

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

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Trade Negotiations Committee

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COMMUNICATION FROM COLOMBIA

Final 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.

General Conditions Applicable to all Sectors

1. 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. Commercial presence

Foreign investment 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, in particular with the footnote to Article XVI(d), and therefore it is not specified or scheduled in this offer.

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.

General Conditions Applicable 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 final 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.

General Conditions Applicable to the Provision  
of Financial Services

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

1. Movement of personnel

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 final 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.

GATS - FINAL SCHEDULE OF INITIAL SPECIFIC COMMITMENTS OF COLOMBIA (14.12.93)

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
1. <u>BUSINESS SERVICES</u>			
A. <u>Professional services</u>			
(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>B. <u>Computer and related services</u></b>			
(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	
<b>E. <u>Rental/leasing services without operators</u></b>			
(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
<p>F. <u>Other business services</u>  <u>Hydrocarbon services</u>  <u>In geology, geophysics, geochemistry</u></p>			
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
<p>F. <u>Other business services</u> (cont'd)</p> <p>Biostratigraphic services</p> <p>Acquisition of information on sub-soil geology</p> <p>Map-making</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	
<p><u>In drilling of hydrocarbon wells</u></p> <p>Supply of drilling equipment and corresponding tests</p> <p>Drilling of wells</p> <p>Drilling fluids</p> <p>Taking, processing and interpretation of samples</p> <p>Coring, cementing, casing</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
<p>F. <u>Other business services</u> (cont'd)</p> <p>Fishing services</p> <p>Directional well services</p> <p>Supply of well cementation and stimulation equipment</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	
<p><u>In production of hydrocarbons</u></p> <p>Well finishing (completion)</p> <p>Pressure and production tests</p> <p>Reconditioning of wells, stimulation (acidizing, fracturing, packing)</p> <p>Design, erection and maintenance of production facilities (separator tanks, heaters, collecting lines)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	

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

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
F. <u>Other business services (cont'd)</u>			
Semi-detailed geological map-making	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Detailed geological map-making	(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	
Photogeology	(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	
Exploratory drilling	(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	
Petrographical analysis	(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
F. <u>Other business services (cont'd)</u>			
Chemical analysis	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
X-Ray spectography	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
<u>Calculation of reserves and mine development</u>			
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	

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
F. <u>Other business services (cont'd)</u>  Road design  Terrain utilization  Optimization of operations  Geotechnics: slope stability, slope design  Environmental impact studies  Ground-water hydrogeology  Geomorphology: basin and terrain management  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  (1) None (2) None (3) None (4) None	

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
<p>F. <u>Other business services (cont'd)</u> Legal advisory services relating to mining</p>	<p>(1) None (2) None (3) None (4) None</p>	<p>(1) None (2) None (3) None (4) None</p>	
<p>2. <u>COMMUNICATION SERVICES</u></p>			
<p>C. <u>Telecommunication Services</u> 1. Value-added telecommunications services*</p>	<p>(1) Not bound (2) None (3) Telecommunications are 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 (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
<p>3. <u>CONSTRUCTION AND RELATED ENGINEERING SERVICES</u></p>			
<p>A. <u>General construction work for buildings (512)</u></p>	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
<p>B. <u>General construction work for civil engineering (513)</u> For dams (51330)</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	

\*The concessions in the clarificatory notes apply

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>B.</b> <u>General construction work for civil engineering (513) (cont'd)</u> For golf courses (51372)</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
<p><b>C.</b> <u>Installation and assembly work</u> For derrick operations (51570)</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
<p><b>E.</b> <u>Other</u> Pre-erection work at building and construction sites (511)</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
<p><u>Engineering for hydrocarbon deposits</u> Study and evaluation of hydrocarbon deposits Production analysis and control</p>	<p>(1) None (2) None (3) None (4) None  (1) None (2) None (3) None (4) None</p>	<p>(1) None (2) None (3) None (4) None  (1) None (2) None (3) None (4) None</p>	
<p>Improved recovery of hydrocarbons</p>	<p>(1) None (2) None (3) None (4) None</p>	<p>(1) None (2) None (3) None (4) None</p>	
<p>Maximum production rates</p>	<p>(1) None (2) None (3) None (4) None</p>	<p>(1) None (2) None (3) None (4) None</p>	

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
<p>E. <u>Other</u> (cont'd)</p> <p>Petrophysical and petrochemical analysis of rocks and fluids</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	
<p>7. <u>FINANCIAL SERVICES</u></p>			
<p>A. <u>Insurance and insurance-related services</u></p>			
<p>(a) Direct insurance (including co-insurance)<sup>1</sup></p> <p>(i) Life insurance</p> <p>(ii) Non-life insurance services</p>	<p>(1) Not bound</p> <p>(2) Not bound</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) Not bound</p> <p>(2) Not bound</p> <p>(3) None</p> <p>(4) None</p>	
<p>(b) Reinsurance and retrocession<sup>2</sup></p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	
<p>(c) Insurance intermediation, such as brokerage and agency</p>	<p>(1) Not bound</p> <p>(2) Not bound</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) Not bound</p> <p>(2) Not bound</p> <p>(3) None</p> <p>(4) None</p>	
<p>(d) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.</p>	<p>(1) Not bound</p> <p>(2) Not bound</p> <p>(3) None</p> <p>(4) None</p>	<p>(1) Not bound</p> <p>(2) Not bound</p> <p>(3) None</p> <p>(4) None</p>	

<sup>1</sup>In 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.

<sup>2</sup>Prior inscription in the Register of Reinsurers maintained by the Department of Banking is required.

Sector or Sub-Sector	Limitations and Conditions on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Banking and other financial services, excluding insurance</u></p> <p><i>Note: The offer is made in accordance with the definitions provided in point 5(e) to (p) of the annex on financial services.</i></p>	<p>(1) Not bound (2) Not bound (3) None (4) None</p>	<p>(1) Not bound (2) Not bound (3) None (4) None</p>	
<p>9. <u>TOURISM AND TRAVEL-RELATED SERVICES</u></p>			
<p>A. <u>Hotels (641)</u></p>	<p>(1) Not bound (2) None (3) None (4) None</p>	<p>(1) Not bound (2) None (3) None (4) None</p>	
<p>B. <u>Travel agencies and tour operators services</u></p> <p>Travel agencies and tourism (74710)</p>	<p>(1) None (2) None (3) None (4) None</p>	<p>(1) None (2) None (3) None (4) None</p>	
<p>Wholesale agencies (74710)</p>	<p>(1) None (2) None (3) None (4) None</p>	<p>(1) None (2) None (3) None (4) None</p>	