

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Trade Negotiations Committee

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COMMUNICATION FROM COLOMBIA

**Draft Schedule of Colombia Concerning
Initial Commitments on Trade in Services**

The following communication is circulated at the request of Colombia to the members of the Group of Negotiations on Services.

In accordance with the new timetable agreed at the latest meeting of the GNS on 26 November, I enclose Colombia's Draft Schedule of Initial Specific Commitments drawn up and submitted in conformity with the draft GATS and its Attachment on guidelines for the negotiation of initial commitments during the Uruguay Round.

As agreed at the informal meetings of the Group of Negotiations on Services (GNS) on 29 October and 26 November 1993, Colombia presents below its Draft Schedule of initial Specific Commitments in accordance with Part III, Article XX and the Attachment on Substantive Guidelines for the Negotiation of Initial Commitments during the Uruguay Round of the draft General Agreement on Trade in Services (document SVC2251), drafted on the basis of the format suggested in the relevant annex of that document of 29 October 1993. This draft Schedule stems from and replaces the offers contained in documents MTN.TNC/W/67 of 11 February 1991 and MTN.TNC/W/67/Rev.2 of 17 February 1992.

In view of the lack of multilateral definition on notes MTN.GNS/W/176 and MTN.GNS/W/177 and the continuing technical and substantive discussions on the treatment to be accorded in the framework agreement to some sectors and to m.f.n. exemptions, this Schedule must be considered a draft and hence provisional for all purposes.

Furthermore, the final scale and configuration of Colombia's initial commitments on services, including its list of m.f.n. exemptions, will depend on the quality of the commitments of the other participants in the negotiations on access for goods, the final texts on rules and institutions, and the general agreement and specific schedules in the services sector.

Accordingly, Colombia reserves the right to maintain, modify or reduce this draft Schedule and its conditions at any time prior to the formal completion of the Uruguay Round negotiations or the entry into force of the GATS. Colombia also reserves the right to make changes of a technical nature in this draft Schedule when it sees fit.

This communication consists in full in the General Reservations Applicable to All Sectors; the Notes Clarifying the Schedule of Initial Specific Commitments with Respect to the Provision of Telecommunication Services; the Notes Clarifying the Schedule of Initial Specific Commitments with Respect to the Content on Financial Services; and the Schedule of Specific Commitments of Colombia (Draft 05.12.93). All these texts are annexed hereto.

The Schedule has been drawn up following, as far as possible and solely for guidance, the sectoral order given in MTN.GNS/W/120 and the numbering of the Provisional Central Product Classification of the United Nations DESD Statistical Office, 1992 version. The coverage is confined to what is mentioned in the text listed for each entry.

General Reservations Applicable to all Sectors

1. **With regard to movement of personnel**

Horizontally bound for managers, legal representatives and technical specialists, with the exception of the professional services sub-sectors.

Any employer with a staff of more than ten employees must employ Colombians in a proportion of not less than 90 per cent of the staff of ordinary employees and not less than 80 per cent of the skilled employees or specialists, administrative staff or persons in posts of responsibility.

2. **With respect to commercial presence**

With respect to foreign investment, this is allowed in all sectors of the economy except for investment projects in activities relating to national defence and the processing and disposal of toxic, hazardous or radioactive waste not produced in Colombia.

With regard to foreign corporations, a tax exists on remittances of profits. Colombia considers that this tax is compatible with the provisions of the General Agreement on Trade in Services, and therefore it is not specified or scheduled in this offer. Nevertheless, Colombia maintains a reservation until such time as a definition is established with respect to the interpretation of Article XIV and relevant matters in document MTN.GNS/W/177.

Unappropriated land along the Colombian coastlines and in the border regions with neighbouring countries may be awarded solely to Colombians by birth. Unappropriated land thus acquired cannot be transferred to foreigners.

In the islands of the San Andrés and Providencia Archipelago, the acquisition of real property by foreigners, as well as immigration and human settlements, are governed by special provisions for which all relevant reservations are established here.

**Notes Clarifying the Schedule of Initial Specific Commitments
with Respect to the Provision of Telecommunication Services**

1. Colombia's Schedule of Initial Specific Commitments for the Provision of Telecommunication Services within Colombian territory, whether or not connected to the State telecommunication network, is subject to full recognition of the sovereign right of the Colombian State to regulate its telecommunications.

2. For the establishment and operation of telecommunication services, the Colombian State adheres to the standards and recommendations laid down by the International Telecommunication Union (ITU) and its regulatory bodies, the CCITT and CCIR. Consequently, in the event of any divergence between their principles and those set out in the GATS agreements for the telecommunication sector, the international agreements signed by Colombia in the framework of ITU shall apply. They shall also serve as the rules of interpretation in conflicts that may arise between parties pursuant to the GATS negotiations on telecommunication services.

3. For the purposes of this draft Schedule, value-added services are defined as those which use as a carrier the basic, telematic or transmission services, or any combination of those services and together with them provide the complete capability for the sending or exchange of information, by adding other facilities to the carrier service or satisfying specific new telecommunication needs.

These include: electronic mail, voice mail, on-line information and database retrieval, electronic data interchange, facsimile store and forward, code and/or protocol conversion, on-line data processing and information.

Only services that can be differentiated from the basic services are considered value-added services.

4. Basic services are carrier services and tele-services.

Carrier services are services which provide the necessary capacity for the transmission of signals between two or more defined points in the telecommunication network. They comprise services carried out through circuit-switched or packet-switched networks and services carried out through unswitched networks. They include, *inter alia*, leasing services of isolated pairs and dedicated circuits.

Tele-services are those which in themselves provide the full capability for communication between users, including terminal equipment functions. They include, among things, fixed, mobile and mobile-cellular telephony, telegraphy and telex services.

**Notes Clarifying the Schedule of Initial Specific Commitments
with Respect to the Content on Financial Services**

The content of Colombia's draft Schedule on financial services is understood to be covered by the following indications:

1. The Colombian offer binds movement of personnel for managers, legal representatives and technical specialists provided these persons are providing their services in enterprises having a commercial presence in the country. The following definitions are established for these purposes:

Managers: Directors of the enterprise and other executives who have the authority to manage the company's assets and economic activities. Usually this category includes members of the board of directors, advisers, presidents, vice-presidents and assistant directors.

Legal representatives: These are the enterprise's authorized representatives with respect to third parties; they sign and perform all the actions and contracts for the fulfilment of its objects. In this capacity they represent the enterprise before any State authority.

Technical specialists: These are executives with outstanding expertise in specific technical matters of direct importance to the enterprises operations and objects.

2. **Commercial presence:** This means exclusively the establishment of a company in accordance with Colombian law in the form of an affiliated company or subsidiary. Consequently, other forms, in particular branches, are excluded. This does not prevent the operation of representative offices, which may not provide financial services in Colombia. This note is not in any way bound by the interpretations offered in note MTN.GNS/W/176 on the status of branches as service suppliers.

3. The commercial presence shall be carried out in accordance with the purpose specifically authorized for the affiliated company or subsidiary concerned. Constitutional provisions require prior government authorization for the exercise of financial, stock-market and insurance activities.

4. Colombia's draft Schedule is to be understood as being without prejudice to the prudential regulations applicable to financial operations in Colombia, such as minimum capital levels, limits on the risk assets of entities, limits on their debt, and so forth.

SCHEDULE OF SPECIFIC COMMITMENTS OF COLOMBIA (DRAFT 05.12.93)

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
1. BUSINESS SERVICES			
A. Professional services			
(a) Legal Services (861) Only legal advisory services in foreign legislation and international legislation (excludes advice and litigation in national law)	(1) None (2) None (3) Not bound (4) Not bound	(1) None (2) None (3) Not bound (4) Not bound	
(b) Accounting and book-keeping services (862)	(1) Not bound (2) None (3) In public accounting companies, at least 80 per cent of partners must be public accountants and the legal representative shall be a public accountant when all partners are public accountants.	(1) Unbound (2) None (3) It is necessary to be registered as an accountant, for which it is necessary to be a Colombian national having the exercise of civil rights or an alien domiciled in Colombia for at least three years prior to the application, and satisfy the following requirements: (a) Possess the degree of public accountant from a Colombian University, show evidence of experience in activities relating to accounting in general of not less than one year, acquired simultaneously with or subsequently to the above studies; (b) Or possess the degree of public accountant or an equivalent title issued by foreign institutions of countries with which Colombia has signed agreements on mutual recognition of degrees and endorsed by the duly authorized governmental body.	(4) Not bound

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
(c) Tax advisory services (863)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
(d) Management consulting services (865)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
B. Computer and related services			
(a) Consultancy services related to the installation of computer hardware (841)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
(b) Software implementation services (842)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
(c) Data processing services (843)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
(d) Data base services (844)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
E. Rental/Leasing services without operators			
(c) Rental/leasing services	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
F. Other business services			
Hydrocarbon services			
In Geology, geophysics, geochemistry			
Seismic	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Basin outline surveys	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Magnetometric surveys	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Gravimetric surveys	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Photogeology	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Satellite positioning	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Remote sensors	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
Biostratigraphic services	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Acquisition of information on subsoil geology	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Map-making	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
In drilling of hydrocarbon wells			
Supply of drilling equipment and corresponding tests	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Drilling of wells	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Drilling fluids	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Taking, processing and interpretation of samples	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Coring, cementing, casing	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	

Sector or Sub-Sector	Limitations and Conditions on Market Access				Limitations on National Treatment				Additional Commitments			
Fishing services	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Directional well services	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Supply of well cementation and stimulation equipment	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
In production of hydrocarbons												
Well finishing (completion)	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Pressure and production tests	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Reconditioning of wells, stimulation (acidizing, fracturing, packing)	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Design, erection and maintenance of production facilities (separator tanks, heaters, collecting lines)	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Design, operation and maintenance of production, as mechanical pumping, hydraulic pumping, electrosubmersible pumping, gas lift, and work carried out on wells after completion (cleaning, repairs)	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
Design, construction, operation and maintenance of oil and gas pipelines	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Other			
Administration, operation and maintenance of oil fields	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Inspection of equipment, tubes and pipes and other elements used in drilling and hydrocarbon production	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Environmental conservation and industrial safety in connection with oil spills, pollution and fire	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Mining Services			
Geological prospecting			
Geological field surveys	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
General geological map-making	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Semi-detailed geological map-making	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	

Sector or Sub-Sector	Limitations and Conditions on Market Access				Limitations on National Treatment				Additional Commitments			
Detailed geological map-making	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Interpretation of remote-sensing images	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Photogeology	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Geophysical prospecting: geoelectrical, gravimetric, resistivity, magnetometric, refraction and reflexion seismic prospecting	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Exploratory drilling	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Trench and spot sampling	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Petrographical analysis	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Chemical analysis	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
X-Ray spectography	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Mining geology	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Economic geology	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Feasibility studies	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Project management	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Mine surveying and design	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Construction assembly and infrastructure studies	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Road design	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	

Sector or Sub-Sector	Limitations and Conditions on Market Access				Limitations on National Treatment				Additional Commitments			
Terrain utilization	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Optimization of operations	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Geotechnics: slope stability, slope design	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Environmental impact studies	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Ground-water hydrogeology	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Geomorphology: basin and terrain management	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Mineral ore enrichment and processing	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			
Legal advisory services relating to mining	(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None				(1) None (2) None (3) None (4) None			

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
C. Telecommunication Services			
1. Value-Added Telecommunications Services*	<p>(1) Not bound (2) None (3) Telecommunications as a public service which the State will provide directly or through concessions which may be granted exclusively to Colombian natural or juridical persons, while reserving in all cases the power of control and supervision</p> <p>None</p> <p>(4)</p>	<p>(1) Not bound (2) None (3) None</p>	
	*The concessions in the clarificatory notes apply		
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General Construction Work for Buildings (512)	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
B. General Construction Work for Civil Engineering (513)	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
For Dams (51330)			
For Golf Courses (51372)			

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
C. Installation and Assembly Work			
For Derrick Operations (51570)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
E. Other			
Pre-Erection Work at Building and Construction Sites (511)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
Engineering for Hydrocarbon Deposits			
Study and Evaluation of Hydrocarbon Deposits	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Production Analysis and Control	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Improved Recovery of Hydrocarbons	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Maximum Production Rates	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Petrophysical and Petrochemical Analysis of Rocks and Fluids	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
A. Insurance and Insurance Related Services			
(a) Direct insurance (including co-insurance) ¹	(1) Not bound (2) Not bound (3) None (4) None	(1) Not bound (2) Not bound (3) None (4) None	
(i) Life insurance			
(ii) Non-life insurance services			
(b) Reinsurance and retrocessio ^{1,2}	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
(c) Insurance intermediation, such as brokerage and agency	(1) Not bound (2) Not bound (3) None (4) None	(1) Not bound (2) Not bound (3) None (4) None	
(d) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	(1) Not bound (2) Not bound (3) None (4) None	(1) Not bound (2) Not bound (3) None (4) None	
B. BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE	(1) Not bound (2) Not bound (3) None (4) None	(1) Not bound (2) Not bound (3) None (4) None	

Note: The offer is made in accordance with the definitions provided in point 5(e) to (p) of the annex on financial services.

¹In the case of foreign trade operations, insurance may be contracted with foreign insurers for external journeys i.e., those which begin or end in a Colombian port. Travel insurance for Colombian residents may be contracted with foreign insurers for the journey.

²Prior inscription in the Register of Reinsurers maintained by the Superintendent of Banks is required.

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL-RELATED SERVICES			
A. Hotels (641)	(1) Not bound (2) None (3) None (4) None	(1) Not bound (2) None (3) None (4) None	
B. TRAVEL AGENCIES AND TOUR OPERATORS SERVICES			
Travel Agencies and Tourism (74710)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Wholesale Agencies (74710)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	