

APPENDIX 1 TO ANNEX XVIII

REFERRED TO IN ARTICLE 5.4

RESERVATIONS/NON-CONFORMING MEASURES BY COLOMBIA

COLOMBIA

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Código Sustantivo del Trabajo, 1993 Art. 74 y 75
Succinct description of the measure:	<p>Any employer that has more than ten (10) workers shall occupy Colombians in a proportion no less than 90% of the ordinary workers and no less than 80% of the qualified personal or specialist or of management or trust.</p> <p>Based on an employer request, this proportion can be diminished when it involves workers who are strictly technicians and necessary and just for the necessary time to train Colombian workers, through the employer obligations of granting full education that is required for that purpose.</p>

COLOMBIA

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Ley 226 de 1995, Art. 3 y 11
Succinct description of the measure:	<p>If the Colombian State decides to sell all or part of its interest in an enterprise to a person other than a Colombian state enterprise or other Colombian government entity, it shall first offer such interest exclusively, and under the conditions established in article 11 of Ley 226 de 1995, to:</p> <ul style="list-style-type: none">(a) current, pensioned, and former employees (other than former employees terminated for just cause) of the enterprise and of other enterprises owned or controlled by the enterprise;(b) associations of employees and former employees of the enterprise;(c) employee unions;(d) federations and confederations of trade unions;(e) employee funds (“fondos de empleados”);(f) pension and severance funds; and(g) cooperative entities <p>However, once such interest has been transferred or sold, Colombia does not reserve the right to control any subsequent transfer or other disposal of such interest.</p>

COLOMBIA

Sector:	Fishing
Sub-sector:	-
Legal source or authority of the measure:	Decreto 2256 de 1991, Art. 27, 28 y 67 Acuerdo 005 de 2003, Sección II y VII
Succinct description of the measure:	The operation of foreign-flagged vessels engage in fishing and related activities in Colombian territorial waters only can be done in association with a Colombian enterprise that owns a permit. In this case, the costs of the permit and fishing license are higher for foreign-flagged vessels than for Colombian-flagged vessels.

COLOMBIA

Sector:	Generation of Electric Power
Sub-sector:	-
Legal source or authority of the measure:	Decreto 2080 de 2000, Art. 6
Succinct description of the measure:	An enterprise in which a locally organized community holds a controlling interest shall be given a preference over enterprises with otherwise equivalent bids in the granting of a concession or license for the generation of electric power to that community.

COLOMBIA

Sector:	All Sectors
Sub-sector:	-
Legal source or authority of the measure:	Not Applicable
Succinct description of the measure:	<p>Colombia reserves the right to adopt or maintain any measure related to ownership of real property by foreigners in border regions, national coasts, or insular territory of Colombia.</p> <p>For purposes of this entry:</p> <ul style="list-style-type: none">(a) border region means a zone of 2 kilometers in width, parallel to the national border line;(b) national coast means a zone of 2 kilometers in width, parallel to the line of the highest tide; and(c) insular territory means islands, islets, keys, headlands, and shoals that are part of the territory of Colombia.

COLOMBIA

Sector:	Issues Related to Minorities and Ethnic Groups
Sub-sector:	-
Legal source or authority of the measure:	Not Applicable
Succinct description of the measure:	Colombia reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities and ethnic groups, including with respect to the communal lands held by ethnic groups in accordance with Art. 63 of the Constitución Política de Colombia. The ethnic groups in Colombia are: indigenous and Rom (gypsy) people, Afro-Colombian communities and the Raizal community of the Archipelago of San Andres, Providencia, and Santa Catalina.

COLOMBIA

Sector:	Traditional Expressions
Sub-sector:	-
Legal source or authority of the measure:	Not Applicable
Succinct description of the measure:	Colombia reserves the right to adopt or maintain any measure according rights or preferences to local communities with respect to the support and development of expressions relating to intangible cultural patrimony declared pursuant to Resolución No. 0168 de 2005.
