



Questionnaire for the assessment of Transparency in Fiscal Policy Standard

**Report prepared in accordance with the Agreement of Cooperation between FUNDESA and
the Financial Standards Foundation (eStandards Forum) from May, 2009¹**

Guatemala, July 2010

¹ This questionnaire is part of the activities of the cooperation agreement between FUNDESA and the Financial Standards Foundation (eStandards Forum), which aims to reflect the latest information regarding compliance with international financial standards. It was completed by officials from the Transparency Unit of the Ministry of Finance of Guatemala.



Supervision and regulation of Guatemala's convergence with international standards

Questionnaire for the assessment of Transparency in Fiscal Policy Standard

- Please include supporting documents (whether printed or, preferably, by providing links) for all answers.
- Please give feedback to the questions, i.e. relevance, missing questions, etc.
- Please include any relevant information that was not included in this study.

Principle I. Clarity of Roles and Responsibilities

1.1 Is the government sector distinguished from the rest of the public sector and from the rest of the economy? And are policy and management roles within the public sector clear and publicly disclosed?

YES | NO | N/A | Link:

<http://www.minfin.gob.gt/archivos/manuales/doc02.pdf>

Supporting documents: **Budget Classification Manual for the Public Sector of Guatemala, Institutional Classification**

Information and comments:

According to the Budget Classification Manual for the Public Sector of Guatemala, the country has a General Government, which consists of the Central Government and Local Governments. The Central Government includes the legislature, judiciary, presidency, state ministries, secretariats and other agencies of the executive bodies of legal, administrative and political control, non-business decentralized entities, self-governing non-business entities and social security institutions. Therefore, the General Government has functions separated from the rest of the economy.

1.1.1 Are the structure and functions of government clearly identified?

YES | NO | N/A | Link: <http://www.minfin.gob.gt/archivos/manuales/doc02.pdf>

Supporting document: **Budget Classification Manual for the Public Sector of Guatemala, Institutional Classification**

Information and comments: As to the structure of the General Government, the institutional classification is harmonized with the System of National Accounts 1993 (SNA93) and the Manual of Government Finance Statistics 2001 from the International Monetary Fund, which allow for standardization at the international level for the purposes of comparability and homogeneity. Regarding the functions of government, they are derived from the Constitution of the Republic and included in the legal basis of each institution (laws and regulations). Therefore, they are clearly defined.

1.1.2 Are the fiscal powers of the executive, legislative, and judicial branches of government well defined?

YES | NO | N/A | Link: <http://portal.sat.gob.gt/sitio/index.php/institucion/que-es-la-sat/740-objeto-y-funciones-de-la-sat.html>

Supporting document: **Object and functions of the Superintendency of Tax Administration (SAT)**

Information and comments: There are designated fiscal powers to the Executive Branch, through Decree No. 1-98 of the Congress of the Republic of Guatemala, Organic Law of the Superintendency of Tax Administration, as a decentralized state entity that has the jurisdiction throughout the national territory to develop the functions of tax administration.

Fiscal powers assigned to the legislature are regulated in the Constitution of the Republic, which covers aspects such as the power to enact, amend and repeal laws, specify regular and special levy taxes according to state needs, and determine the grounds for their collection. As for the fiscal powers of the judiciary, it is only applied when it resolves litigation related to tax administration.

1.1.3 Are the responsibilities of different levels of government, and the relationships between them, clearly specified?

YES | NO | N/A | Link:
<http://www.minfin.gob.gt/archivos/manuales/doc02.pdf>

Supporting documents: **Budget Classification Manual for the Public Sector of Guatemala, Institutional Classification**

Information and comments: As already mentioned, besides the institutional classification, the legal basis of each institution clearly indicates the functions it should perform.

1.1.4 Are relationships between the government and public companies based on clear arrangements?

YES | NO | N/A | Link:
<http://transparencia.minfin.gob.gt/transparencia/BibliotecaDigital/Documentos/Constitucion.pdf>

Supporting document: **Constitution of the Republic of Guatemala**

Information and comments: The legal basis of relations between the central government and public companies municipal governments, understood as public corporations, are clear, as outlined in the Constitution of the Republic of Guatemala and in the ordinary laws pertaining in the country, such as the Law on the Executive.

1.1.5 Are government relationships with the private sector conducted in an open manner, following clear rules and procedures?

YES | NO | N/A | Link:

Supporting document:
Information and comments:

1.2 Is there a clear and open legal, regulatory, and administrative framework for fiscal management?

YES | NO | N/A | Link:

Links and documents:
Constitution of the Republic of Guatemala
<http://transparencia.minfin.gob.gt/transparencia/BibliotecaDigital/Documentos/Constitucion.pdf>

Organic Rules of Procedure of the Ministry of Public Finance

http://www.minfin.gob.gt/archivos/acercade/acuergob_394.rar

Information and comments: The public finance management has a comprehensive legal framework. It is mainly found in the Constitution of the Republic, the Executive Agency Act, the Budget Act and its regulations, as well as the Organic Rules of Procedure of the Ministry of Public Finance.

In Guatemala, unlike other countries, financial administration law is not necessary, as this is regulated by the Budget Act and its regulations. Additionally, within the modernization of public management, information systems have been implemented which help to improve financial management and provide greater transparency. Among these systems is the Integrated Financial Management System (SIAF), which currently operates in a web platform and whose records are made to the Integrated Accounting System (SICOIN). An integral management system has also been implemented (SIGES), as well as an online procurement system (Guatecompras).

1.2.1 *Is the collection, commitment, and use of public funds governed by comprehensive budget, tax, and other public finance laws, regulations, and administrative procedures?*

YES

NO

N/A

Link:

<http://portal.sat.gob.gt/sitio/index.php/esat/estadisticas/47-estadisticas-tributarias/334-recaudacion-tributaria-2009.html>

Supporting document: Tax Statistics, Tax Administration Superintendence-SAT –

Information and comments: Each tax has its basis in law, regulations and procedures. The collection is governed by the Superintendency of Tax Administration (SAT), which shows on its website updated collections. The commitment and use of public funds is the responsibility of each executing unit assigned to public funds.

1.2.2 *Are laws and regulations related to the collection of tax and non-tax revenues, and the criteria guiding administrative discretion in their application, accessible, clear, and understandable? Are appeals of tax or non-tax obligations considered in a timely manner?*

YES

NO

N/A

Link:

Supporting document:

Information and comments:

1.2.3 *Is there sufficient time for consultation about proposed laws and regulatory changes and, where feasible, broader policy changes?*

YES

NO

N/A

Link:

Supporting document:

Information and comments: Bills and amendments to regulations concerning taxes are subject to consideration by the Congress. The law does not set a definite time for changes to be made, particularly

tax laws. Rather, emphasis is placed on the content of the draft law or reforms and the importance and acceptance that may occur by different sectors of society.

1.2.4 Are contractual arrangements between the government and public or private entities, including resource companies and operators of government concessions, clear and publicly accessible?

YES | NO | N/A | Link: http://www.minfin.gob.gt/archivos/decreto_5708.pdf

Supporting document: **Decree No. 57-2008, Law on Access to Public Information**

Information and comments: According to the Law on Access to Public Information, the public can submit requests for information, and the government, by law, must disclose that information. Among those obliged to comply with the law are private companies who have contracts with the State.

This occurs because the law applies to “any individual or legal person, public or private, national or international of any nature, institution, state agency, entity, or any institution that handles or manages public resources, state property, or acts of public administration in general”.

1.2.5 Do government liability and asset management, including the granting of rights to use or exploit public assets, have an explicit legal basis?

YES | NO | N/A | Link:

Supporting document:
Information and comments:

Principle - II Transparent Budget Processes

2.1 Budget preparation should follow an established timetable and be guided by well-defined macroeconomic and fiscal policy objectives.

YES | NO | N/A | Link: http://www.minfin.gob.gt/index.php?option=com_content&view=section&id=32&Itemid=114

Supporting documents:

- **Technical Standards for the Formulation of the General Budget of State Revenues and Expenditures for Fiscal Year 2010 and Multi-Year 2010-2012**
- **Macroeconomic variables set by the Bank of Guatemala, according to its projections**
- **Other fiscal policy documents**

Information and comments: The Constitution of the Republic (Article 171, subparagraph b)) requires that the Executive branch must submit the draft budget to Congress 120 days before the date on which the fiscal year begins. The budget schedule is developed to meet this constitutional provision.

Guatemala produces a draft budget based on revenues estimates, fiscal policy documents, and budgetary and macroeconomic estimates from the Banco de Guatemala. The procedure is conducted according to a predefined schedule.

2.1.1 Is a budget calendar specified and adhered to? Is adequate time allowed for the draft budget to be considered by the legislature?

YES NO N/A Link: <http://transparencia.minfin.gob.gt/transparencia/BibliotecaDigital/Documentos/Constitucion.pdf>

Supporting document: **Constitution of the Republic of Guatemala, Article 171, letter b)**

Information and comments: The time is stipulated in the Constitution of the Republic and the Budget Act. The constitutional provision (Article 171, subparagraph b)) indicates that it is up to Congress to approve the Revenue and Expenditure Budget of the State no later than thirty days before it enters into force. In concrete terms, Congress has three months to carry out this process, after receiving the proposal of the executive branch.

2.1.2 Is the annual budget realistic, and is it prepared and presented within a comprehensive medium-term macroeconomic and fiscal policy framework? Are fiscal targets and any fiscal rules clearly stated and explained?

YES NO N/A Link: <http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Supporting document:
General Budget of State Revenues and Expenditures for Fiscal Year 2010 Draft

Information and comments: The explanatory memorandum for the overall budget includes references on macroeconomic policy and an explanation of the fiscal targets.

2.1.3 Is a description of major expenditure and revenue measures and their contribution to policy objectives, provided? Are estimates provided of their current and future budgetary impact and their broader economic implications?

YES NO N/A Link: http://www.minfin.gob.gt/index.php?option=com_content&view=article&id=626:informes&catid=31:informes&Itemid=121

Supporting document: **Reports of the National Emergency and Economic Recovery Program**

Information and comments: Projections are made according to the current situation; however, there is always the possibility of an emergency that produces unanticipated variations. For example, the recent global economic crisis produced a series of circumstances that were not predicted and that will have a major impact now and in the long run, including budgets in subsequent years.

2.1.4 Does the budget documentation include an assessment of fiscal sustainability? Are the main assumptions about economic developments and policies realistic and clearly specified, and is sensitivity analysis presented?

YES NO N/A | Links and supporting documents:

Reports of the National Emergency and Economic Recovery Program -PNERE --

http://www.minfin.gob.gt/index.php?option=com_content&view=article&id=626:informes&catid=31:informes&Itemid=121

Monetary Policy Report Jun 2009

<http://www.banquat.gob.gt/inc/main.asp?id=152&aud=1&lang=1>

Information and comments: This refers to the fiscal and monetary policy elaborated by the Ministry of Public Finance and the Bank of Guatemala, respectively. They are realistic in the sense that reliable information and appropriate methodologies are used for the formulation of the policies.

2.1.5 Are there clear mechanisms for the coordination and management of budgetary and extrabudgetary activities within the overall fiscal policy framework?

YES NO N/A | Link:

Information and comments: The Constitution of the Republic of Guatemala, Article 237, provides that the General Budget of Income and Expenditure of the State will include "an estimate of all revenue to be obtained and the details of the costs and investments to be made," a circumstance that makes Guatemala free of "extrabudgetary activities".

2.2 Are there clear procedures for budget execution, monitoring, and reporting?

YES NO N/A | Link: http://www.minfin.gob.gt/archivos/decreto_7208.pdf

Supporting documents:

- **Decree 101-97, State's Budget Organic Law**
- **Decree 72-2008, General Budget of State Revenues and Expenditures Law 2009**
- **Budget Classification Manual for the Public Sector of Guatemala**

Information and comments: There is a variety of legislation, including laws and regulations, that develops procedures for implementation, monitoring and reporting of the budget. It also includes the tasks performed by the Comptroller's Office.

2.2.1 Does the accounting system provide a reliable basis for tracking revenues, commitments, payments, arrears, liabilities, and assets?

YES NO N/A | Links and supporting documents:

Integrated Accounting System (SICOIN) <https://sico.in.minfin.gob.gt/>

Procurement Management System (SIGES) <https://siges.minfin.gob.gt/>

Information and comments: As part of the Integrated Financial Management System-SIAF-(set of rules, procedures and tools that governs the budget system, integrated government accounting, treasury and public credit) there are several electronic tools that help generate reliable information on budgetary execution.

The Integrated Accounting System (SICOIN) is the software tool that keeps track of budget execution, recording income and expenditure programs and projects as appropriate, generating each record automatically and recording state accounting and payment processes. It also involves the recording of goals, performance indicators and recording of the Annual Operating Plan for each institution. In addition, there is the Purchasing Management System-SIGES, the software tool used by public agencies to issue purchase orders, conduct settlement and payment, and manage and purchase products or services they require.

By using these tools, the central government is able to track the revenue, commitments, payments, arrears, etc.

2.2.2 *Is a timely midyear report on budget developments presented to the legislature? Are more frequent updates, which should be at least quarterly, published?*

YES **NO** N/A Link:
<http://www.minfin.gob.gt/archivos/liquidacion/abril2009/index.htm>

Supporting document:
Performance report for the General Budget of State Revenues and Expenditures for the 2009 Tax Year

Information and comments: According to the stipulations of the Constitution of the Republic of Guatemala, Article 183, the only requirement is to submit quarterly budget execution reports to Congress. That is, there is no mandatory reporting of the mid-year budget.

2.2.3 *Are supplementary revenue and expenditure proposals during the fiscal year presented to the legislature in a manner consistent with the original budget presentation?*

YES **NO** N/A Link:
Supporting document:

Information and comments: Congress might consider initiatives to increase or decrease the general revenues and expenditures of the state budget, which logically would be consistent with the budget originally approved by the Congress. Administratively the appropriate procedure is a transfer, in accordance with the provisions of the State's Organic Budget Law.

2.2.4 *Are audited final accounts and audit reports, including reconciliation with the approved budget, presented to the legislature and published within a year?*

YES **NO** N/A

Links and supporting documents:

Audit Report on the State's Budget of Revenue and Expenditure for the 2008 Fiscal Year

http://www.contraloria.gob.gt/i_docs/i_inf_gobierno08/index.htm

Settlement Report of the General Budget of State Revenues and Expenditures and 2008 Fiscal Year-end

<http://www.minfin.gob.gt/archivos/liquidacion/liquida2008/index.htm>

Information and comments: The budget execution ends on the 31st of December each year and can be viewed by the public in the SICOIN from that date. However, officially, the liquidation and closure of the budget is submitted to the Comptroller's Office in March the following year, and is posted on the Internet. In the 2 months following, the Comptroller's office issues a report, which it sends to Congress for final approval. This report is also published on the Internet, which means that it is published within 6 months of the end of the budget execution. This is done in compliance with the provisions of the Constitution of the Republic of Guatemala, Article 241 concerning accountability of the state.

Principle III Public access to information

3.1 Is the public provided with comprehensive information on past, current, and projected fiscal activity and on major fiscal risks?

YES

NO

N/A

Link: http://www.minfin.gob.gt/archivos/decreto_5708.pdf

Supporting document: **Decree No. 57-2008, Law on Access to Public Information**

Information and comments: According to the Law on Access to Public Information, the public may require information that is of interest. On the other hand, if by "fiscal activity" it is meant those related to financial administration, they can be consulted directly on the Integrated Accounting System (SICOIN) as the records are online. If "fiscal risk" means tax expenditures, it figures in each proposed budget.

3.1.1 Does the budget documentation, including the final accounts, and other published fiscal reports, cover all budgetary and extrabudgetary activities of the central government?

YES

NO

N/A

Link:

Supporting document:

Information and comments: As mentioned before, the Constitution of the Republic of Guatemala, Article 237 provides that the General Budget of Income and Expenditure of the State will include "an estimate of all revenue to be obtained and the details of the expenditures and investments to be made." This is why Guatemala does not have the figure of "extrabudgetary activities".

3.1.2 Is information comparable to that in the annual budget provided for the outturns of at least the two preceding fiscal years, together with forecasts and sensitivity analysis for the main budget aggregates for at least two years following the budget?

YES

NO

N/A

Links and supporting documents:

General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two, Quantitative Detail, Institutional Budget

<http://www.minfin.gob.gt/archivos/pre09/inicio.htm>

Draft General Budget of State Revenues and Expenditures for Fiscal Year 2010, Part IV, Quantitative Detail, Institutional Budget

<http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Information and comments: Usually information from one or two years earlier is presented in the preamble of the draft budget. However, in the draft budget for 2010, there were no data for 2009, during which the budget underwent various revisions, due to lower-than-expected revenues. Likewise, the comparison year to year is difficult because of the changes arising from the update in the functional classifier in the Manual on Government Finance Statistics 2001, IMF, which also changes the composition of the classification by type of expenditure.

3.1.3 Are statements describing the nature and fiscal significance of central government tax expenditures, contingent liabilities, and quasi-fiscal activities part of the budget documentation, together with an assessment of all other major fiscal risks?

YES NO N/A

Links and supporting documents:

General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two, Quantitative Detail, Tax expenditure

<http://www.minfin.gob.gt/archivos/presu2009/inicio.htm>

Draft General Budget of State Revenues and Expenditures for Fiscal Year 2010, Part IV, Quantitative Detail, Tax expenditure

<http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Information and comments: The documents that comprise the proposed annual budget mention the aspects identified.

3.1.4 Are receipts from all major revenue sources, including resource-related activities and foreign assistance, separately identified in the annual budget presentation?

YES NO N/A

Links and supporting documents:

General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two, Quantitative Detail, Revenues Budget -

<http://www.minfin.gob.gt/archivos/presu2009/inicio.htm>

Draft General Budget of State Revenues and Expenditures for Fiscal Year 2010, Part IV, Quantitative Detail, Revenues Budget -

<http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Information and comments: The documents that comprise the proposed annual budget mention the aspects identified.

3.1.5 Does the central government publish information on the level and composition of its debt and financial assets, significant nondebt liabilities (including pension rights, guarantee exposure, and other contractual obligations), and natural resource assets?

YES NO N/A

Links and supporting documents:

General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two, Institutional Budget, Debt Services - <http://www.minfin.gob.gt/archivos/presu2009/inicio.htm>

Draft General Budget of State Revenues and Expenditures for Fiscal Year 2010, Part IV, Institutional Budget, Debt Services - <http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Information and comments: The documents that comprise the proposed annual budget mention the aspects identified.

3.1.6 Does the budget documentation report the fiscal position of subnational governments and the finances of public corporations?

YES NO N/A Link:

Supporting document:

Information and comments: In the case of local governments, municipalities have autonomy according to the Constitution of the Republic of Guatemala. However, currently they have the SIAFMUNI, the system through which they perform their income and expense records, where the budget execution can be consulted.

3.1.7 Does the government publish a periodic report on long-term public finances?

YES NO N/A Link:
http://www.minfin.gob.gt/index.php?option=com_content&view=article&id=454:informes&catid=57:informes&Itemid=121

Supporting document: **Reports on Fiscal Policy in Guatemala**

Information and comments: The reports on Fiscal Policy in Guatemala are produced on a quarterly basis and contain details about the major impact on public finances.

3.2 Is fiscal information presented in a way that facilitates policy analysis and promotes accountability?

YES NO N/A

Links and supporting documents:

Reports on Fiscal Policy in Guatemala

http://www.minfin.gob.gt/index.php?option=com_content&view=article&id=454:informes&catid=57:informes&Itemid=121

Reports of the National Emergency Economic Recovery Program (PNERE)

http://www.minfin.gob.gt/index.php?option=com_content&view=article&id=626:informes&catid=31:informes&Itemid=121

Citizen Consultation Website

<http://consultaciudadana.minfin.gob.gt/Paginas/inicio.aspx>

Financial trusts website on the Ministry of Finance

<http://www.minfin.gob.gt/fideicomisos/>

NGOs website

<http://www.minfin.gob.gt/archivos/ong/>

Law on access to public information website

http://www.minfin.gob.gt/laip_mfp/index.html

Information and comments: The contents of both reports of Fiscal Policy and the National Emergency Economic Recovery Program point to the two issues discussed: to facilitate analysis of fiscal policy and encourage accountability. Additionally, specific Internet portals that have been created claim to provide analysis on specific issues such as monitoring trusts, non-governmental organizations using public funds, or the observance of the provisions in the Law on Access to Public Information. A Citizens Consultation website has been created to learn about general aspects of budget execution.

3.2.1 *Is a clear and simple summary guide to the budget widely distributed at the time of the annual budget?*

YES |

NO x

N/A |

Link:

http://consultaciudadana.minfin.gob.gt/Documents/Aprendiendo_Aspectos_B%C3%A1sicos_del_Presupuesto%20v1.1.pdf

Supporting documents: Learning basic aspects of budget, General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two, Global Charts, Draft General Budget of State Revenues and Expenditures for Fiscal Year 2010, Second part, Global Charts, Explanatory Memorandum

Information and comments: The proposed budget includes the preamble and global tables, which in general, allow one to see the content of the proposal that the Executive Branch submits for consideration by the legislative branch. However, until now, a specific guide to understand the annual budget has not been produced. Moreover, the document entitled "Learning the basics of the budget" is available in this portal, so that people are introduced to the subject in simple language.

3.2.2 Is fiscal data reported on a gross basis, distinguishing revenue, expenditure, and financing, with expenditure classified by economic, functional, and administrative category?

YES x

NO

N/A

Links and supporting documents:

General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two, Quantitative Detail, Global Charts and Institutional Budget

<http://www.minfin.gob.gt/archivos/presu2009/inicio.htm>

<http://www.minfin.gob.gt/archivos/proypre09/inicio.htm>

Draft of the General Budget of State Revenues and Expenditures for Fiscal Year 2010, Part IV, Quantitative Detail, Global Charts, Institutional Budget

<http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Information and comments: The budget is presented according to the classifications used internationally, and now corresponds to the Manual on Government Finance Statistics 2001 of the International Monetary Fund.

3.2.3 Are the overall balance and gross debt of the general government, or their accrual equivalents, standard summary indicators of the government fiscal position? Are they supplemented, where appropriate, by other fiscal indicators, such as the primary balance, the public sector balance, and net debt?

YES x

NO

N/A

Links and supporting documents:

General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two, Institutional Budget, Public Debt services

<http://www.minfin.gob.gt/archivos/presu2009/inicio.htm>

Draft of the General Budget of State Revenues and Expenditures for Fiscal Year 2010, Part IV, Institutional Budget, Public Debt services

<http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Information and comments: The documents that comprise the proposed annual budget include information on global public debt.

3.2.4 Are results achieved relative to the objectives of major budget programs presented to the legislature annually?

YES x

NO

N/A

Links and supporting documents:

Audit Report on the Settlement of General Budget of Revenue and Expenditure of the State, 2008 Fiscal Year

http://www.contraloria.gob.gt/i_docs/i_inf_gobierno08/index.htm

Settlement Report of the General Budget of State Revenues and Expenditures and 2008 Fiscal Year-end

<http://www.minfin.gob.gt/archivos/liquidacion/liquida2008/index.htm>

Integrated Accounting System (SICOIN)

<https://sico.in.minfin.gob.gt/sico.inweb/menu/indexform.aspx>

Information and comments:

In addition to presenting the annual budget settlement and the audit report, the Integrated Accounting System (SICOIN) is used by institutions to record their progress so they can be seen in real time. Also, the law that calls for the approval of the annual budget also states that such records should be made public periodically. The existence of SICOIN allows reports to be drawn at any time of year, even to perform the oversight function of Congress.

3.3 Is a commitment made to the timely publication of fiscal information?

YES | NO | N/A | Link:

Supporting document:

Information and comments: In the case of Guatemala, the Constitution of the Republic in Article 183, letter w), calls for only the submission of quarterly budget execution reports to Congress. Thus, timely information on the budget is mandated, not merely a commitment.

3.3.1 Is the timely publication of fiscal information a legal obligation of the government?

YES | NO | N/A |

Link and supporting documents:

Integrated Accounting System <https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm>

Law on Access to Public Information, Decree 57-2008

http://www.minfin.gob.gt/laip_mfp/index.html

Information and comments: In the case of Guatemala, the Constitution of the Republic, Article 30 regulates publicizing administrative acts. In addition to Decree 57-2008, the Law on Access to Public Information develops the rights, principles, objectives and procedures to facilitate access to public information. The Law of the Executive Branch, for its part, sets transparency as one of its principles.

Additionally, as noted before, the Ministry of Finance offers people various electronic tools (SICOIN, Guatecompras, TRUSTS PORTAL, PORTAL NGOs, etc.) to review information of interest, beyond the demands of the Law on Access to Public Information.

3.3.2 Are advance release calendars for fiscal information announced and adhered to?

YES | NO | N/A | Link:

Supporting document:
Information and comments:

Principle IV Assurances of integrity

4.1 Does fiscal data meet accepted data quality standards?

YES | NO | N/A | Link:

Supporting document:
Information and comments:

4.1.1 Do budget forecasts and updates reflect recent revenue and expenditure trends, underlying macroeconomic developments, and well-defined policy commitments?

YES | NO | N/A | Links and supporting documents:

Superintendency of Tax Administration, Tax Statistics and Tax Indicators

<http://portal.sat.gob.gt/sitio/index.php/esat/estadisticas/47-estadicas-tributarias/334-recaudacion-tributaria-2009.html>

<http://portal.sat.gob.gt/sitio/index.php/esat/estadisticas/47-estadicas-tributarias/336-indicadores-tributarios.html>

General Budget of State Revenues and Expenditures for Fiscal Year 2009, Part Two quantitative detail, comprehensive tables

<http://www.minfin.gob.gt/archivos/presu2009/inicio.htm>

Draft General Budget of State Revenues and Expenditures for Fiscal Year 2010, Part II, Explanatory Memorandum, and Part Four, quantitative detail, comprehensive tables

<http://www.minfin.gob.gt/archivos/proypre10/inicio.htm>

Information and comments: These documents can verify whether the budget forecasts and updates reflect recent trends in income and expenses, underlying macroeconomic developments, and clearly defined policy commitments.

4.1.2 Does the annual budget and final accounts indicate the accounting basis used in the compilation and presentation of fiscal data? Are generally accepted accounting standards followed?

YES | NO | N/A | Link:

Supporting document:

Information and comments: Guatemala uses accepted international accounting standards. Furthermore, Guatemala uses the Integrated Government Accounting Manual and the Integrated Accounting System (SICOIN), which facilitates the gathering of information in real time.

4.1.3 *Is data in fiscal reports internally consistent and reconciled with relevant data from other sources? Are major revisions to historical fiscal data and any changes to data classification explained?*

YES NO N/A Link: <https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm>

Supporting document: **SICOIN, Integrated Accounting System**

Information and comments: As indicated, the Integrated Accounting System (SICOIN) provides reliable information, and counts budget records with accounting records in real time.

4.2 *Are fiscal activities subject to effective internal oversight and safeguards?*

YES NO N/A Link:

Supporting document:

Information and comments: If “fiscal activities” refers to financial administration, it should be expressed that the Integrated Accounting System (SICOIN) has the corresponding validations.

4.2.1 *Are ethical standards of behavior for public servants clear and well publicized?*

YES NO N/A Link:

Supporting document: **Ethics Code**

Information and comments: In 2008, the Code of Ethics of the Ministry of Finance was reformed. However there is also the Code of Ethics of the executive branch and there are some disciplinary provisions contained in the Civil Service Law.

4.2.2 *Are public sector employment procedures and conditions documented and accessible to interested parties?*

YES NO N/A Link:

Supporting document: **Civil Service Law**

Information and comments: Every institution’s Director of Human Resources must establish the necessary procedures.

4.2.3 *Are procurement regulations, meeting international standards, accessible and observed in practice?*

YES NO N/A Link: <http://www.quatecompras.gt/info/legislacion.aspx>

Supporting document: **Decree 57-92, Purchasing and Procurement Act**

Information and comments: In addition to the Purchasing and Procurement Act, the Guatecompras system allows institutions to make their purchases with greater transparency to the general public. The related regulations are updated periodically to ensure its effectiveness.

4.2.4 Are purchases and sales of public assets undertaken in an open manner, and major transactions separately identified?

YES NO **N/A** Link:

Supporting document:

Information and comments: To date, these transactions have not been done.

4.2.5 Are government activities and finances internally audited, and are audit procedures open to review?

YES NO N/A Link:

Supporting document:

Information and comments: In addition to reports of budget execution, settlement and auditing, each institution has an internal audit unit, which performs, among other things, preventive audits.

4.2.6 Is the national revenue administration legally protected from political direction, ensuring taxpayers' rights, and does it report regularly to the public on its activities?

YES NO N/A Link:

Supporting document:

Information and comments:

4.3 Is fiscal information externally scrutinized?

YES NO N/A Link:

Supporting document:

Information and comments: Various international bodies like the International Monetary Fund and the World Bank conduct external reviews to improve institutional performance with regard to generation and performance of tax information.

4.3.1 Are public finances and policies subject to scrutiny by a national audit body or an equivalent organization that is independent of the executive?

YES NO N/A Link: http://www.contraloria.gob.gt/i_index.php

Supporting document:

Information and comments: The main national audit body is the Comptroller's Office. In addition, other think tanks express their opinions and conduct related studies, etc. Additionally, there is the citizens' observatory "Acción Ciudadana" ("Citizen Action"), a subsidiary of Transparency International that functions as another body that oversees public policies.

4.3.2 Does the national audit body or equivalent organization submit all reports, including its annual report, to the legislature and publish them? Are mechanisms in place to monitor follow-up actions?

YES | NO | N/A | [Link:](#)
[Supporting document:](#)
[Information and comments:](#)

4.3.3 Are independent experts invited to assess fiscal forecasts, the macroeconomic forecasts on which they are based, and their underlying assumptions?

YES | NO | N/A | [Link:](#)
[Supporting document:](#)
[Information and comments:](#)

4.3.4 Is a national statistical body provided with the institutional independence to verify the quality of fiscal data?

YES | NO | N/A | [Link:](#)
[Supporting document:](#)
[Information and comments:](#)