

RESERVATIONS REGARDING TEMPORARY PRESENCE OF
NATURAL PERSONS FOR BUSINESS PURPOSES

APPENDIX 1

RESERVATIONS ON KEY PERSONNEL AND GRADUATE TRAINEES
(referred to in Article 124 of this Agreement)

SECTION A

COLOMBIA

1. The list of reservations below indicates the economic activities liberalised by Colombia pursuant to Article 114 of Title IV (Trade in Services, Establishment, and Electronic Commerce) of this Agreement for which limitations on key personnel and graduate trainees in accordance with Article 124 of this Agreement apply and specifies such limitations. The list is composed of the following elements:
 - (a) first column indicating the sector or sub-sector in which limitations apply;
and

- (b) second column describing the applicable reservations.
2. Colombia does not undertake any commitment for key personnel and graduate trainees in economic activities which are not liberalised (remain unbound) pursuant to Article 114 of this Agreement.
 3. In identifying individual sectors and sub-sectors:
 - (a) ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, ISIC REV 3.1, 2002.
 - (b) CPC means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, CPC prov, 1991.

4. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a limitation within the meaning of Articles 112 and 113 of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile in the territory where the economic activity is performed, need to comply with national regulations and practices concerning minimum wages and with collective wage agreements in the host country), even if not listed, apply in any case to key personnel and graduate trainees of the investors of the other Party.
5. In accordance with Article 107 paragraph 3 of this Agreement, the list below does not include measures concerning subsidies granted by the Parties.
6. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
7. The rights and obligations arising from this list of commitments shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.

Sector or Sub-Sector	Description of Reservations
ALL SECTORS	<p>Minorities and ethnic groups</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 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 Andrés, Providencia, and Santa Catalina.</p>
ALL SECTORS	<p>Traditional Expressions</p> <p>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.</p>
ALL SECTORS	<p>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.</p>
ALL SECTORS	<p>Only natural or juridical persons with their main office in the free port of San Andrés, Providencia, and Santa Catalina may supply services in this region.</p>
2. FISHING AND AQUACULTURE (ISIC rev.3.1: 0501, 0502) excluding advisory and consultancy services	<p>Only Colombian nationals may engage in artisanal fishing</p>
6. BUSINESS SERVICES	
. A. Professional Services	
<p>b) 1. Accounting and Bookkeeping Services (CPC 862)</p> <p>c) Taxation Advisory Services (CPC 863)</p>	<p>Only persons registered with the Junta Central de Contadores may practice as accountants. A foreign national must have been domiciled continuously in Colombia for at least three years prior to the registration request and demonstrate accounting experience carried out in the territory of Colombia for a period of not less than one year.</p>
C. Research and Development Services	
a) Research and Development services on natural sciences (CPC 851)	<p>Any foreign person planning to undertake scientific research on biological diversity in the territory of Colombia must involve at least one Colombian researcher in the research or analysis of the results of such research.</p>

Sector or Sub-Sector	Description of Reservations
F. Other Business Services	
g) Advisory and Consulting Services Relating to Fishing (part of CPC 882)	Only Colombian nationals may engage in artisanal fishing
12. FINANCIAL SERVICES	
A. Insurance and insurance-related services	A foreign national who has resided in Colombia for less than one year may not supply services in Colombia as an insurance agent.
16. TRANSPORT SERVICES	
A. Maritime transport	In Colombian flag vessels and foreign-flagged vessels (except those relating to fishing) that operate in Colombian jurisdictional waters for a period of time longer than six months, continuous or discontinues, from the date of the issuing of the respective permit, the captain, officials and at least the eighty (80) per cent of the rest of the crew must be Colombians. Pilotage on Colombian territorial seas and rivers may only be performed by Colombian nationals.
a) Passenger transportation (CPC 7221)	
b) Freight transportation (CPC 7112)	
B. Internal Waterways Transport	Pilotage on Colombian territorial seas and rivers may only be performed by Colombian nationals.
a) Passenger transportation (CPC 7221)	
b) Freight transportation (CPC 7222)	
g) Rental of Vessels for maritime navigation with Crew (CPC 72130)	
Customs Services	In order to perform customs intermediation, intermediation for postal services ("intermediación para servicios postales") and "mensajería especializada" ¹ (including express delivery), deposit of merchandise, transportation of merchandise under the customs control, or international cargo services, or to act as Permanent Customs Users ("Usuarios Aduaneros Permanentes") or Highly Exporting Users ("Usuarios Altamente Exportadores"), a person must be domiciled in Colombia or have a domiciled representative legally responsible for their activities in Colombia.

¹ "Servicio de mensajería especializada" means the class of postal services that is supplied independently of the official postal networks for national and international mail, and that requires the application and adoption of special procedures for the receipt, collection, and personal delivery of mail and other postal objects transported by land and air within or from the territory of Colombia.