

Annex II - Colombia

Sector: Certain Sectors

Subsector:

Industry Classification:

Type of Reservation: Market Access (Article 904)

Description: **Cross-Border Trade in Services**

Colombia reserves the right to adopt or maintain any measure in the following sectors:

- investigation and security services;
- research and development services;
- the establishment of exclusive areas for services incidental to energy distribution in order to ensure universal service;
- distribution, wholesale and retail services in sectors in which the government establishes a monopoly, pursuant to Article 336 of the Constitución Política de Colombia, with revenue to be dedicated for public or social services. As of the date of signing of this Agreement, Colombia has in place monopolies only with respect to liquor and gambling;
- primary and secondary education services, and, with respect to higher education, requirements relating to the specific type of legal entity that may supply such services;
- environmental services established or maintained for a public purpose;
- health related and social services, and professional services related to health;

- libraries, archives and museums;
- sporting and other recreational services;
- the number of concessions and the total number of operations for road transportation passenger services; passenger and freight rail transportation services; pipeline transport; services auxiliary to all modes of transport, and other transport services.

For greater certainty, no measure shall be inconsistent with Colombia's obligations under Article XVI of GATS.

Existing Measures:

Sector: All Sectors

Subsector:

Industry Classification:

Type of Reservation: National Treatment (Article 803)

Description: **Investment**

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.

For purposes of this reservation:

- (a) border region means a zone of two kilometres in width, parallel to the national border line;
- (b) national coast means a zone of two kilometres 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.

Existing Measures:

Sector: All Sectors

Subsector:

Industry Classification:

Type of Reservation: Most Favoured Nation Treatment (Articles 804, 903)

Description: **Investment and Cross-Border Trade in Services**

Colombia reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Colombia reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; and
- (c) maritime matters, including salvage.

Existing Measures:

Sector: Social Services

Subsector:

Industry Classification:

Type of Reservation: National Treatment (Articles 803 and 902)
Most Favoured Nation Treatment (Articles 804 and 903)
Market Access (Article 904)
Local Presence (Article 905)
Performance Requirements (Article 807)
Senior Management and Board of Directors (Article 808)

Description: **Investment and Cross-Border Trade in Services**

Colombia reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: social re-adaptation, income security or insurance, social security, social welfare, public training and education, health, and child care.

Existing Measures:

Sector:	Issues Related to Minorities and Ethnic Groups
Subsector:	
Industry Classification:	
Type of Reservation:	<p>National Treatment (Articles 803 and 902)</p> <p>Most Favoured Nation Treatment (Articles 804 and 903)</p> <p>Market Access (Article 904)</p> <p>Local Presence (Article 905)</p> <p>Performance Requirements (Article 807)</p> <p>Senior Management and Board of Directors (Article 808)</p>
Description:	<p>Investment and Cross-Border Trade in Services</p> <p>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 <i>Constitución Política de Colombia</i>. 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.</p>
Existing Measures:	

Sector: Traditional Expressions

Subsector:

Industry Classification:

Type of Reservation: National Treatment (Articles 803 and 902)

Description: **Investment and Cross-Border Trade in Services**

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 heritage declared pursuant to *Resolución No. 0168 de 2005*

This intangible cultural heritage includes but is not limited to:

- (a) Languages and oral expressions;
- (b) Musical, dancing and sound expressions;
- (c) Ritual, scenic and ceremonial expressions, festive acts and traditional plays;
- (d) Knowledge, capabilities and techniques relating to the elaboration of objects, designs and corporal painting;
- (e) Social applications, knowledge and practices of the human being, nature and the universe;

- (f) Knowledge and practice relating to traditional juridical systems; and
- (g) Knowledge, practice and techniques relating to gastronomy.

Existing Measures:

Sector: Business Services

Subsector: Professional Services Excluding Accountants and Travel Agents

Industry Classification:

Type of Reservation: National Treatment (Article 902)
Market Access (Article 904)
Local Presence (Article 905)

Description: **Cross-Border Trade in Services**

Colombia reserves the right to adopt or maintain any measure that would allow a professional, other than an accountant or travel agent, who is a national of Canada, to practice only to the extent that the government of the province or territory in which that professional conducts his or her primary practice affords treatment consistent with the obligations referenced in this reservation to a Colombian national who otherwise satisfies the relevant authorization, licensing, or certification requirements to practice that profession. Notwithstanding the preceding sentence, Colombia shall permit such professionals who were practicing in its territory prior to the date of entry into force of this Agreement in accordance with Colombian law to continue practicing in accordance with the existing law.

For purposes of this reservation, the province or territory in which a professional conducts his or her primary practice is the province or territory within which the professional was licensed to practice and actually practiced most frequently in the preceding 12 month period.

Existing Measures:

Sector:	Transport Services
Subsector:	Road Transport River Transport
Industry Classification:	CPC 71: Land transport services CPC 722: Transport services by non seagoing vessels
Type of Reservation:	Most Favored Nation Treatment (Article 903)
Description:	Cross-Border Trade in Services Colombia reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement signed after the date of entry into force of this Agreement involving road and river transport services.
Existing Measures:	

Sector: All

Subsector:

Industry

Classification:

Type of National Treatment (Article 902)

Reservation: Most Favored Nation Treatment (Article 903)

Market Access (Article 904)

Local Presence (Article 905)

Description: **Cross-Border Trade in Services**

Colombia reserves the right to maintain or adopt any measure affecting the supply of a service provided in the exercise of governmental authority.

A “service supplied in the exercise of governmental authority” means a service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers.

Existing Measures: