he promotes adjustments to the current system, such as an increase in the retirement age of workers and the amount of contributions. Kast also promises to end a "deeply inefficient, bureaucratic and politically captured state system." He maintains that if he is elected president he will repeal the law that allows abortion and that he will do everything possible to protect and strengthen the family, offering economic incentives to married couples, indicating that he will ensure the right of every child to have a father. and a mom.

For his part, the young former leftist student leader GABRIEL BORIC, current Deputy of the Broad Front, in alliance with the Communist Party, emphasizes that he represents the demands of the social status of the end of 2019 and suggests increasing the role of the state in the economy, strengthening it, increasing fiscal spending and ending the private pension system, as well as expanding the social rights of Chileans. In his tax plan, he plans to create a tax on the country's great fortunes, on large mining companies by applying new taxes with the aim of increasing tax collection to finance his social agenda. He declares

that it is equally necessary to reduce the gap between the benefits offered by public and private health. He promises a progressive increase in fiscal spending on health. In education, he promises to progressively forgive student debts and expand the benefit of free higher education. Regarding migrants, contrary to what his adversary KAST suggests, who favors the installation of a ditch on the border, Boric points out that migrants must be treated from a human rights perspective. GABRIEL BORIC is a supporter of the right to abortion, the recognition of sexual diversity and equal marriage and the deepening of gender parity.

Faced with this situation, it is important to point out that it is the first time in the democracy of the Republic of Chile that two presidential candidates will be elected in the second round who are not in moderate positions, but, on the contrary, totally in opposite poles. It certainly represents a tight and difficult second round today, although recent polls indicate that Gabriel Boric is leading Kast by variable margins. If Boric were to win on Sunday, December 19, it would not be a surprise to many.

Both, before December 19, are in an uphill battle, seeking 46% of voters who didn't vote for them in the first round of elections. For the moment, right wing groups have been expressing their support for José Antonio Kast, adding to his proposal changes that include recommendations of the different right wing tendencies that support him. Gabriel Boric has added to his candidacy the alliance with the center left and has relaxed his economic promises to capture the Chilean center. The undecided are a key piece in the next elections. While it is true that the polls give an advantage to the leftist candidate, that 25% of undecided can be enough to twist any presumption.

Therefore, the Chilean people have found themselves in an unfortunate predicament that must be resolved on December 19. And it is only the people who are fully responsible for this crossroads because,

objectively, it was the one who originated this situation that will have to decide through the vote for the one that seems to be the least bad and thus prevent the victory of the one that produces the most general rejection among both candidates.

The same experience was lived by Peru, when its electorate held its elections, having in the initial panorama a plurality of more moderate, more centrist presidential candidates, more inclined in the end towards the two extreme candidates and at the end in second round they elected to worst of two extreme candidates. From the beginning and today, government of that sister country has created instability, uncertainty and controversy in a wide sector of country, thus greatly damaging political environment of Peru in all aspects. For her part, candidate YASNA PROVOSTE of Chilean Christian Democratic Party and a candidate defeated in the first round said "On December 19 I will vote for Gabriel Boric", adding that "Gabriel's option is a better alternative for the country" and referring to Kast said that "it represents the setback of all the advances and the serious risk of putting the country in a new wave of violence that does not resist any more, nor does it want more".

It must be remembered that the Christian Democratic Party supported with its votes in Parliament the election of Salvador Allende as President of Chile in 1970, since Allende had obtained only 36.6% of the popular vote with the Popular Unity, a left-wing coalition. In these circumstances, the election of the President of the Republic fell to Congress, according to the Constitution, being able to choose between any of the first two majorities. The other option was represented by former president Jorge Alessandría of the PN-DR, who won 35.6% and Tomic 28.1% of the votes. On October 24, 1970, the vote of the Plenary Congress was held and the parliamentarians voted as follows: Salvador Allende Gossens - 153 votes, Jorge Alessandría Rodríguez - 35 votes, 7 votes blank and 5 congressmen did not attend. This is

how Salvador Allende succeeded in the Presidency, obtaining a large majority in the Plenary of Congress, with the support of the Christian Democratic Party. Three years later, on September 11, 1973, the Allende government was overthrown by a military coup led by Augusto Pinochet, whose power lasted until 1990.

By the time this article comes to light, the Chilean people made their decision on December 19. I had the hope that in the face of these two lousy presidential candidates from both extremes who have participated in the second round, the Chilean people would reflect deeply on their future and that despite the fact that until the last moment the polls favored Boric, I was personally inclined reluctantly and in great pain for José Antonio Kast. In our opinion, this would be the least bad option for Chile, however the majority of the Chilean electorate decided to give Boric 55.9% of the votes and Kast 44.1%.

President-elect Boric, in my opinion without much experience and being a populist politician, will undoubtedly have a great challenge to reconcile his country. In his first speech, he pointed out that he will be "the president of all Chileans, of those who voted for this project, of those who chose other alternative and of those who didn't vote." He must be like that because he will need power of negotiation, mainly with other political parties in legislature, since his government will face a complex panorama.

The truth is that the transition between the current model and the new constitutional order will fall into the new government of Gabriel Boric, with norms that could even change the form of government and condition the presidential term. Chile will have a new and inexperienced president who will walk a difficult path, which mainly at the beginning will cause a lot of instability in the face of the division of forces in the legislative power and will undoubtedly create a big question mark when he assumes the presidency on March 11, 2022. We will be pending. *L&E*

Panamanian ECONOMY

CONSUMER PRICE INDEX (CPI): NOVEMBER 2021

Source: GCRP

The National Urban CPI for November 2021-20 reflected an interannual variation of 3.4%. The CPI in the districts of Panama and San Miguelito for November 2021-20 presented an interannual variation of 3.5%. The CPI in the Rest of the City for November 2021-20 registered an interannual variation of 3.3%. The National Urban CPI accumulated from January-November 2021-20 showed a variation of 1.5%. The National Urban CPI for November is encrypted at 106.1.

• Monthly variation of the National Urban CPI (November 2021 compared to October 2021):

The groups that reflected increases were: Transportation in 1.4%; Miscellaneous goods and services at 0.2%; Food and non-alcoholic beverages; Furniture, articles for the home and for the ordinary maintenance of the home; Health, and Restaurants and hotels all at 0.1%.

The growth registered in the Transportation group was due to the promotion in four of its seven classes. The greatest variations were in the classes: "Passenger transport by air" in 4.3%, due to the rise in the price of airfare; and "Fuels and lubricants for personal transportation equipment" by 4.0%, due to the increase in the price of automobile fuel.

Group Miscellaneous goods and services presented an increase in three of its ten classes: The classes with greatest variations were "Other appliances, articles and products for personal care" and "Jewelry, wall clocks and wrist watches", both in 0.3%.

The growth observed in "Other appliances, articles and products for personal care" was due to the rise in the price of other products for personal care, and in "Jewelry, wall clocks and wrist watches" was due to the rise in the jewelry price. The increase in the Food and non-alcoholic beverages group was due to the increase in five of its eleven classes.

The greatest variations were in the classes "Oils and fats" and "Sugar, jam, honey, chocolate and sugar sweets", both in 0.7%. The growth reflected in "Oils and fats" was due to the rise in the price of oil, and in "Sugar, jam, honey, chocolate and sugar sweets" due to the rise in the price of sugar.

The group Furniture, articles for the home and for the ordinary maintenance of the home reflected an increase in five of its eleven classes. The classes with the greatest variations were "Furniture and accessories" and "Non-durable household goods", both at 0.3%.

Increase in "Furniture and accessories" was due to the growth in the price of chairs, and in "Non-durable household goods" due to the rise in the price of kitchen towels and other non-durable products.

The Health group registered a rise in one of its seven classes, "Pharmaceutical products" by 0.2%, due to increase in the price of medicines. The increase reflected in the Restaurants and hotels group was the result of 0.1% growth in one of its two classes, "Restaurants, cafes and similar establishments", due to the rise in the price of food and non-alcoholic beverages outside the home, and meals ready to go.

The groups Clothing and footwear; Housing, water, electricity and gas; Communications, and Recreation and culture registered a slight variation, and Education remained without variation.

The group that presented reduction was Alcoholic beverages and tobacco in 0.1%. The decrease observed was due to the decrease in two of its four

classes, "Wine" in 3.7%, and "Tobacco" in 0.1%, due to the reduction in the price of cigarettes.

• Interannual variation of the National Urban CPI (November 2021 compared to November 2020):

The National Urban CPI reflected an interannual variation of 3.4%. The groups that presented increases were: Transportation in 14.8%; Education at 3.1%; Housing, water, electricity and gas at 2.6%; Food and non-alcoholic beverages at 2.3%; Restaurants and hotels in 2.1%; Miscellaneous goods and services at 0.7%; Furniture, articles for the home and for the ordinary maintenance of the home; and Health both at 0.6%.

The group Alcoholic beverages and tobacco showed a slight variation. The groups that registered decreases were: Clothing and footwear in 0.7%; Recreation and culture in 0.2%; and Communications in 0.1%.

Next, the graph with the monthly incidence by group of the National Urban CPI for November 2021:



Incidence: Corresponds to the contribution of each group with respect to the total variation of the National Urban Index, therefore, the sum of the incidents results in the variation of the index. $\sum \text{Incidence} = \Delta \text{CPI}$

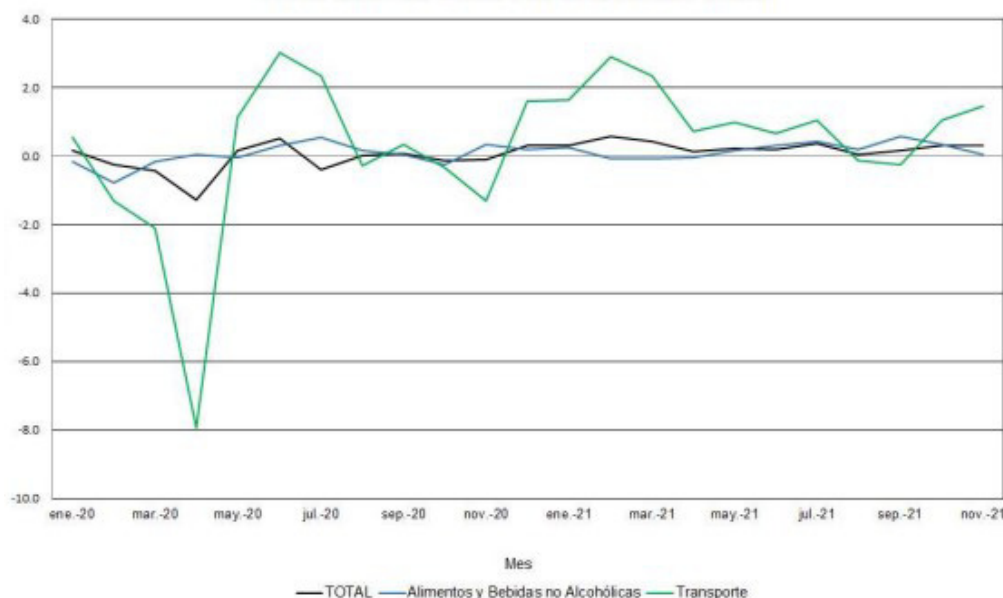
CUADRO 1. INCIDENCIA Y VARIACIÓN PORCENTUAL MENSUAL DEL ÍNDICE DE PRECIOS AL CONSUMIDOR NACIONAL URBANO, SEGÚN GRUPO DE ARTÍCULOS Y SERVICIOS: NOVIEMBRE DE 2021
BASE 2013=100

Legislación y Economía December 2021

Grupo de artículos y servicios	Ponderaciones	Incidencia	Variación mensual
TOTAL	100.0	0.301	0.3
Alimentos y bebidas no alcohólicas	22.4	0.012	0.1
Bebidas alcohólicas y tabaco	0.7	-0.001	-0.1
Prendas de vestir y calzado	7.7	0.003	0.0
Vivienda, agua, electricidad y gas	8.5	0.004	0.0
Muebles, artículos para el hogar y para la conservación ordinaria del hogar	7.8	0.010	0.1
Salud	3.4	0.003	0.1
Transporte	16.8	0.250	1.4
Comunicaciones	4.3	0.000	0.0
Recreación y cultura	9.7	-0.003	0.0
Educación	2.4	0.000	0.0
Restaurantes y hoteles	6.7	0.006	0.1
Bienes y servicios diversos	9.8	0.016	0.2

0.0 Cuando la cantidad es menor a la mitad de la unidad o fracción decimal adoptada para la expresión del dato.

Gráfica 2. EVOLUCIÓN DEL ÍNDICE DE PRECIOS AL CONSUMIDOR NACIONAL URBANO TOTAL, ALIMENTOS Y BEBIDAS NO ALCOHÓLICAS Y TRANSPORTE: ENERO-DICIEMBRE DE 2020 Y ENERO-NOVIEMBRE DE 2021



CUADRO 2. EVOLUCIÓN DEL ÍNDICE DE PRECIOS AL CONSUMIDOR NACIONAL URBANO, SEGÚN GRUPO DE ARTÍCULOS Y SERVICIOS: ENERO-NOVIEMBRE DE 2021

Grupo de artículos y servicios	Variación porcentual mensual											
	2021											
	Enero	Febrero	Marzo	Abril	Mayo	Junio	Julio	Agosto	Septiembre	Octubre	Noviembre	
TOTAL	0.3	0.6	0.4	0.1	0.2	0.2	0.4	0.0	0.2	0.3	0.3	
Alimentos y bebidas no alcohólicas	0.2	-0.1	-0.1	-0.1	0.2	0.3	0.4	0.2	0.6	0.3	0.1	
Bebidas alcohólicas y tabaco	0.5	0.0	0.3	-0.2	-0.4	0.3	0.0	-0.6	0.5	-0.4	-0.1	
Prendas de vestir y calzado	0.0	-0.1	-0.1	0.0	-0.2	0.0	-0.1	-0.1	0.0	-0.2	0.0	
Vivienda, agua, electricidad y gas	0.4	0.1	0.5	0.0	0.0	0.2	0.7	0.2	0.1	0.3	0.0	
Muebles, artículos para el hogar y para la conservación ordinaria del hogar	-0.1	0.3	0.1	0.1	-0.1	-0.1	0.0	0.0	0.2	0.2	0.1	
Salud	0.0	0.1	0.2	0.0	0.0	0.1	0.0	0.0	0.1	-0.1	0.1	
Transporte	1.6	2.9	2.3	0.7	1.0	0.7	1.0	-0.1	-0.3	1.0	1.4	
Comunicaciones	-0.1	0.0	0.0	-0.1	0.0	-0.1	0.0	0.2	-0.1	0.1	0.0	
Recreación y cultura	-	-0.1	0.0	0.0	-0.1	-0.1	0.0	0.1	0.0	0.0	0.0	
Educación	-1.4	4.6	-	-	-	-	-	-	-	-	-	
Restaurantes y hoteles	0.0	0.1	0.2	0.1	0.2	-0.1	0.2	0.2	0.1	0.6	0.1	
Bienes y servicios diversos	0.1	-0.1	0.0	0.1	0.3	0.0	0.4	-0.2	0.2	-0.1	0.2	

- Cantidad nula o cero.

0.0 Cuando la cantidad es menor a la mitad de la unidad o fracción decimal adoptada para la expresión del dato.



CANAL DE PANAMÁ

THE PANAMA CANAL DELIVERY DIRECT CONTRIBUTIONS TO THE NATIONAL TREASURE FOR B /. 2,080,629,685.06

Fuente: ACP

The Panama Canal gave the National Treasury direct contributions for B/. 2,080.6 million for fiscal year 2021, which correspond to surpluses, rights per ton of transit and payment for services provided by the State.

After the approval of the financial statements of the Panama Canal for the fiscal period from October 1, 2020 to September 30, 2021, the Board of Directors declared B/. 1,487.8 million as economic surplus from the operation of the road, added to B/. 591.1 million that are part of the payment for rights per ton.

Direct contributions include B/. 1.7 million for services rendered to the Canal by other State entities.

The amounts reflect the performance of the Panama Canal during fiscal year 2021, which closed with a record of 516.7 million tons CP / UMS (volume measure of the Universal Ship Tonnage System of the Panama Canal).

"Already close to turning 22 years since the transfer of the Canal, Panamanians have more than demonstrated our ability to manage this strategic artery of commerce, combining a world-class service with the generation of benefits for our country," said Minister Royo Sánchez.

For his part, the administrator Vásquez Morales stated that the constancy of the contributions to the National Treasury reaffirms the conviction of the 9,000 men and women that make up the Canal's human team to serve and contribute to the growth of their country.

Since its transfer to Panamanian hands, the Panama Canal has made contributions to the National Treasury for B/. 20,722.5 million, thus complying with the constitutional mandate to operate profitably and efficiently, while contributing sustainably to the development of the nation.

The Political Constitution of the Republic establishes that the Panama Canal will transfer its economic surpluses to the National Treasury each year after covering the costs of operation, investment, operation, maintenance, modernization, expansion and the necessary reserves for contingencies, provided in accordance with the law.

Additionally, it indicates that the Panama Canal will pay annually to the National Treasury rights per net ton charged to ships that transit the interoceanic route. *L&E*

World ECONOMY



LEARNING LOSSES DUE TO COVID-19 COULD COST THE CURRENT GENERATION OF STUDENTS US \$ 17 BILLION OF THE TOTAL INCOME THAT THEY WILL EARN OVER LIFE

Source: World Bank

Today's generation of students is at risk of losing about US \$ 17 trillion, in current value, of their total lifetime earnings, or about 14 percent of today's global GDP, as a result of school closures. linked to the COVID-19 pandemic, according to a new report released today by the World Bank, UNESCO and UNICEF. The new forecast reveals that the impact is more severe than previously thought, far exceeding 2020 estimates of US \$ 10 trillion..

Furthermore, the report, entitled The State of the Global Education Crisis: A Road to Recovery (i), shows that in low- and middle-income countries, proportion of children living in Learning Poverty (i) - approximately 53 percent before the pandemic - could reach 70 percent due to prolonged school closings and lack of effectiveness of distance learning to ensure comprehensive continuity of learning during these closures.

"The COVID-19 crisis paralyzed the educational systems of the entire world," said Jaime Saavedra, Director of Education at the World Bank. "Today, 21 months later, schools remain closed for millions of children and many may never return to schools. The learning loss that many children suffer is morally unacceptable. And the potential increase in learning poverty could have a devastating

impact on the future productivity, income and well-being of this generation of children and youth, their families and economies around the world".

Simulations estimating that school closings caused significant learning losses are now being corroborated with real data. For example, regional data for Brazil, Pakistan, rural India, South Africa, and Mexico, among other countries, show substantial losses in math and reading. The analysis shows that, in some countries, average learning losses are roughly proportional to the length of closure. However, there is great heterogeneity between countries and according to subjects, the socioeconomic level of the students, gender and grade. For example, the results in two states of Mexico reveal significant learning losses in reading and mathematics for students 10-15 years of age. Estimated learning losses were higher in math than in reading, disproportionately affecting younger learners, those from low-income households, and girls.

With a few exceptions, the general trends in emerging data around the world coincide with the results obtained in Mexico, suggesting that the crisis has exacerbated inequalities in education:

- **Children from low-income households, boys with disabilities, and girls had fewer opportunities**

to access distance learning than their peers. This was often due to a lack of access to technologies and a lack of electricity, connectivity and devices, as well as discrimination and gender norms.

- **Younger learners had less access to distance learning and were more affected by learning loss than older learners, especially among preschool-age children in critical stages of learning and development.**

- **The negative impact on learning has disproportionately affected the most marginalized or vulnerable. Learning losses were higher for students of a lower socioeconomic status in countries such as Ghana, Mexico, and Pakistan.**

- **Early data indicate greater losses among girls, as they are rapidly losing the protection that schools and learning offer to their well-being and life chances.**

“The COVID-19 pandemic closed schools around the world, disrupting the education of 1.6 billion students at its peak, and exacerbated gender inequalities. In some countries, we find a more significant learning loss among girls and an increased risk of facing child labor, gender-based violence, early marriage and pregnancy. To heal the wounds of this generation, we must reopen schools and keep them open, aim for the return of students to schools and accelerate the recovery of learning,” said Robert Jenkins, UNICEF Director of Education.

The report emphasizes that, to date, the stimulus packages that governments have allocated to education represent less than 3 percent. More funding will be needed for immediate learning recovery to be effective. Furthermore, the report notes that, although almost every country in the world has provided distance learning opportunities for students, the quality and scope of these measures is uneven - in most cases, at most they provided an incomplete substitute for face-to-face teaching. More than 200 million students live in low- and lower-middle-income countries that are unprepared to develop distance learning during urgent school closures.

The reopening of schools must remain a top and urgent priority globally to halt and reverse learning losses. Countries should implement recovery learning programs in order to ensure that students of this generation achieve at least the same competencies as those of the previous generation. Programs must encompass three key lines of action to regain learning: 1) consolidate study plans; 2) extend instructional time; and 3) improve learning efficiency.

When it comes to improving learning efficiency, techniques such as targeted instruction can aid in learning recovery, meaning that teachers adjust teaching to the students' level of learning, rather than a starting point, assumption or a curricular expectation. Targeted teaching will require addressing learning data crisis by assessing learners' learning levels. It also requires additional support for teachers so that they are well equipped to provide instruction that takes into account level of children, which is crucial to avoid accumulating losses once children return to school.

“We are committed to supporting different governments more generally in their responses to COVID through the education recovery plan presented earlier this year,” stressed Stefania Giannini, UNESCO deputy director general for education. “With the leadership of governments and the support of the international community, much can be done to make systems more equitable, efficient and resilient, building on the lessons learned during the pandemic and increasing investments. But to do this, we must make that among all responses to the pandemic, that relating to children and young people becomes a real priority. Your future - and our collective future - depend on it”.

To build more resilient education systems in the long term, countries must:

- **Invest in an enabling environment to unlock the potential of digital learning opportunities for all students.**

- **Reinforce the role of parents, families and communities in children's learning.**

- **Ensure that teachers receive support and**

access to high-quality professional development opportunities.

- Increase the share of education in the planned national budget allocation for stimulus packages.

This report has been prepared within the framework of the Mission: recover education in 2021, through which the World Bank (i), UNESCO and UNICEF have focused their efforts on three priorities: the return of all children to school, recovering from learning losses and preparing and supporting teachers. *L&E*



Síguenos en Twitter:

@rbcabogados

SUMMARY OF THE YEAR 2021 IN 11 GRAPHICS: THE PANDEMIC OF INEQUALITY

Source: World Bank

By: Venkat Gopalakrishnan
Divyanshi Wadhwa, Sara Haddad
y Paul Blake

C OVID-19 has had disproportionate impacts on the poor and vulnerable in 2021, ranging from uneven economic recovery to unequal access to vaccines and from increased income losses to disparity in learning. The pandemic is causing development setbacks and a setback in efforts to end extreme poverty and reduce inequality. Due to COVID-19, extreme poverty increased in 2020 for the first time in more than 20 years and around 100 million (i) more people live on less than US \$ 1.90 a day. Through this series of charts and graphs, we share some World Bank Group research illustrating the severity of the pandemic as it enters its third year. We also reflect on the Bank's rapid and innovative response to the crisis.

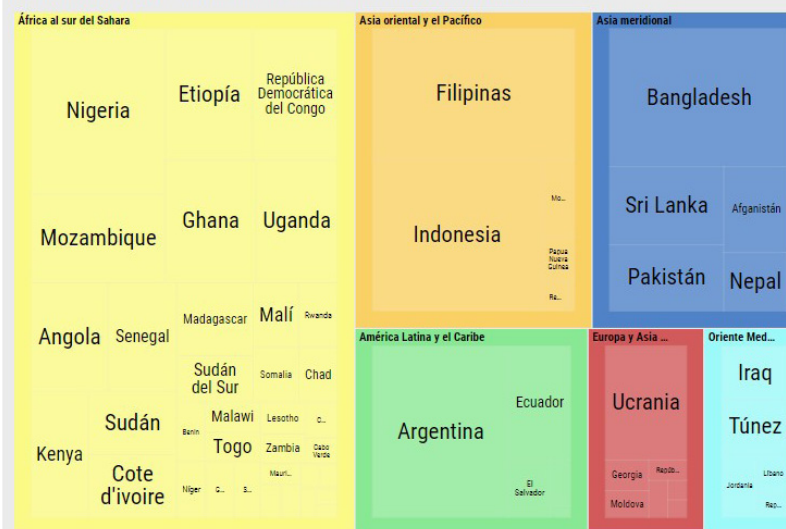
1. Unequal access to vaccines.

The fastest way to end the pandemic is by vaccinating people around the world. However, just over 7% of people in low-income countries have received a dose of the vaccines compared to more than 75% in high-income countries. Therefore, fair and

comprehensive access to effective and safe vaccines against COVID-19 is needed in order to save lives and strengthen the global economic recovery. The World Bank approved financing for the purchase

El Banco Mundial aprobó financiamiento para la compra y distribución de vacunas en más de 60 países, y la mayor parte se destinó a África

Proyectos de vacunas aprobados por país y región (millones)



Fuente: Grupo Banco Mundial (i).
Notas: (i) Porcentaje de distribución de 2021.

and distribution of vaccines in more than 64 countries (i), for an amount of USD 6.3 billion. So far, nearly 300 million (i) doses of COVID-19 vaccines are under Bank contract for developing countries. The Bank also partnered with COVAX and the African Union to support the African Fund for Vaccine Acquisition (AVAT), which will help countries acquire and distribute vaccines for up to 400 million people. The World Bank Group has also joined forces with the IMF, WTO and WHO to convene the Multilateral Leaders Task Force on COVID-19 to intensify coordination between multilateral institutions, governments and the private sector to accelerate access to COVID-19 vaccines and other health tools for developing countries taking advantage of multilateral financial and trade solutions. In addition, World Bank financing helps countries purchase personal protective equipment, treatments, diagnostic items, and oxygen equipment..

Overall, the World Bank Group assists more than 100 countries to help them address the health emergency, improve health systems and pandemic preparedness, protect the poor and vulnerable, support businesses, create jobs, and launch a green, resilient and inclusive recovery.

*Vaccine projects continue to be approved until the end of the year. For the most up-to-date data", visit our COVID-19 Vaccine Center (i).

2. Are countries prepared for the application of vaccines?

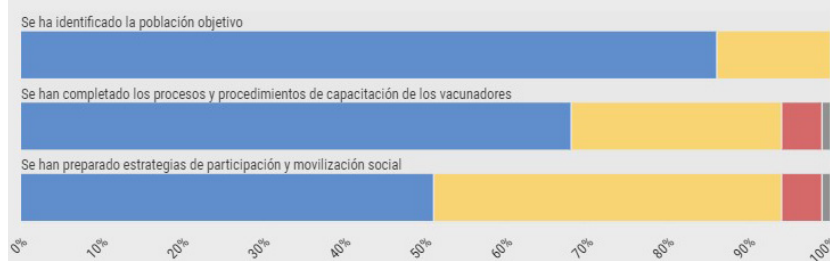
While access to vaccines is critical to saving lives, countries also need the basic infrastructure to ensure the successful delivery and distribution of vaccines. The pandemic has exposed - more than ever - the shortcomings of many health systems, which now face the double challenge of responding to the outbreak and maintaining essential life-saving services. It also shows that strong health systems are the foundation of

pandemic preparedness. The Bank supports countries to invest in better preparedness by having resilient health systems capable of detecting, identifying, treating, and stopping the transmission of deadly viruses.

Aunque 9 de cada 10 países han identificado la población destinataria de las vacunas, solo la mitad de los países tienen planes para involucrar al público y generar confianza en las vacunas

Evaluación del grado de preparación para distribuir de manera segura las vacunas contra la COVID-19 (133 países)

■ Sí ■ En curso ■ No ■ No se ha informado



Fuentes: Banco Mundial, Alianza Gavi, Fondo Mundial, OMS y Unicef (i).
Nota: Datos hasta noviembre de 2021.

The Bank, together with its partners, assessed readiness of countries to safely apply COVID-19 vaccines in more than 140 countries. As countries have begun to vaccinate their populations, these assessments provide invaluable information on country preparedness, showing that most countries are focused on strengthening essential aspects of the vaccine supply chain, somewhat critical to advance vaccination schedules and inoculation of citizenry. Although countries have some shortcomings in preparation, most have prepared well enough in some basic areas.

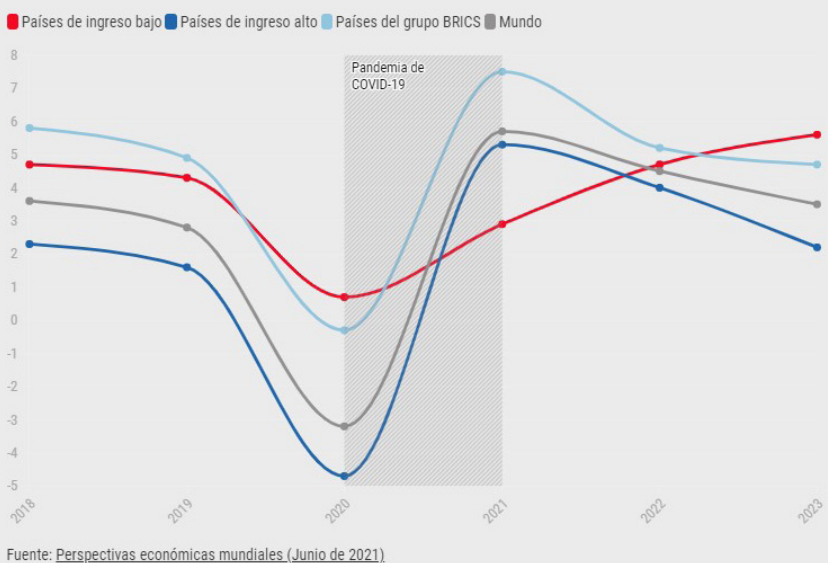
3. An uneven global recovery.

As in the case of access to vaccines, there is a gap in economic recovery between high-income economies and low- and middle-income economies.

In the June edition of the Global Economic Outlook report, it was noted that while the world economy will grow by 5.6% in 2021 (the fastest pace after the recession in 80 years), the recovery will be uneven.

Aunque la economía mundial mejora, se prevé que la recuperación será desigual

Crecimiento del PIB (%)



Low-income economies are projected to grow just 2.9% in 2021, the slowest growth in 20 years, compared to 2020, in part due to the slow pace of vaccination. An update to the World Economic Outlook report is expected to be published in January 2022.

4. Loss of income for the poorest 40% of the population.

As stated in this blog, the inequality in recovery becomes quite apparent when it comes to income losses.

While people in all income groups suffered losses during the pandemic, the poorest 20% experienced the steepest decline. In 2021, their income declined further, while the wealthiest have started

to contain the trend. This is because the poorest 40% have not started to recoup their lost income. The decline in income has resulted in around 100 million more people living in extreme poverty.

It is no wonder that men and women have experienced the crisis in very different ways. A review of data by the Bank and other partners shows that women have suffered greater losses than men in terms of employment, income and security.

5. Trade, an engine of global recovery.

It is no coincidence that the rise in extreme poverty has occurred when trade disruptions have been caused by the pandemic. Historically, there is a strong relationship between trade and poverty reduction, and low- and middle-income countries almost doubled their share of exports between 1990 and 2017, when extreme poverty declined.

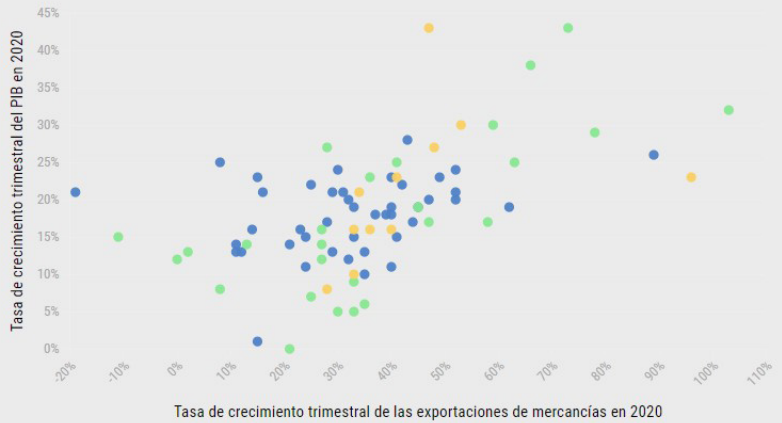
Trade also plays a crucial role in economic recovery, as a recent World Bank report (PDF) shows. After the pandemic severely disrupted world trade, a strong rebound has been observed, which is helping the recovery. Trade helps accelerate the economic recovery from the pandemic by providing sustained external demand for exports and ensuring the availability of imported intermediate products and services. The least developed countries, which have

La pérdida de ingresos debido a la COVID-19 fue la más pronunciada para el 20 % más pobre del mundo

Ingresos medios diarios por quintiles de ingresos mundiales (indexados, ingreso de 2019 = 100)

■ Ingresos si no se hubiera producido la COVID-19 ■ Ingresos desde el inicio de la COVID-19





Fuentes: [Informe The role of trade in developing countries' road to recovery](#) (El papel del comercio en el camino hacia la recuperación de los países en desarrollo) del Banco Mundial y la OMC.
Nota: Las tasas de crecimiento del PIB y de las exportaciones de mercancías se definen como la variación porcentual del segundo trimestre de 2020 con respecto al cuarto trimestre de 2020.

limited capacity to drive the recovery through fiscal stimulus packages, are particularly dependent on the recovery in trade as a source of economic growth. As the pandemic highlights the need to maintain the flow of essential goods across borders, the World Bank Group supports country-led reforms to limit the impact of the pandemic and promote economic recovery.

6. Rising debt levels amid the pandemic.

Debt burdens in emerging markets and developing economies have increased during the pandemic. The challenge is heightened in low-income countries: half of them were in a critical situation caused by over-indebtedness or at high risk of being so before the emergence of COVID-19. This comes after a decade of the fastest, largest and broadest expansion in debt levels around the world, according to the World Economic Outlook report.

When policymakers in emerging markets and developing economies seek to move from the pandemic response to recovery, they will need to be careful not to withdraw fiscal support prematurely and try to increase the efficiency of public spending, while at the same time they balance the need for debt sustainability.

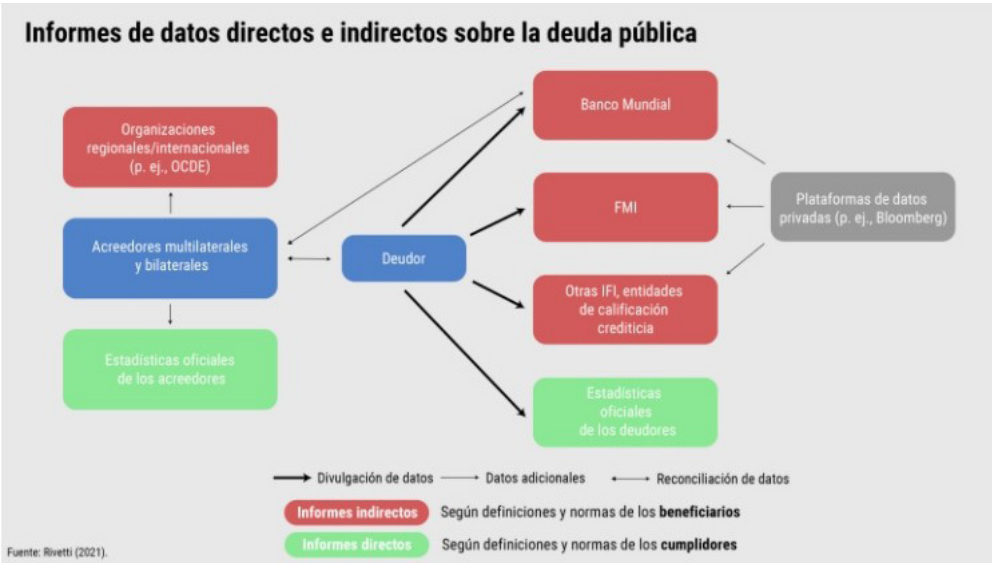
However, the debt burden will be felt long after the virus clears, when debt service costs rise, slowing recovery and hampering efforts to tackle other development challenges, including climate change.

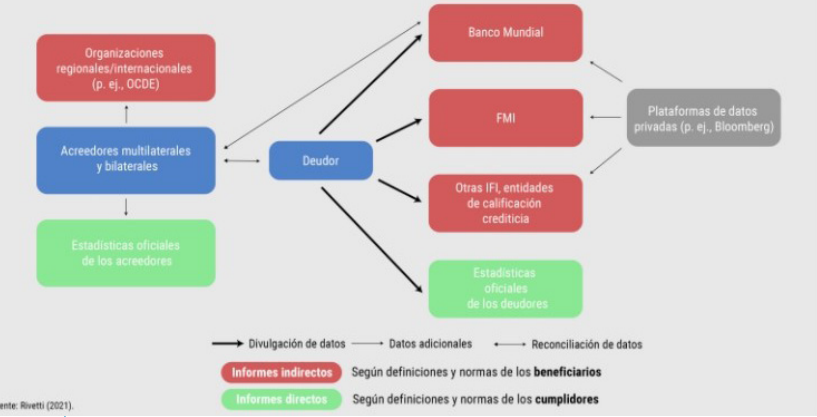
7. The complexity of debt reporting.

Debt is more than it seems, if we stick to the conclusions of the report The transparency of debt in developing countries (i). This is because reporting on debt is not a very straightforward exercise.

The surveillance of world debt today depends on a combination of databases with different standards and definitions. These databases have large gaps: the report shows that publicly available records on the volume of debt of low-income countries give rise to variations that can reach up to 30% of a country's GDP due to divergences in the definitions and standards of local and international databases.

As World Bank Group President David Malpass noted





in the report’s foreword (PDF), achieving “greater debt transparency is a vital step in the development process. It makes it easier to make new, high-value investments. quality, reduces corruption and enables accountability”.

8. The unprecedented rise in learning poverty.

One of devastating impacts of COVID-19 on poor and vulnerable can be seen in the field of education. It dealt a severe blow to the lives of young children, students and youth, and exacerbated inequalities in education. Due to prolonged school closings and poor learning outcomes, the increase in learning poverty - the percentage of 10-year-olds who cannot read a basic text - could reach 70% in low-income and high-income countries. medium, according to recent World Bank estimates.

This will have lasting impacts on future incomes, poverty alleviation, and inequality reduction. According to the

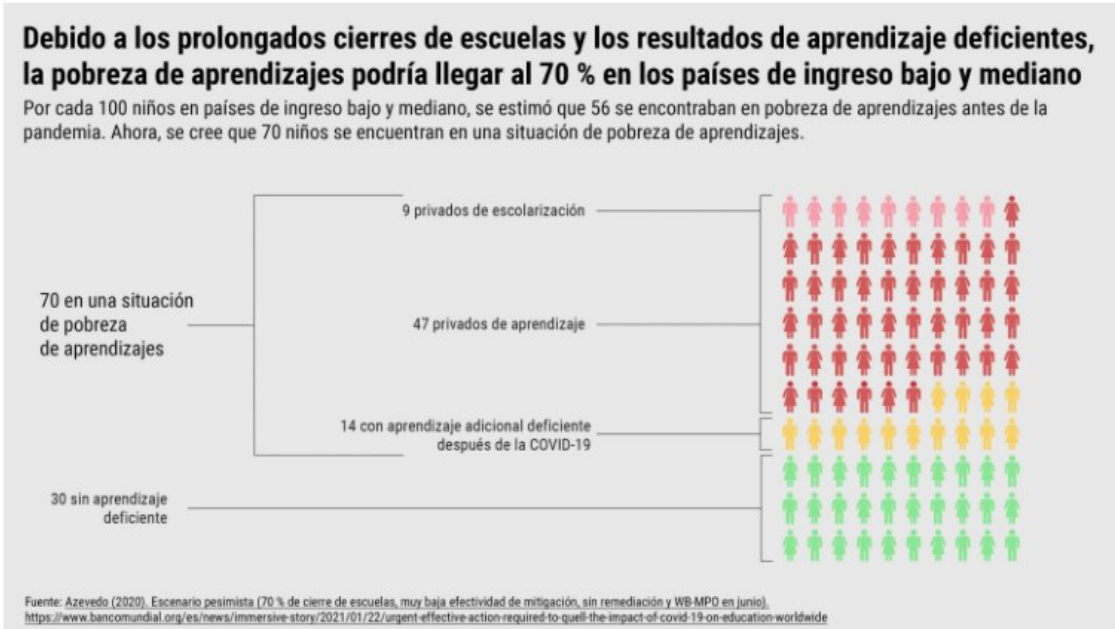
latest calculations, today’s generation of students is at risk of losing \$ 17 trillion in income over their lifetime. In response to the worsening education crisis, the Bank has rapidly expanded its support to developing countries, with projects reaching at least 432 million students and 26 million teachers (equivalent to a third of the student population and nearly a quarter of the teaching workforce in current client countries).

9. High energy prices drive higher costs of other commodities.

The outlook for commodity prices is not rosy either. According to forecasts in the most recent edition of the Commodity Market Outlook report, energy prices would be, on average, 80% higher in 2021 compared to the previous year.

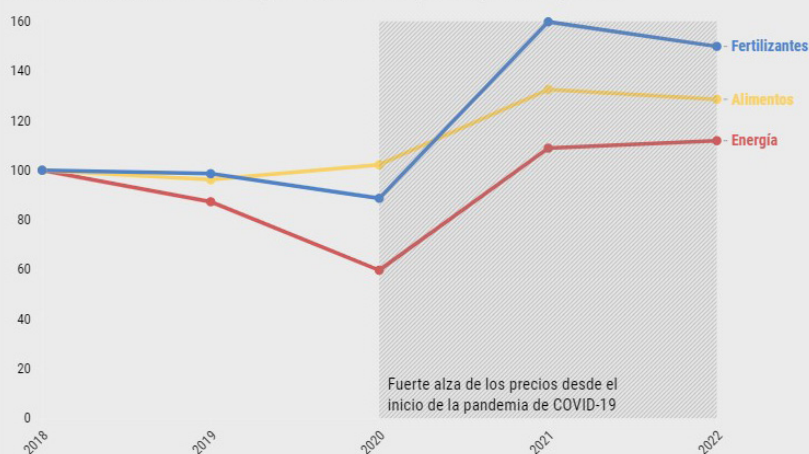
Since energy is an essential commodity for food production and heating, these increasingly higher prices may have consequences in later phases. Rising energy prices have already affected fertilizer prices, in turn increasing the cost of food production.

However, in the second half of 2021, prices of food staples began to stabilize (i) in response to the favorable outlook for global supply, but remain above



pre-pandemic levels. In addition, domestic food price inflation is increasing in most countries, reducing the

Desde el inicio de la pandemia de COVID-19, los precios de la energía y, en consecuencia, los precios de los alimentos han registrado un notable aumento (Índices de precios nominales (reales y previstos); 2018 (año base) = 100)



Fuente: Informe Perspectivas de los mercados de productos básicos del Banco Mundial.
Nota: Se prevén datos para 2021 y 2022.

ability of the poor to afford healthy food. This can exacerbate food insecurity in developing countries..

10. The urgency of the climate crisis.

As COVID-19 has brought a change of fortune for the poor and vulnerable, the challenges of climate change and the urgent measures they demand cannot be lost sight of.

Left unchecked, climate change could push up to 132 million people into extreme poverty by 2030, according to World Bank estimates (PDF), and most of the world's poorest people will live in situations characterized by fragility, conflict and violence. Poverty is already intertwined with vulnerability to climate-related threats such as floods and vector-borne diseases, making climate change a major impediment to alleviating extreme poverty.

11. Increased numbers of internal climate-related migrants by 2050.

In addition to contributing to the increase in extreme

poverty, climate change can also act as a powerful factor in internal migration. The latest Groundswell report notes that by 2050, climate change could force 216 million people to move within their countries.

There is still an opportunity to significantly reduce these numbers and better manage internal climate migration if a concerted global effort is made to reduce greenhouse gas emissions while supporting green, inclusive and resilient development.

To respond to urgent challenges, the World Bank Group published its new Climate Change Action Plan 2021-25, which will seek to provide record levels of climate finance to developing countries, reduce emissions, strengthen adaptation and align financial flows with the objectives of the Paris Agreement. The Action Plan for the 2021-25 period expands the efforts of the World Bank Group in this area, since in addition to investing in "green" projects, it will seek to help countries fully integrate their climate and development objectives. The World Bank Group is the leading source of multilateral financing for climate initiatives in developing countries, providing more than \$ 109 billion in climate finance between 2016 and 2021, including a record \$ 26 billion in FY2021. The World Bank increased support for climate adaptation, from 40% of climate finance in 2016 to 52% in 2020. Supports its client countries to prepare for the low-emission resilient transition of carbon, enabling them to build climate-smart economies.

Conclusion.

The year 2021 has shown that the impact of the pandemic is far-reaching and has affected all possible areas of development. At a time when the poor and vulnerable bear the brunt, the pandemic is dealing a severe setback to end poverty and boost shared prosperity. But not everything is negative. As the year progressed, there were some positive developments:

Si no se pone freno
al cambio climático,
132 MILLIONES
DE PERSONAS
serán empujadas a la
pobreza extrema



the world economy grew, trade in goods recovered, prices of food staples began to stabilize, and remittances made a strong recovery. However, the emergence of new variants and uneven access to vaccines indicate that much remains to be done.

At the same time, when some countries are beginning to chart their recovery, it is also an opportunity for

them to achieve lasting economic growth without degrading the environment or exacerbating inequality. The World Bank Group helps countries shape a green, resilient, and inclusive recovery by achieving economic stability and growth, harnessing the digital revolution, pursuing greener and more sustainable development, and investing in economic growth. persons. *L&E*



NACIONES UNIDAS

CEPAL

TRADE IN THE REGION WILL HAVE A MAJOR RISE IN 2021, BUT THE RECOVERY WILL BE ASYMMETRIC AND HETEROGENEOUS IN A CONTEXT OF UNCERTAINTY

Source: ECLAC

The international trade of Latin America and the Caribbean will have a significant rebound in 2021 after the sharp decline noted last year, but this recovery will be asymmetric and highly heterogeneous among the countries of the region, in a context of great uncertainty due to the resulting crisis of the COVID-19 pandemic, the Economic Commission for Latin America and the Caribbean (ECLAC) reported today in a new annual report.

The United Nations regional commission released its flagship report International Trade Outlook for Latin America and the Caribbean 2021 at a press conference led by the organism's Executive Secretary, Alicia Bárcena.

According to the document, for the entire year 2021, ECLAC projects an increase of 25% in the value of regional exports of goods -after falling 10% in 2020-, driven by the 17% rise in export prices and a 8% expansion of exported volume.

Meanwhile, the value of imports of goods would increase 32%, with an expansion of 20% in volume and 12% in prices. By 2022, it is estimated that the value of regional exports and imports of goods will grow by 10% and 9%, respectively, in the context of lower growth in the regional and world economies.

South America would register the largest increase in the exported value in 2021 (34%) since, given its export specialization, it would especially benefit from the higher prices of raw materials. A similar situation is observed in the Caribbean, which will benefit from the high prices of oil, gas and bauxite exported by Guyana, Trinidad and Tobago and Jamaica, respectively. The value of Mexican exports (which mainly consist of manufactured goods) would grow 17%, mainly driven by the expansion of their volume. A similar situation can be seen in the case of Central America. For its part, the value of imports would grow more than 25% in all subregions and Mexico.

The rise in exports of goods from the region during 2021 is mainly explained by the increase in the prices of basic products, especially minerals, hydrocarbons and agro-industrial products, rather than by the expansion of the exported volume. Likewise, regional exports of services have not yet recovered from the drop suffered as a result of the pandemic. In particular, regional dependence on tourism far exceeds the world average, so the uncertainty about the reopening of this sector negatively affects the prospects of several economies, especially the Caribbean, warns ECLAC. In sum, the recovery of regional trade in 2021 shows significant weaknesses.

"This situation should call for reflection on the urgency of deepening regional economic integration. Moving towards an integrated regional market is essential not only to generate efficient scales of production and promote production and export diversification processes, but also to achieve greater autonomy in strategic sectors. This last objective has acquired particular relevance in light of the disturbances caused by the pandemic in global supply chains," Alicia Bárcena pointed out in the presentation of the document.

Indeed, the ECLAC report indicates that there are several factors of uncertainty in world trade: uneven vaccination rates and new varieties of the virus; inflationary pressures and difficulty in maintaining fiscal stimuli; trade tensions and risks in China's real estate sector; disruptions in supply chains and rising freight rates.

On this last point, it is calculated that the global average cost of container freight by sea has increased by more than 660% from June 2019 to date.

According to the report, the greatest dynamism is registered in trade with China and within the region itself, although with very different dynamics. The projected annual variation for 2021 in the value of regional exports to China is 35%, while for the Latin

American and Caribbean region itself the figure reaches 33%. Shipments to the European Union would grow 23% and to the United States 19%.

Despite the recovery of intraregional exports in 2021, its share in the region's total exports of goods will reach only 13% in 2021, well below its historical highs (21% in 1994 and 2008). Meanwhile, the region as a whole is projected to register a surplus of 24 billion dollars in 2021, less than the 64 billion dollars registered in 2020, which is mainly explained by the strong recovery in imported volume.

A second chapter of Prospects for International Trade addresses the challenge of regional productive autonomy in health industry. Latin America and the Caribbean has a persistent trade deficit in pharmaceutical sector and only 13% of its imports come from region itself, which leaves it vulnerable to external supply disturbances. In the vast majority of the countries in the region, the local market is not enough to drive a competitive scale of production in the pharmaceutical sector or in the medical device sector. This highlights the importance of implementing policies that favor greater integration of national markets, in order to create a broad and stable market that produces the incentives needed to expand regional production.

The ECLAC document dedicates a third chapter to the contribution of international trade to the circular economy. This seeks a more sustainable use of materials and products, preserving their value and usefulness for as long as possible. In this area, the organization calls on the countries of the region to incorporate the perspective of the circular economy into their commercial agendas. It also calls for harmonizing standards between countries and reducing trade barriers in order to create regional markets, as well as increase recycled inputs and products in the chains of natural resource exporting sectors such as mining, agribusiness and forestry. *L&E*

LATIN AMERICA AND THE CARIBBEAN: IT IS TIME FOR CONSENSUS REFORMS TO FACE THE STRUCTURAL DEVELOPMENT TRAPS THAT AFFECT THE REGION, ACCORDING TO A NEW REPORT

Source: ECLAC

Latin America and the Caribbean (LAC) is the region most affected by the COVID-19 pandemic, and the socioeconomic advances of the last decades are at risk of being reversed by the crisis. Recovery strategies should include well-sequenced reforms that promote universal social protection systems, accelerate the formalization of economies, improve fiscal progressivity, and deepen regional integration, says the 2021 Latin American Economic Outlook (LEO) report: *Moving Together Towards better recovery*.

According to this fourteenth edition of the report, LAC experienced a historic economic slowdown in 2020. The region's gross domestic product (GDP) contracted by around 7%. Despite an increase of around 6% in 2021, its GDP per capita is not expected to return to pre-crisis levels before 2023-24. The impact of crisis has been asymmetric, especially affecting most vulnerable groups. As a result, poverty and extreme poverty levels are at their highest in the last 20 and 12 years, respectively.

Although the report recognizes the considerable efforts made by the countries of the region to protect the most vulnerable groups during the pandemic, including women, the young and the elderly, it also highlights that

nearly 40% of workers did not have social protection when the crisis started. This is largely due to the fact that, on average, more than 50% of the region's workers work informally. Moving towards universal social protection systems is essential to protect those most in need in the post-pandemic context.

According to the LEO, a strong and inclusive recovery requires greater productive integration in strategic sectors, including the automotive, pharmaceutical, renewable energy, circular economy and sustainable agriculture. It also calls for an urgent holistic fiscal response: greater progressivity of the tax system, greater tax compliance, more efficient tax administration, and the elimination of inefficient tax expenditures. The reduction of tax evasion and avoidance, as well as the elimination of some tax expenditures that represent close to 4% of GDP could increase revenues and equity, without compromising the economic recovery.

LEO 2021 highlights that only 38% of citizens trusted their governments in 2020, compared to 45% in 2010. Social unrest continues to be one of the main concerns, as evidenced by protests in some countries in the region. In addition, satisfaction with public services, including education and health, decreased markedly

during the pandemic. In the case of education, it fell from 66% in 2019 to 53% in 2020. In response, the report explores policy actions to rethink the social contract in the region, suggesting four principles to guide a process that generates broad consensus: reconcile the interests of all parties; contextualize to adapt to circumstances; compensate those most affected by the reforms; and communicate well their impact. The publication also highlights the role of international cooperation to facilitate progress towards these new development models and a new social contract in the region. National responses to the health and socio-economic consequences of the crisis must be accompanied by renewed partnerships for recovery that place sustainability, resilience and well-being at their center. The design of international debt management, paying special attention to the characteristics of each country (in particular the challenges faced by the Small Island Developing States of the Caribbean countries), is essential for the success of the recovery.

The LEO has been prepared jointly by the Development Center of the Organization for Economic Cooperation and Development (OECD), the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the Development Bank of Latin America (CAF) and the European Commission. *L&T*



THE IMF'S MANDATE IS TO SAFEGUARD THE STABILITY OF THE INTERNATIONAL MONETARY AND FINANCIAL SYSTEM, AND CRYPTO ASSETS ARE DEEPLY TRANSFORMING THAT SYSTEM

Source: IMF

By: Tobias Adrian,
Dong He y Aditya
Narain

Crypto assets and related products and services have boomed in recent years. And its interrelationships with the regulated financial system are narrowing. The authorities are seeking to monitor the risks emanating from this evolving sector, in which many activities are not regulated. In fact, we think these risks to financial stability could soon become systemic in some countries.

Uncoordinated regulatory measures can lead to capital flows that could be destabilizing.

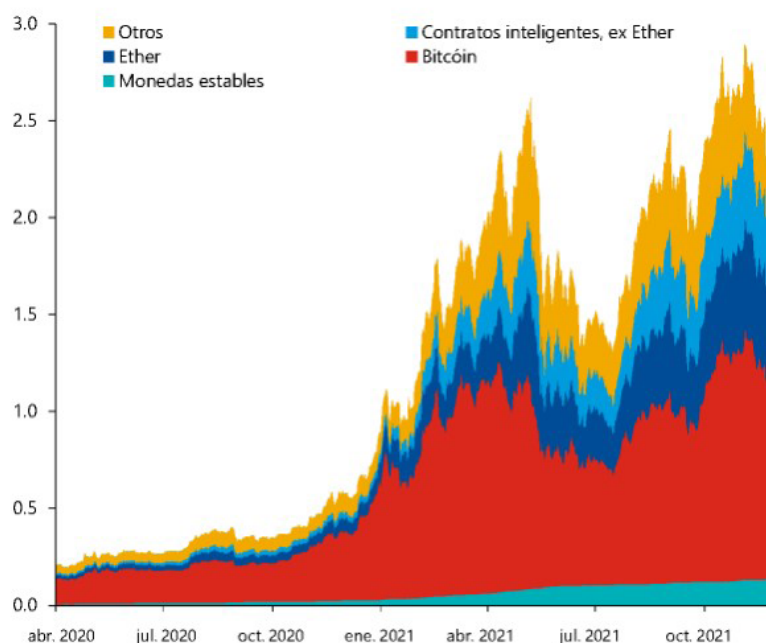
A market capitalization of nearly \$ 2.5 trillion, while denoting considerable economic value from underlying technology innovations such as blockchain, can also reflect effervescence in an overvaluation environment. In fact, one of the first reactions to the omicron variant was a major crypto-asset sell-off.

Risks for the financial system derived from crypto assets.

Determining value is not the only challenge in the

No del todo estables

Los inversionistas de criptoactivos han obtenido ganancias, pero han tenido que soportar fuerte volatilidad de los precios.
(capitalización del mercado de criptoactivos, billones de USD)



Fuente: Coingecko.

cryptoassets ecosystem: detecting, monitoring, and managing risks put regulators and businesses to the test. Other challenges are related to the operational and financial risks arising from crypto-asset exchanges and wallets, investor protection, and insufficient reserves and inaccurate information for certain stablecoins. On the other hand, in emerging market and developing economies, the arrival of crypto assets can accelerate the phenomenon known as “cryptoization”, that is, when those assets replace the national currency, and bypass exchange restrictions and exchange measures. capital account management.

These risks highlight why international standards are needed to more fully address the risks to the financial system arising from crypto assets, their ecosystem and related transactions, while creating an ideal environment for crypto asset products and applications that are tools.

As the coordinating body, the Financial Stability Board must develop a global framework of standards for the regulation of crypto assets. The objective should be to provide a comprehensive and coordinated approach to managing risks to financial stability and market behavior that can be applied consistently across jurisdictions, minimizing opportunities for regulatory arbitrage, i.e., the transfer of activities to jurisdictions with less stringent requirements.

The cross-sectoral and cross-border nature of crypto assets limits the effectiveness of national approaches. Countries are adopting very different strategies, and existing laws and regulations may not provide for national approaches that cover all aspects of these assets. It should be noted that the operations of many crypto asset service providers are cross-border in nature, complicating compliance monitoring and verification tasks. Uncoordinated regulatory measures can lead to capital flows that could be destabilizing.

Policy makers in charge of different products and markets have provided guidance at different levels. For example, the Financial Action Task Force has issued guidelines on a risk-based approach to mitigate risks to financial integrity arising from virtual assets and their service providers. The measures of other

regulatory bodies range from general principles for certain types of crypto assets to rules to mitigate the risks of regulated entities and establish information exchange networks. These initiatives are useful, but their degree of coordination does not yet lead to a global risk management framework for financial and market integrity, financial stability and investor protection.

Make regulation work on a global scale.

The global regulatory framework must create equal conditions across the spectrum of activities and risks. This, in our view, encompasses the following three aspects:

- **Crypto asset service providers performing critical functions must have permits or authorizations. Such functions include the storage, transfer, liquidation and custody of reserves and assets, among others, with rules similar to those that exist for financial service providers. The criteria for permits and authorizations must be clearly stated, the responsible authorities must be expressly designated and the coordination mechanisms must be well defined.**

- **The requirements have to be adapted to the main use cases for cryptoassets and stablecoins. For example, investment products and services should be subject to requirements similar to those of securities dealers and brokers, who are under the supervision of a securities regulator. Payment services and products should be subject to requirements similar to those for bank deposits, which are under the supervision of the central bank or the payment supervisory entity. Regardless of which initial authority approves crypto asset services and products, all supervisors - from central banks to banking and securities regulators - have to coordinate with each other to address the various risks that arise from different and new uses.**

- **Authorities should establish clear requirements for regulated financial institutions regarding their exposures and activities with crypto assets. For example, the respective bank, securities**

There is an urgent need for cross-border collaboration and cooperation to address technological, legal, regulatory and supervisory challenges. Taking a comprehensive, consistent, and coordinated approach to regulating crypto assets is a huge undertaking. But if we start now, we can achieve the policy objective of preserving financial stability without wasting the benefits that technological innovations bring. Crypto assets may be profoundly transforming the international monetary and financial system. The IMF has outlined a strategy to continue fulfilling its mandate in the digital age. The IMF will work closely with the Financial Stability Board and other members of the international community of regulatory bodies to formulate an effective approach to regulating crypto assets. *L&E*



@rbcabogados

INTERNATIONAL LABOR CONFERENCE: CALLS FOR GREATER ACTION ON INEQUALITIES AND QUALIFICATIONS END THE SECOND SESSION OF THE 109TH INTERNATIONAL LABOR CONFERENCE

Source: OIT

Delegates attending the second session of the 109th International Labor Conference (ILC) have commissioned the International Labor Organization (ILO) to develop new strategies to accelerate actions aimed at reducing inequalities and promoting skills and lifelong learning.

The decision came at the closure of the ILC in 2021, following the adoption of two sets of conclusions and reports, on Skills and lifelong learning and Inequalities and the world of work. The documents were prepared by two working groups of the tripartite conference.

The strategy on inequalities and the world of work aims to help ILO member States accelerate action to reduce and prevent inequalities in the world of work and ensure that no one is left behind. This implies a combined and coordinated action in seven areas: promoting job creation; promote equal opportunities; guarantee adequate protection for all workers; speed up the transition to formality; guarantee gender equality and non-discrimination, promote equality, diversity and inclusion; make universal social protection a reality; and promoting trade and development for a fair globalization and shared prosperity.

Delegates called on the ILO to urgently commit to greater multilateral coordination and collaboration on inequality during the recovery from the COVID-19 crisis.

The Conference also adopted a resolution calling on the ILO to develop a coherent, inclusive and gender-sensitive ILO strategy and action plan on skills and lifelong learning by 2022-30. These measures should include strengthening the ILO's work in the area, including enhancing capacity building, advisory services and project work; a greater exchange of good practices and knowledge; promotion of relevant international labor standards; and expanding partnerships and engagement with other organizations, including financial institutions.

Speaking at the closing plenary session, ILO Director General Guy Ryder described the 109th ILC as "unlike any other in the long history of the ILO". The successful completion of the agenda had "ensured the integrity and institutional continuity of the ILO ... [and] demonstrated that whatever pandemic beats us, and how long it lasts, the ILO has the means and, more importantly, the determination to get ahead."

The Conference had "produced very substantial results," he told delegates, outlining the Global Call to Action for a Human-Centered Recovery from the COVID-19 crisis, adopted at the June meeting of the ILC, as "a political wake-up call and a roadmap for the ILO and its constituents".

"An immediate consequence, and I believe a crucial one,

will be the convening of the great multilateral political forum at the beginning of next year, which will offer a real strategic opportunity to promote the coherence of the action of the international system for the recovery that we so desire and that we need so much. "he added.

The ILC's November session was held from November 25 to December 11, with the accreditation of some 4,900 delegates - representing governments, workers 'and employers' organizations - and observers. Among them were 157 ministers and deputy ministers and high-level representatives of workers and employers from 181 ILO member states. Like the first meeting of the 109th ILC, held in June, the November session was held virtually, for the first time in the history of the ILO. Despite these format changes, delegates addressed all items on the conference agenda.

The first segment of the Conference was held from May 20 to June 19. It included a two-day high-level World of Work Summit at which delegates adopted the Global Call to Action, which outlines steps to create a human-centered recovery from the pandemic. Social protection and the impact of COVID-19 were also discussed. During the June session, delegates approved an emergency resolution on the situation in Myanmar and voted to adopt the ILO Program and Budget for the 2022-23 biennium and the report of the Committee on the Application of Standards.

The 110th meeting of the ILC is scheduled for May 30 to June 10, 2022. *L&E*



**Encuéntranos en Facebook
como:**

**Rivera, Bolívar y
Castañedas**



REGISTRATION TO THE REDUCE YOUR CORPORATE WATER FOOTPRINT PROGRAM IS NOW OPEN

Narciso Cubas - Forest Engineer
rbcweb@rbc.com.pa

The Ministry of the Environment informs that registrations for the Reduce Your Corporate Water Footprint program are open until January 31, 2022, a program aimed at all public, private and civil society organizations interested in participating in a water management program. corporate water footprint.

With this component, MiAMBIENTE's Climate Change Directorate seeks to promote and strengthen our country's contributions to achieving compliance with the Paris Agreement.

Some benefits of participating in the program are:

The Reduce Your Corporate Water Footprint program is the first voluntary program aimed at non-state actors, which seeks to implement climate change adaptation strategies, through the evaluation of the water footprint of the participating organizations, for a more efficient management of the resource.



- Enhance the value of the company, highlighting its commitment to corporate social responsibility.
- Position companies as leaders in decision-making on the culture of water footprint management
- Opportunities for adaptation to climate change as a country.

Ligia Castro De Doens, national director of climate change and promoter of this initiative, affirms that all key actors in the climate action issue should be included because it is a shared responsibility.

Reduce Your Corporate Water Footprint was officially launched on November 5, 2021, and the program has been presented internationally at Expo 2020 Dubai and recently, at COP26 held in Glasgow, United Kingdom.

Additionally, during COP26 Panama together with governments of United Kingdom, Finland and Peru signed the Declaration of Fair Water Footprints, and committed to taking significant actions to ensure efficient management of water resources.

The program is accompanied by a guide and a calculation tool, which will be provided free of charge, and will allow organizations to measure their impact on the water footprint. In this way, a study of the institutional situation can be developed to curb excesses and detect deficiencies that are impacting the sustainable development of the company.

It is aimed at any organization, both in the public and private sectors and civil society, that are duly constituted in the territory of the Republic of Panama, and have the interest of participating in a corporate water footprint management program.

For inquiries and registrations, they can be contacted through the emails: nfrancisco@miambiente.gob.pa; priquelme@miambiente.gob.pa. For more information, enter the portal: <https://rth.miambiente.gob.pa/huella-hidrica-1/>

Data to the editor:

The water footprint and the water footprint are indicators that reflect the impact to the water resource in the production of goods and services. This footprint is applicable both at the level of organizations, countries or public institutions, and by making a correct study of the situation, it is possible to curb excesses or detect deficiencies that are costing sustainability more. *L&E*





Ana Sofía Corrales
rbcweb@rbc.com.pa



It's amazing how time flies, and many times we don't know when we last do things. Like the last time you played with your favorite toy or wore that shirt that you liked so much. And for these small details we must appreciate every moment we have, both with our loved ones and with the person we just met, we don't know the mark we can leave on that person.

Despite what has been advanced, many less recognized sports require support from Pandeportes, such as the Pentathlon, which due to lack of funds, athletes such as Emmanuel Morales and Carlos Calviño, aged 16 and 14, could not travel to Buenos Aires, Argentina to 2021 South American and Pan American Modern Pentathlon Championships.

Soccer

Panama has had a long road to qualify for the Qatar 2022 World Cup, we have seen an eleventh evolve positively from the hand of Thomas Christiansen, who has rotated his staff a lot, putting them to the test, giving them the opportunity for the generational change that was required.

Finishing in the fourth position would entitle the playoffs, however, Christiansen aspires to more, as Panama has 14 points, the same as Mexico.

Taking into account that FIFA rejected Panama's appeal, sanctioning with an economic fine of CHF 50,000 (Swiss Francs) and a game behind closed doors for the matches of the Panama team in the qualifying rounds for the World Cup, which it will be with Jamaica due to the homophobic chants by some fans during the September games of the aforementioned tie.

Due to the above, fans are asked to remember the reasons for the sanction to avoid greater sanctions.

Panama next games:

- January 27, 2022 - Costa Rica vs Panama
- January 30, 2022 - Panama vs Jamaica (without audience)
- February 2, 2022 - Mexico vs Panama
- March 24, 2022 - Panama vs Honduras (with public)
- March 27, 2022 - United States vs Panama

- March 30, 2022 - Panama vs Canada (with public).

The Sele will face Peru in a friendly match on January 16, 2022 at the National Stadium in Lima.

The Tauro FC celebrating, since both the Male and Female branches were victorious in their respective Leagues.

For their part, teams make changes such as, Árabe Unido makes the change its director to Dely Valdés.

Baseball

The Los Santos Astronauts are leaders in the Probeis League position table, season 2021-2022, beating them by affirming it in their last two games where they won the Metropolitans and the Federals.

The 2022 Youth National Baseball Championship will be held on January 15, 2022.

The two groups are divided as follows:

Group A:

Coclé, Colón, Panama Metro, Chiriquí and Darién

B Group:

Veraguas, West, Herrera, East Panama, Los Santos and Bocas del Toro

The Inaugural round will see the faces Panama Metro and Coclé at the Remón Cantera stadium in Aguadulce at 7:00 p.m.

Basketball

The Colón Roadrunners were crowned four-time champions of the sixth season of the Panamanian Basketball League (LPB) "Hot Cup-

2021" dedicated in life to Julio Osorio Quintana, by defeating Don Bosco's Dragons with a score of 77 to 71 in the third game of the five-game series.



Cycling

The Panamanian Cycling Federation is assembling its litter of young people with a view to the Olympic Games in Los Angeles 2028.

Swimming

The swimmer Tyler Christianson, had the participation in Tokyo, and in the Junior Pan American Games in Cali he obtained bronze in the 100 meters.

Surfing

In the ALAS Pro of Punta Roca 2021, Tao Rodríguez was crowned champion in the Junior category and therefore Continental Champion of the ALAS Junior 2021, the first Panamanian to achieve such a high distinction.



Track and field

On the other hand, this has been a good year for Gianna Woodruff, who made her way into the elite 400m hurdles. She ranked among the 8 best hurdlers in the world in the Tokyo 2020 Olympic Games, she in the Diamond League she conquered with a record of 54.59.

Skateboarding

In the 2nd Central American Skateboarding Championship held in El Salvador, Panama obtained a silver medal and a bronze medal.



I Pan-American Junior Games

Panama closed its performance in position 27 of the medal table, beating only Barbados, Bahamas, Honduras and Saint Lucia, all with a single bronze medal.

Brazil being the first in the table with 59 gold, 49 silver and 55 bronze medals, second by Colombia and the United States. *L&F*



Capsule



WE FINISH ANOTHER SCHOOL YEAR

Claudia Cubas - Reception
repcion@rbc.com.pa

Congratulations to all those children, parents and educators for culminating another school year.

Next year, children will face new challenges at school, but we have to be aware that as they advance in grade, their ability to focus will change.

In this psychological capsule we will talk about the attention and the duration of it based on the age range.

Attention.

Attention could be defined as the ability of the person to generate, select, direct and maintain an adequate level of activation to process relevant information. In other words, attention is a process that takes place at a cognitive level and that allows us to orient ourselves towards those stimuli that are relevant, ignoring

those that are not to act accordingly.

There are a series of characteristics that are implicit in its definition, and that are important to know in order to understand the importance of this cognitive function. Among these it is worth highlighting:

- **Amplitude:** amount of information that we can attend to at the same time and amount of tasks that we can perform simultaneously. It must be taken into account that care is a limited resource and although more than one thing can be attended to at the same time, there will come a point where it is not possible.

- **Intensity:** Also called attentional tone and is understood as the amount of attentional resources that are lent to a given stimulus. That is, there may be fluctuations in the level of resources that we direct to a given stimulus,



being able to perform tasks practically without paying attention (automatic tasks) and others that require high attention resources (controlled tasks).

- **Oscillation or shift of attention:** Alternate attention is the ability to change the focus of attention from one event to another (alternate attention). That is, alternate attention occurs when we perform more than one activity at the same time and both activities demand the same types of cognitive resources, so we must change the focus from one to the other, since attending to both at the same time is not possible.

The focus of attention or attention focus can be divided according to its direction:

- **External:** (stimuli that come from the environment) or internal (stimuli that come from the individual himself); and according to its wide amplitude (it allows perceiving several stimuli at the same time)



or narrow (the individual performs a filter of the unwanted stimuli. That is, the individual blocks the rest of the distractors to attend to a single task).

- **Control:** care can be voluntary or involuntary. In voluntary or active care, person must make a mental effort to mobilize it, process incoming information and keep it long enough to later give the most appropriate response. That is, the individual controls and regulates the cognitive processes intended to perform a mental task. On the contrary, there are stimuli that, by themselves, are capable of attracting our

attentional resources without requiring any effort on our part, we speak of involuntary or passive attention.

Although people have been able to observe, we have different types of ways of learning that certain material we grasp faster than others. There are variants in its name that refer to more specific and detailed aspects of it, they could be understood as different types of care. The most popular types or classes of care are:

- **Internal care:** ability to pay attention to one's own mental processes or other interoceptive aspects.

- **External care:** attention captured by external stimuli and from the environment.

- **Open attention:** is accompanied by motor responses that support and facilitate the act of attending, for example, directing the head towards the stimulus we want to attend.

- **Covert attention:** allows to attend to stimuli without the appearance that the act is being carried out.

- **Selective attention or focused attention:** ability to select and focus attention on a single stimulus, ruling out other irrelevant ones that may interfere in the process.

- **Divided attention:** ability to focus attention on two or more tasks at the same time. For example, driving and listening to music at the same time.

- **Sustained attention:** ability to maintain attention over time and respond appropriately.

- **Visual attention:** ability to attend to stimuli that are presented in our field of vision. It is related to spatial aspects.

- **Auditory attention:** ability to attend to the stimuli perceived through the ear. Relates to temporal parameters.

There are multiple determining factors that can affect the functioning of attention and can define to which stimulus attention is directed. These can be external or internal:

- **External factors (external determinants):** they come from the environment and favor or hinder concentration on the relevant stimuli. Some are:

- o **Intensity:** the more intense a stimulus is (power of the stimulus), the more likely it is that we will pay attention to it.

- o **Size:** the larger the stimulus, the more attentional resources it traps.

- o **Movement:** stimuli in movement attract more attention than those that remain static.

- o **Novelty:** newer or rare stimuli attract our attention to a greater extent.

- o **Change:** if a different stimulus appears that breaks with the dynamics, our attention will be directed to the new stimulus.

- o **Color:** stimuli that present color are more striking than those that present black and white tones.

- o **Contrast:** those stimuli that stand out from a set due to their contrast will attract our attention the most.

- o **Emotional charge:** both positive and negative stimuli attract more attention than neutral ones.

- **Internal factors (internal determinants):** they come from the individual himself and therefore depend on each person. Some are:

- o **Interests:** we concentrate more on those stimuli that are of interest to us.

- o **Emotion:** the stimuli that provoke emotions of greater intensity attract our attention to a

greater extent. However, it must be taken into account that positive moods help focus attention resources, but negative emotional states make concentration difficult.

- o **Effort required by the task:** people carry out a prior evaluation of the effort required to carry out the task and depending on it, it will attract their attention to a greater or lesser extent.

- o **Organic state:** it depends on the physical state in which the person is, such that states of fatigue, malaise, fever, etc. they will make it difficult to mobilize attention. If, on the contrary, person presents states related to survival, such as thirst or hunger, those stimuli related to association of these needs will attract attention resources to a greater extent.

- o **Course of thought:** when thought follows a certain course, based on specific ideas, the appearance of some stimulus related to them will capture our attention.

Now that we understand what it means for a brain to get attention, and the different types of attention that people can have, we will detail you based on the age of the children, How long does the attention last? The attention span develops as the child's cognitive development occurs. It is important to know the average times of each stage, so as not to demand too much from the little ones. Demanding periods of attention and / or concentration that are too long can be counterproductive, since they are not biologically prepared. Instead of creating the habit, what we do is create unnecessary tension for everyone and it will tend to give up the habit.

As average times, taking into account the individual variations that each child will present, we can mention the following:

0 to 1 year: 2 to 3 minutes.
1 to 2 years: 7 to 8 minutes.
2 to 3 years: up to 10 minutes.

3 to 4 years: up to 15 minutes.
4 to 5 years: up to 20 minutes.
5 to 6 years: up to 25 minutes.
6 to 8 years: up to 30 minutes.
8 to 10 years: up to 45 minutes.
10 to 12 years: up to 55 minutes.
12 years and older: up to 1 hour.

The usual thing in any adult person is to begin to be distracted after 1 hour paying attention to something. It will depend on the circumstances, context and other stimuli. It is important to know these times to organize the study according to the pampering, establishing rest periods. Focusing problems can affect children in many ways in and outside of school. They can be little things that other people might not even notice. Here are five common distractions for kids who have trouble with focus and concentration. Among the most common distractors are:

1. Things they pick up or touch.

Some children who have trouble focusing are also hyperactive. They could be picking up objects all the time and fiddling with them without even realizing they are doing it. Giving children an "approved by you" object, like one of those stress balls, can help them manage their distractions..

2. The ringing of the phone.

Children can have trouble deciding what information to pay attention to and what not to. This is not a choice they can make. The part of the brain that filters information may be smaller in children who have focus difficulties due to ADHD. Lowering the volume on the

phone's ringer or placing the phone in another room when your child needs to focus can reduce distraction..

3. Clothes that itch.

Some children who have trouble focusing also have problems with sensory processing, which means that their brain reacts differently to sounds, visual stimuli, touch, and other sensory information. Children who are sensitive to the touch may be bothered by the way something feels to their skin, such as itchy socks. They may focus too much on that itchy sensation and get distracted from other things. It may help to buy soft clothing and remove the labels. Another simple technique is to dim the lights in the room so they are not as bright.

4. Someone walks past the door.

When children who have trouble focusing see movements out of the corner of their eye, they have a hard time ignoring them. Finding a place to sit away from windows or crowded areas can help you focus on what you are doing, whether it's studying for a test or playing a board game.

5. Their own thoughts.

Children who have difficulty focusing are not only distracted by what is going on in the outside world. They are also easily distracted by their own thoughts, and may end up "daydreaming" many times. Making sure your child has understood what he is supposed to do and breaking tasks down into smaller parts can help keep him on task. Listening to music and using timers can also help your child "be there". *L&E*

Cómo mejorar la **atención** en los niños



psicopedia.org



THE EMOTIONAL SALARY: WHO WANTS TO LEAVE A PLACE IN WHICH THEY FEEL HAPPY?

Ayeisha Williams -Assistant
ayeisha.williams@rbc.com.pa

We always hear about pay and very little about emotional pay. In case you still did not know, the emotional salary is about those non-economic rewards that the worker can obtain from the company and its objective is to positively encourage the image that is had about the work environment and helps to increase its productivity. In short, the emotional salary helps to provide employees with non-financial benefits that make them feel comfortable within the company. If you know it and practice it, your company is on the way to success.

Employees need to feel that their work is important and in turn have opportunities for their personal development.

The immediate advantages that are obtained, if this type of remuneration is implemented, are: low rates of staff turnover and absenteeism, satisfied employees with high productivity rates, reduction of expenses in relation to personal selection among innumerable other advantages.

In this way, you will be able to get a happy collaborator, both professionally and personally, and reduce the risk that they will leave you for a higher remuneration. By feeling grateful, you will even repay the organization with more effort and commitment.

According to the Spanish Quality Association, companies that offer good emotional salaries quickly see an interesting return:

- **They see their staff turnover rate drop noticeably.**
- **The costs of selection, administration and training of personnel are also reduced.**
- **Absenteeism is significantly reduced.**
- **This low absenteeism is due, to a large extent, to the fact that employees are satisfied. These collaborators improve their productivity and competitiveness indexes.**

If at this time I do a survey among several employees of your company, and I ask them to mention 5 things they do at work, I am sure they will not know exactly which function to place, because five is a very low number to list the functions daily; Now, if I ask them five reasons why they do it, surely the answer would change and they would think better of it.

Many times we focus on what to do and most of the time we do not know why? Perhaps many answers will be, because I need a job or I have bills to pay, but friends, in an organization not only the only benefit to receive should be compensation.

Now I proceed to mention some examples about the emotional salary:

- **Personal recognition:** We all like to be told that our work is well done. Giving a voice to the good work of the collaborators employed, in other words, recognizing the work of the workers is a plus for motivation and well-being.
- **Telework:** This initiative is one of the ones that employees value most positively, since it allows us to improve work-life balance and avoid the inconvenience of travel (expenses, stress, traffic). Without a doubt one of the star options within the emotional salary. Ideal for family conciliation and a good way to create greater independence for the worker.
- **Time flexibility:** A simple measure, at no cost to the company and which greatly improves the productivity and happiness of workers. Not all of us work equally well at the same hours of the day, so it is not only positive because it encourages work-life balance, but it also helps to increase the level of efficiency. The pity is that there are certain business activities in which this modality is not possible.
- **Promote healthy life:** Offering physiotherapy services, doing a yoga session, or having a small ping pong table, are some of the actions that could be carried out related to sports and healthy living. In addition to promoting happiness, it helps reduce stress levels.

There are other benefits such as: Daycare for

children, participation in projects to promote talent, recognition programs, training and education, newsletters to communicate the goals of the company, insurance services, career plan, having a voice of opinion, among other

These are some examples in which we can observe that the emotional salary brings with it various benefits that impact the happiness of the workforce and in turn improve the collective mood, which over time would become: Pride, motivation, commitment, greater productivity .

The emotional salary can be a good way to retain the most valuable or essential employees, without resorting to raises (in some cases). This is particularly useful in small companies, where they are perhaps more fearful when experimenting, compared to large companies that have already established these benefits.

Happiness and organizational commitment have become a key factor, since with this the collaborators reinforce their commitment and, therefore, an impact on performance is generated. Once they identify the motivating axes of each collaborator, they will find closeness and will be able to offer benefits according to the needs, which will create a link between the collaborators and their work.

Now ask yourself, what can we do to improve our day to day? *.L&E*



Agenda Cultural

Por: Mariela de Sanjur
mariela.sanjur@rbc.com.pa



THEATER

- Gladys Vidal Theater: tickets www.verteatro.com
 - o Theater Improvisation Revolution, on January 7 and 8.

- ABA Theater:
 - o Magic Stories from January 7.
 - o Cruella from January 9 to March 20
 - o Beauty and the Beast.
 - o Action course summer 2022, start on January 17, registration open, whatsapp 6090-8950.

- Pacific Theater: tickets <https://teatropacific.net>
 - o The little prince, from January 22, on Saturdays and Sundays.
 - o Summer theatrical for children and adolescents, registration open.
 - o Wednesday's OneTwo stand up comedy.
 - o Vanessa Senior in concert on January 13 (panatickets.com)
 - o Los Locos Adams "El Musical" from January 27, tickets at panatickets.com.

- La Estación Theater: tickets [nstagram Teatrolaestacion](https://www.instagram.com/Teatrolaestacion).
 - o Strings from January 11.

- Nacional Theater: tickets panatickets.com
 - o A Flag (Una Bandera) from January 6 to 9.

- La Plaza Theater: tickets panatickets.com
 - o Arpias 2022 from January 14.

- o Summer course, registration open whatsapp 6889-8904.

Theater Digital Billboard: Tickets www.verteatro.com

- "The Writer of Epitaphs"
- "Life's begins after a good cup of coffee"
- "God creates them and the Devil puts them together."
- "First Dates".
- "The diva".
- "Be careful with the tie"
- "The Witch SINDY NERO"
- "Dora and Prudencia"
- "To bed with the thief"
- "Fourteen".

Teatro Pacific digital billboard: tickets in <https://teatropacific.net>

- o "House in order"
- o "# My Domestic Life"
- o "No Forgiveness for Sins"
- o "Halloween with Polyband and Puppets"
- o "Tell Christmas Tales"
- o Livestream: "Artists by Artists 2021"

Virtual Billboard of the Station Theater:

- o Toxic Idyll, reservations: <https://forms.gle/5xdZP5BP5jcCoH7M8>

MUSEUMS

- Museum of the Interoceanic Canal of Panama:
 - o Interactive exhibition of the Smithsonian Panama: AguaSalud until January 26, 2022.

- MAC – Contemporary Art Museum:
 - o Exhibition “Brooke Alfaro: Thank God it wasn’t worse.”
 - o Exhibition # VASOSCOMUNICANTES, is divided into II chapters and Alternative Spaces X:
 - Chapter I in the MAC.
 - Chapter II at the International Cultural Center.
 - Space X: In Central Ave, PH Bohemian Business Building (Payless Shoes).
 - Alternative Urban Spaces: works arranged in urban spaces that bring us closer to:
 - o “The force of the diverse” located in the MAC Panama and in Saks Ave. Central.
 - o “At first sight” located on Ave. De los Mártires and the International CCI.
 - Virtual: Instagram Galleries.
 - Exhibition: “My name is Legion portraits of a city that is many”

VARIOUS ACTIVITIES

- 1 of January New Year.
- January 4: World Braille Day.
- January 6: Epiphany of the Lord.
- January 6 Three Kings Day.
- January 6th. Our Lady of Los Remedios.
- January 9: Martyrs’ Day.
- January 15: Christ of Esquipulas de Antón.
- January 19: Birth of Muhammad.
- January 20: San Sebastián.
- January 21: Santa Inés.
- January 26: National Engineer and Architect Day.
- January 27: Commemoration of the Victims of the Holocaust.
- January 28 St. Thomas Aquinas.
- January 29: Pharmacist Day.
- January 31: Saint John Bosco.

IMPORTANT FAIRS

- La Chorrera International Fair: from January 26 to February 6 in the District of La Chorrera.
- Flower and Coffee Fair: to be held from January 13 to 23 in the District of Boquete, Province of Chiriquí.
- San Sebastián de Ocu Fair: from January 19 to 23.
- La Candelaria-Bugaba Fair:





Alianzas alrededor del Mundo

Mitrani, Caballero, Rosso Alba, Francia, Ojam & Ruiz Moreno- ARGENTINA

Guevara & Gutiérrez S. C. Servicios Legales- BOLIVIA

Machado Associados Advogados e Consultores- BRASIL

DSN Consultants Inc- CANADÁ

Lewin & Wills Abogados- COLOMBIA

Rivera, Bolívar y Castañedas- PANAMÁ

Espinosa & Asociados- CHILE

Lawnetworker S.A. Asesores Legales- ECUADOR

Peter Byrne & Associates- ESTADOS UNIDOS

Machado Associados Advogados e Consultores- ESTADOS UNIDOS

Ortiz, Sosa, Ysusi y Cía., S.C.- MÉXICO

Estudio Rubio Leguía Normand & Asociados- PERU

Adsuar Muñoz Goyco Seda & Pérez-Ochoa, P.S.C.- PUERTO RICO

Pellerano & Herrera- REPÚBLICA DOMINICANA

Alvarado & Asociados- NICARAGUA

Torres, Plaz & Araujo- VENEZUELA

Facio & Cañas- COSTA RICA

