

A Guide to Business Registration and Permitting for Foreign Investors in Haiti's Energy Sector

A Legal & Operational Guide for Foreign Investors

Content Partner: J. v. G. technology GmbH

Turnkey solar module production lines – since 1997

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Technical Overview: Business Registration and Permitting in Haiti's Energy Sector



Created as part of the PVKnowHow Knowledge Network



Prepared by J.v.G. Technology GmbH



European specialists in turnkey solar module production lines

1 — Haiti Energy Market Opportunity

Structural Energy Deficit

- Grid electrification rate remains among the lowest in the Caribbean
- State utility EdH operates 1,700 km of lines in Port-au-Prince; regional grids range 2–20 MW
- Chronic unreliability drives commercial demand for off-grid and distributed generation
- Energy subsidies account for ~62% of total government subsidies — an acute fiscal burden

Solar Opportunity Drivers

- High solar irradiation across the country — a significant untapped resource (World Bank)
- 20+ solar microgrid projects planned 2020–2024 to replace diesel generators
- \$13.5M IFC/IDB Invest joint investment signals growing institutional confidence in Haitian solar
- PHARES program (IDB, IFC, World Bank) targets rural and peri-urban energy access at scale

i Local solar module manufacturing can directly address supply chain gaps, reduce import dependence, and serve both domestic and regional markets.

2 – Legal Framework for Foreign Investors

Investment Code (2002)

- Haitian and foreign investors hold equal rights and privileges under the 1987 investment code
- 100% foreign ownership permitted in most sectors – no local equity partner required
- Foreign investors pay taxes on the same schedules applicable to Haitian investors
- Right to real estate property guaranteed for foreign investors for enterprise purposes

Capital & Profit Rights

- Profit repatriation permitted once taxes and legal obligations are met
- Repayment of foreign debts contracted for Haitian investments is unrestricted
- Foreign entities may capitalize using tangible and intangible assets in lieu of cash
- No equity-to-debt ratio requirements imposed on foreign operators

Legal System Basis

- Legal system based on the French civil code – structured, codified commercial law
- Mandatory engagement of a licensed Haitian notary for company incorporation
- Dispute resolution: Haiti is a signatory to the Washington Convention (ICSID)
- Regulatory opacity persists – forward regulatory plans are not routinely published

3 — SA vs. SARL Business Structures

Criterion	SA — Société Anonyme	SARL — Société à Responsabilité Limitée
Equivalent	Public limited company / Corporation	Limited liability company (LLC)
Best Suited For	Large-scale operations; multi-shareholder; public finance	SME / pilot lines; 20–50 MW production scale
Min. Shareholders	3 (at least 1 Haitian national)	At least 2 shareholders
Board Requirement	Formal board of at least 3 members	Simpler management structure
Foreign Ownership	100% permitted (with Haitian national co-shareholder)	100% permitted
Capital Requirement	Min. HTG 25,000 (~USD 500) paid-up share capital	Minimum capital varies by business type
Governance Complexity	Higher — suited for complex financial arrangements	Lower — flexible, asset-protective framework

- ❑ For an initial solar module manufacturing facility, the **SARL** offers a pragmatic entry structure. For larger capitalized lines targeting export markets, the **SA** provides the framework for external financing.

4 – Business Registration Workflow

- 1 — Step 1 — Name Reservation (MCI)**

Reserve the company name through the Ministry of Commerce and Industry (MCI)
Estimated timeline: 2-5 working days
- 2 — Step 2 — Notarial Deed**

Prepare and notarize constitutional documents with a registered Haitian notary
Estimated timeline: 1-2 weeks
- 3 — Step 3 — MCI Registration**

Submit notarized documents to the MCI — legally establishes the company
Estimated timeline: 4-6 weeks; new online platform reduces this significantly
- 4 — Step 4 — Publication in Le Moniteur**

Publish company formation notice in Haiti's official government gazette (Le Moniteur)
Mandatory public notification step — no fixed timeline
- 5 — Step 5 — NIF (Tax ID) via DGI**

Register with the Direction Générale des Impôts (DGI) to receive the Numéro d'Immatriculation Fiscale
Estimated timeline: 1-2 weeks; required for all financial and payroll transactions

5 — Tax and Social Security Registration

Tax Obligations (DGI)

- All businesses must obtain a NIF (Tax Identification Number) from the DGI
- Standard corporate income tax: 30% on profits
- VAT (TCA): 10% standard rate on most goods and services
- Withholding taxes apply to dividends, royalties, and interest paid to foreign entities
- Annual financial statements mandatory for tax-exempt status holders

Social Security Bodies

- **ONA** — National Old-Age Insurance Office: covers pension and retirement contributions
- **OFATMA** — Office of Occupational Injury, Sickness, and Maternity Insurance
- Both employer and employee contribute to social security programs
- Registration is mandatory upon first employee hire
- Export-oriented manufacturers may qualify for TCA (VAT) exemption on relevant sales

6 – Environmental Permitting Process

Competent Authority: MDE

- Ministry of the Environment (MDE), established 1994, governs sustainable development and environmental compliance
- Mandatory clearance for all industrial projects prior to construction
- Environmental Impact Assessment (EIA) evaluates waste management, resource consumption, and emissions

EIA Process for Solar Manufacturing

- Solar module manufacturing is classified as relatively clean vs. heavy industry
- EIA scope covers: solid waste handling, water consumption, chemical storage, and emissions
- International environmental standards (e.g. ISO-14000) referenced in IDB/IFC-backed projects

Outcome & Prerequisites

- Successful EIA results in an environmental permit – a prerequisite for construction commencement
- Permit must be maintained throughout operational life of the facility
- Experienced turnkey providers typically assist with EIA documentation preparation

7 — Energy-Sector Approvals

MTPTC


- Ministry of Public Works, Transport and Communications — primary regulator of Haiti's energy sector
- Issues permits for production standards, operational safety, and quality control for manufacturing facilities
- Manages grid connection approvals if the factory draws a significant electrical load

BME

- Bureau of Mines and Energy — operates under MTPTC supervision
- Responsible for energy project permitting and mineral/energy resource exploitation
- Maintains a permit application process and online information resource

ANARSE

- Autorité Nationale de Régulation du Secteur Énergétique — national energy regulator
- Launched PHARES program (2020) to modernize the grid and expand rural access
- Conducted pre-qualification rounds for regional grid concessions (2020–2021)

 A manufacturing facility that also intends to sell power or connect meaningfully to the grid will require coordinated engagement with MTPTC, BME, and ANARSE simultaneously.

8 – Challenges and Mitigation Strategies

Challenge	Risk Description	Mitigation Approach
Political & Security Instability	Six consecutive years of GDP contraction; gang violence disrupts logistics and supply chains	Site outside Port-au-Prince (Cap-Haïtien, Les Cayes); partner with established local operators
Regulatory Opacity	Ministries do not publish forward regulatory plans; approval timelines are unpredictable	Engage a licensed Haitian legal firm from day one; allow extended permitting buffer
Infrastructure Gaps	Unreliable grid power; limited water and logistics infrastructure outside PAP	Design factory with on-site solar and backup generation; assess site utilities pre-commitment
Skilled Labor Shortage	Emigration of skilled professionals creates a technical brain drain	Select a turnkey provider that includes on-site operator training – no prior PV experience needed
Currency & Inflation Risk	Annual inflation reached 46.4% (May 2023); gourde instability against USD	Contract in USD; maintain USD-denominated accounts; repatriate profits promptly

9 – Investment Incentives and Tax Benefits

Investment Code (2002) Incentives

- Potential customs duty exemptions on imported machinery and equipment
- Tax holidays of up to 15 years available under qualifying investment criteria
- 5–10 year income tax exemption for investments adding $\geq 35\%$ local value
- Benefits guaranteed and cannot be reduced for the duration of the qualifying period

Export & Manufacturing Criteria

- Substituting an imported product with $\geq 60\%$ locally produced value added qualifies for preferential status
- Assembling or processing imported components for re-export: duty and tax incentives apply
- TCA (VAT) exemption on sales to export-oriented enterprises
- Customs exemptions on goods re-transferred between similarly incentivized enterprises

Free Trade Zones (FTZ)

- Established FTZ at Ouanaminthe (north); Caracol Industrial Park (617 acres, northeast)
- FTZ goods sold domestically treated as customs imports – max 30% of production allowed for local sale
- New FTZ legislation scheduled – verify current status with legal counsel before site selection

10 — Role of Local Legal Support

1

Mandatory Engagement

Haitian commercial code requires a licensed local notary for company incorporation — non-negotiable for SA and SARL formation

2


Permit Navigation

Local legal counsel coordinates across MCI, DGI, MDE, MTPTC, and BME — managing sequencing, timing, and document preparation

3

Regulatory Monitoring

Forward-looking legal partners track draft tax codes, FTZ law revisions, and ministry circulars that are not proactively published

 The opacity of Haiti's regulatory environment makes experienced local legal support a **risk-reduction investment**, not a discretionary cost. Firms without it face substantially longer approval timelines and avoidable compliance errors.

11 – FAQ Highlights

Can a foreign investor own 100% of a Haitian company?

Yes. Foreign investors are permitted to own 100% of a company or subsidiary. As a Haitian entity, such companies enjoy all rights and privileges provided under the law. No equity partner requirement applies in most sectors.

What is the standard corporate tax rate?

Corporate income tax is 30% on profits for most businesses. Manufacturing operations meeting investment code criteria may qualify for partial or full tax holidays of 5–15 years.

How long does company registration take?

The total timeline is typically 3–4 weeks for online registration, though permitting and sector-specific approvals add further time. The MCI online platform has significantly reduced baseline registration time.

Is prior solar manufacturing experience required?

Not necessarily. A proven turnkey manufacturing concept includes on-site technical training and process handover — designed for operators with no prior PV production background.

12 — Key Project Data

SA / S...

Business Structure

Société Anonyme or Société à Responsabilité Limitée — both permit 100% foreign ownership

100%

Foreign Ownership

Permitted in most sectors under Haiti's Investment Code (2002)

4 Bodies

Main Permits

MCI (registration) · DGI (tax ID) · MDE (environmental) · MTPTC (energy sector)

15 Yrs

Max Tax Holiday

Available under Investment Code for qualifying manufacturing investments

📄 Factory type: Solar module manufacturing · Region: Haiti · Source: PVKnowHow / J.v.G. Technology GmbH

13 — Strategic Conclusion

1 Haiti's energy deficit is a structural investment signal

Chronic grid unreliability and high import dependence create durable demand for locally manufactured solar modules

2 The legal framework is investable — with preparation

100% foreign ownership, profit repatriation rights, and investment code incentives provide a viable entry basis; regulatory opacity demands experienced local support

3 Turnkey manufacturing reduces execution risk

A proven turnkey manufacturing concept eliminates the need for prior production experience and compresses the learning curve for new market entrants

4 Sequential permitting is the critical path

MCI → DGI → MDE → MTPTC approvals must be planned in sequence with realistic timelines — underestimating this phase is the most common investor error

About the Content Partner

J. v. G. technology GmbH – The DESERT Company

Founded in 1997 in Bavaria, Germany. Family-owned engineering company specializing in turnkey solar module production lines.

More than 90 factory projects delivered worldwide.

On-site team training included – no prior manufacturing experience required.

Key areas:

Turnkey PV manufacturing lines | DESERT Technology® |
TÜV-certified module designs | Factory planning to production

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Source:

<https://www.pvknowhow.com/countries/haiti/business-registration-haiti-energy/>

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