



How to Invest in Haiti
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**CENTRE DE FACILITATION DES
INVESTISSEMENTS**

GUYLAMOTHE@CFIHAITI.NET

Intervention Plan



- Context and Introduction
- Legal framework and Institutions oriented towards facilitation
- Different legal forms
- Procedures to establish companies
- Other procedures
- Investment opportunities in Haiti
- Success history in Haiti
- Extracts Investment codes

Context and Introduction



- Well before the tragic event of January 12, 2010
- Importance of Direct Foreign Investments (IDE)
 - Economic Growth
 - Development
 - Reduction of Poverty
- IDE favors:
 - Increase of the production capacity of the Haitian economy
 - job creation and technology transfer

Legal Framework and State Institutions



- **General Directorate of Free Zones (DGZF)**
 - Responsible for the development and management of Free Zones
- **Commission tripartite CTMO HOPE**
 - Responsible for the implementation by the HOPE law now HELP, offering a package of advantages especially on textiles
- **Council for the Modernization of Public Entities**
 - Responsible for the modernization of public entities
- **The Legal Affairs Direction of the Ministry of Commerce and Industry**
 - Responsible for the registration of companies, commercial names, trademarks, and patent and cabotage authorizations
- **The Interministerial Commission on Investments (CII)**
 - Responsible for granting inducements

Legal Framework and State Institutions (cont'd)



The Investment Facilitation Center (CFI)

- An institution that is complimentary to the others
- The CFI liaises between the public and private sectors

It's Mission

- Promote investments as well as their development
- Facilitate the completion of constitutional formalities and the realization of projects
- Develop a commercial information system and assist investors with the implementation of their projects
- Propose less rigid procedures to the government
- Proposal for legal and regulatory affairs

Legal Framework and Private and International Institutions



- The National Chamber of Commerce
- Regional Chambers of Commerce
- Bi-national Chambers of Commerce
- Associations of Patrons
- Board of Conciliation for the Settlement of Disputes
- CIRDI – International Center for the Settlement of Disputes

The Laws and International Agreements



- The Commercial Code
- Intellectual Property Law
- Patent Protection Law
- Investment Code
- Investment Protection Law
- International Agreements ratified by the Haitian Government
- OMPI- World Intellectual Property Organization
- APE- Economic
- CARICOM etc.

Registration Procedures



- Sole proprietorship or individual
 - The simplest is to register the trade name

Registration Procedures for Partnerships



- Submission of articles of incorporation articles application to the Ministry of Commerce and Industry
- Publication of a summary of the articles in a newspaper with a large circulation
- Average duration of 8 to 10 days

Registration Procedures for an anonymous company



- A lawyer's presence is required in order to submit a SA registration request to the CFI.
- The initial documents must be submitted to a notary (status, constitution, act of subscription)
- Registration at the DAJ
- Publication by lawyer in Official Journal
- Average duration 30 business days

Registration Procedures to Open a Branch of a Foreign Company



- Request submitted to the Ministry of Commerce and Industry by a lawyer specializing in constitutional law in the national language, legalized under registration of a Branch of a Foreign Company

Other Formalities

Trade Name – DAJ



- Online verification on the Commerce Registry on the CFI website to ensure that the trade name is available
- File an application under trade name with the Ministry of Commerce and Industry along with important information
- Delivery within one to two weeks

The Trademark



- Online verification on CFI's website in the commerce registry
- File a trademark application with the Ministry of Commerce and Industry
- Publication in an official journal
- Contestation delay (2 months)

Professional Identity Card



- Deposit as a query a set of documents including the patent Dat the Ministry of Commerce and Industry
- Inspection visits by concerned departments
- Other documents may be requested depending on the status and nature of applicant
- Delivery time 2 days

Procedures to Obtain the Patent



- Commercial and Industrial
- 1- Individual
- 2- Partnerships
- 3- Anonymous

Individual Company



- Identity Card or tax registration number
- Income tax statements
- Authorization to operate (if necessary, Pharmacie, Financial institutions etc)
- Tax registration number (CIF)
- Professional Identity Card(CIP)
- Authorization to operate
- Opening balance sheet

Haiti, a Land of Opportunity



Based on several studies, one of which conducted by the CFI, there are sectors with significant growth margins or possess sources of opportunity exploited or unexploited.

- Le Tourisme et les services associés
- Le Textile avec la loi HOPE
- L'agriculture, la pêche et l'élevage
- La construction (Infrastructures, Bâtiments et autres)
- L'outsourcing
- Secteur financier
- Télécommunication et les NTIC

Success History in Haiti



- Telecommunications (Voila, Digicel, Telekom Solution, GaMa)
- Textile (CODEVI, Korean companies, Gildan)
- Agriculture (JMB, cooperation with Coca Cola), and vetiver
- Agro-industry (Pastamama)
- Pastry (Epi d'or)
- Finances (banks)
- Tourism (Societe Labady, Nord, Beach Hotels in Montrouis)
- Construction (Estrella, Vorbes et Fils)

2002 Investment Code (excerpts)



- Same treatment for Haitians and Foreigners
- Property Rights guaranteed

Types of Advantages



- Franchise tax and customs
- Temporary Admission
- General waiver of bond and deposit
- Exoneration of certain taxes up to 15 years
- Exemption from audit fees