

OFFICIAL GAZETTE OF B O L I V I A

SUPREME DECREE No. 16762

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DIVISION GENERAL DAVID PADILLA ARANCIBIA **PRESIDENT OF THE HONORABLE GOVERNMENT MILITARY JUNTA**

WHEREAS:

Supreme Decrees No. 04650 of May 14, 1957, No. 08228 of January 17, 1968, No. 8617 of January 8, 1969, No. 8525 of October 30, 1968, No. 10367 of July 14, 1972 and No. 13234 of December 30, 1975, stipulate the compulsory nature of the Legal Deposit of nationally produced works, from Bolivia's public and private sectors, for the purposes of protecting the Bolivian library of works.

The purpose of the Legal Deposit is the conservation of Bolivia's intellectual production, its recording in the national library of works and its dissemination, as well as access to national publishing, phonographic and cinematographic production.

The Legal Deposit Regime, which is compulsory for national publishing production, should deserve preferential State treatment, so as to form the national cultural heritage that, apart from its intrinsic value, is an invaluable source of consultation for information and research purposes relating to National Development.

Strict and effective rules for the control of the Legal Deposit must be envisaged, and the legislation in force must be reviewed, since its imprecise nature creates problems of overlap.

There is an urgent need to adapt that regime in the light of the considerable losses to that important cultural resource currently being suffered by the State due to loopholes and shortcomings in the legislation in force.

IN THE COUNCIL OF MINISTERS,

DECREES:

ARTICLE 1. Legal Deposit shall mean the mechanism that, supported by a law, requires the free registration and provision of a given number of copies of every work published, recorded or filmed for the purposes of dissemination, with specially designated repositories.

ARTICLE 2. The obligation for the Legal Deposit of works in Bolivia, as mentioned in the following Article shall apply to printers or producers of the public sector, private sector and/or both, once they are registered with the offices of the relevant registry, as per Article 12 of this Decree, and they should act as holding agents for the required number of copies. For works produced abroad by Bolivian authors or foreign authors writing about Bolivia, the obligation to fulfill this formality shall apply to importers or distributors that are responsible for their marketing in the country.

When several importers are involved, the Book Chamber of Bolivia shall provide five exact copies on one occasion only.

ARTICLE 3. All writings, slides, musical compositions and other documentary materials produced in multiple copies for the purposes of dissemination, produced with procedures or systems used now or in the future, shall be the subject of Legal Deposit, including, *inter alia*, the following:

- (a) printed material: books, newspapers, magazines, leaflets, posters, banners, rosettes and prints.

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- (b) photographic and cinematographic productions in general and all those that include images made by photoelectromechanical means and in multiple copies.
- (c) sound recordings or prints made in multiple copies.

ARTICLE 4. The Legal Deposit obligation shall also apply to publications resulting from research study (theses, reports and others) carried out in Bolivia, privately and/or under contract with the public and/or private sector by national and/or foreign persons and/or institutions, as well as international agencies.

ARTICLE 5. In the event of new editions of the same work, where there are edits, corrections, changes and other alterations that involve a change from the original version, a new Legal Deposit number and other bibliographic verification data shall be required.

ARTICLE 6. Printers or their representatives shall request from the relevant Legal Deposit Office the allocation of a Legal Deposit number and other bibliographic verification data; these data shall then be visibly displayed on the work in question before it is finished.

ARTICLE 7. The Legal Deposit of works produced in Bolivia shall be carried out within a period of 30 days following the end of production. The works of Bolivian authors and foreign authors about Bolivia abroad shall be deposited before they are marketed in Bolivia.

ARTICLE 8. The Legal Deposit shall be carried out in the quantities and locations listed below:

- (a) one copy of videos and cinematographic reels, the credits and cast list and script in the Bolivian Film Archive, in accordance with the provisions of Supreme Decree No. 15604 of June 27, 1978.
- (b) three copies of sound recordings and three copies of the sheet music for folk or international music produced in the country; and all production by Bolivian and foreign authors about Bolivia outside the country, in the Bolivian Institute of Culture, Department of Ethnomusicology, in accordance with the provisions of Supreme Resolution No. 119368 of February 1, 1963.
- (c) two copies of all the works of a geodesic, cartographical, topographical and cadastral nature, in the Military Geographical Institute, in accordance with Supreme Decree No. 1158, which became law on December 21, 1948.
- (d) five copies of publications of the public sector and/or joint public-private publications, in the Legal Deposit office of the Ministry of Planning and Coordination in the city of La Paz.
- (e) five copies of private-sector publications in the Legal Deposit offices of the Bolivian Institute of Culture.

Materials not specified above shall be deposited in the quantities and locations determined by the Legal Deposit Coordination Committee.

ARTICLE 9. The omission or infringement of the precepts established in this provision shall be punished in the following way:

- (a) private-sector producers and printing studios with a debit note for the sum of one hundred times the production cost of one copy.
- (b) For public-sector and/or mixed producers or printing studios, the penalty shall be a debit note addressed to the director of the studio for a sum of 10 per cent of his/her total monthly wage earnings per infringement.

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The Office of the Comptroller-General of the Republic, through the relevant department, shall issue the corresponding debit note.

ARTICLE 10. Central Legal Deposit Offices or their representative shall be authorized to remove from printing or production studios the copies that are for Legal Deposit, where these have failed to comply with this obligation within the time period established in the Article Seven of this Decree.

ARTICLE 11. All Legal Deposit materials shall be supplied in perfect condition; those failing to comply shall be punished in accordance with Article Nine of this Decree.

ARTICLE 12. All consignments of publications and other works for Legal Deposit reasons, within the national territory, shall be exempt from postal charges.

ARTICLE 13. It shall be the obligation of all printers, graphic studios, publishers or producers to register within 30 days of the enactment of this Decree, or within 30 days of the creation of the enterprise in the Central Legal Deposit Offices or their representatives.

- (a) Small-scale or industrial printing studios or producers, in the offices of the Association of Graphic Industrialists.
- (b) Publishing and distribution enterprises, in the offices of the Book Chamber of Bolivia.
- (c) State publishers and printing studios, in the offices of the Ministry of Planning and Coordination, as the repository of the public sector.

The relevant registration certificate awarded by the institutions indicated shall be of use to enterprises as additional documentation, and shall be presented in Legal Deposit offices and also for any other procedure in other public sector offices.

Enterprises that refuse to register shall be considered illegal and shall be subject to a fine equivalent of 10 per cent of stated capital, payable to the institution with which they were obliged to register.

ARTICLE 14. The Legal Deposit Coordination Committee is hereby created, and the Coordination Committee shall be permanently made up of representatives specifically appointed by: the Military Geographical Institute, the Bolivian Institute of Culture (National Repository of La Paz, National Archive and Library of Sucre and Department of Ethnomusicology), Bolivian Film Archive, Association of Graphic Industrialists, Book Chamber of Bolivia, Comptroller-General of the Republic, chaired by a representative of the National Fund and System for Information on Development (SYFNID). The functions and responsibilities of that Committee shall be specified in the Regulations.

ARTICLE 15. The obligations, functions and responsibilities of all the agencies and people involved in this Decree shall be specified in the Regulations that will be drafted within 60 days of the enactment of this Supreme Decree.

ARTICLE 16. All the legal provisions that contradict the present Supreme Decree are repealed.

The Ministries of State for the Offices of Planning and Coordination, Transport and Communications, Finance, Education, Defense and Comptroller-General of the Republic shall be responsible for the implementation and enforcement of this Decree.

Done at the Palace of Government in the city of La Paz, on the eleventh day of the month of July of the year nineteen seventy nine.

SIGNED BY DIVISION GENERAL DAVID PADILLA ARANCIBIA, Jorge Escobari Cusicanqui, Raúl López Leytón, Ismael Saavedra Sandoval, Gary Prado Salmón, Javier Alcoreza

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Melgarejo, Simón Sejas Tordoya, Juan Muñoz Revollo, Oscar Pammo Rodríguez, Hermes Fellman Forteza, Mario Candia Navarro, Luis Rivera Palacios, Norberto Salomón Soria, Jaime Arancibia Echavarría.