

# WORLD TRADE ORGANIZATION

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**Council for Trade in Services  
Special Session**

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## COLOMBIA

### Initial Offer

The following initial offer was received from the delegation of Colombia on 4 September 2003 with the request that it be circulated to the Members of the Council for Trade in Services.

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Colombia hereby submits its conditional initial offer of specific commitments in services. The offer is not a legal text and is submitted pursuant to the mandate established in paragraph 15 of the Doha Ministerial Declaration concerning Members' commitment to submit an initial offer for the current negotiations, and in the context of the Development Agenda.

This initial offer is made in the context of paragraphs 47 and 49 of the Doha Ministerial Declaration, especially in the light of the need to achieve an overall balance in the outcome of all World Trade Organization (WTO) negotiations. Accordingly, this offer is contingent on such an overall balance and Colombia reserves the right to modify and/or withdraw it in the course of the current negotiations.

In conformity with Article 1.3(b)(c) of the GATS, services supplied in the exercise of governmental authority are not included in this offer.

As regards matters pertaining to domestic regulation and GATS rules, Colombia accords priority to the negotiation of horizontal disciplines in the context of paragraph 7 of the Guidelines and Procedures for the Negotiations on Trade in Services (S/L/93).

Furthermore, pursuant to Article VI of the GATS Colombia reserves the right to establish, maintain and fully implement its national legislation in order to achieve legitimate policy objectives in consumer protection, health and the environment among other areas. It likewise reserves the right to revise or amend this offer in the light of the results reached in the Working Party on GATS Rules and the Working Party on Domestic Regulation.

In drawing up this initial offer, Colombia took as a basis, as far as was possible, the Services Sectoral Classification List (MTN.GNS/W/120) and the definitions contained in the United Nations' Central Product Classification.

Colombia is ready to comment on or clarify any doubts concerning its conditional initial offer. Queries should be addressed to the Permanent Mission of Colombia to the WTO in Geneva, or to the Ministry of Trade, Industry and Tourism of Colombia (Foreign Investment and Services Department).

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**COLOMBIA - CONSOLIDATED SCHEDULE OF SPECIFIC COMMITMENTS**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>(3) 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.</p> <p><i>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.</i></p> <p>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.</p> <p>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.</p>	<p><i>With regard to foreign corporations, a tax exists on remittances of profits.</i></p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>(4) Unbound, except for measures affecting the entry and temporary stay of natural persons in the following categories:</p> <p>Managers, legal representatives and technical specialists, with the exception of the professional services subsectors.</p> <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>	<p>(4) Unbound, except for the categories of persons indicated in the market access column.</p>	
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<p>1. BUSINESS SERVICES</p> <p>A. <u>Professional services</u></p> <p>(a) Legal services (CPC 861) Only legal advisory services in foreign legislation and international legislation (excludes advice and litigation in national law)</p>	<p>(1) None (2) None (3) Unbound (4) Unbound</p>	<p>(1) None (2) None (3) Unbound (4) Unbound</p>	

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Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
(b) Accounting and book-keeping services (CPC 862)	<ul style="list-style-type: none"> <li>(1) Unbound</li> <li>(2) None</li> <li>(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.</li> <li>(4) Unbound</li> </ul>	<ul style="list-style-type: none"> <li>(1) Unbound</li> <li>(2) None</li> <li>(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: <ul style="list-style-type: none"> <li>(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.</li> <li>(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 recognition of degrees and endorsed by the duly authorized governmental body.</li> </ul> </li> <li>(4) Unbound</li> </ul>	
(c) Tax advisory services (CPC 863)	<ul style="list-style-type: none"> <li>(1) Unbound</li> <li>(2) None</li> <li>(3) None</li> <li>(4) Unbound, except as indicated in the horizontal section.</li> </ul>	<ul style="list-style-type: none"> <li>(1) Unbound</li> <li>(2) None</li> <li>(3) None</li> <li>(4) Unbound, except as indicated in the horizontal section.</li> </ul>	

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<del>(d) Management consulting services (CPC 865)</del>	<del>(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.</del>	<del>(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.</del>	<b>Technical amendment: this subsector will be relocated for the sake of alignment with the W/120 classification.</b>
(e) Engineering services (CPC 86721)	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	
(g) Urban planning and architectural services (CPC 86742)	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	
B. <u>Computer and related services</u>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(b) Software implementation services (CPC 842)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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(c) Data processing services (CPC 843)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Data base services (CPC 844)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
<b>C. <u>Research and development services</u></b>	(1) <b>None</b> (2) <b>None</b> (3) <b>None</b>	(1) <b>None</b> (2) <b>None</b> (3) <b>Unbound</b>	
(a) <b>R&amp;D services on natural sciences (CPC 85101)</b>	(4) <b>Unbound, except as indicated in the horizontal section.</b>	(4) <b>Unbound, except as indicated in the horizontal section.</b>	
(b) <b>R&amp;D services on social sciences and humanities (CPC 852)</b>			
(c) <b>Interdisciplinary R&amp;D services (CPC 853). These include research services and their technological applications that involve a variety of disciplines and areas of their use for social purposes.</b>			

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E. <u>Rental/leasing services without operators</u>  (c) <i>Rental/leasing services</i>  <i>Rental/leasing services concerning other means of transport without operator</i>	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
F. <u>Other business services</u>  (b) <b>Market research and public opinion polling services (CPC 864)</b>	(1) <b>Unbound</b> (2) <b>None</b> (3) <b>None</b> (4) <b>Unbound, except as indicated in the horizontal section.</b>	(1) <b>Unbound</b> (2) <b>None</b> (3) <b>None</b> (4) <b>Unbound, except as indicated in the horizontal section.</b>	
(c) <i>Management consulting service (CPC 865)</i>	(1) <i>Unbound</i> (2) <i>None</i> (3) <i>None</i> (4) <i>Unbound, except as indicated in the horizontal section.</i>	(1) <i>Unbound</i> (2) <i>None</i> (3) <i>None</i> (4) <i>Unbound, except as indicated in the horizontal section.</i>	
(e) <b>Technical testing and analysis services (CPC 8676)</b>	(1) <b>Unbound</b> (2) <b>None</b> (3) <b>None</b>  (4) <b>Unbound, except as indicated in the horizontal section.</b>	(1) <b>Unbound</b> (2) <b>None</b> (3) <b>None. In order for a foreign firm to carry out technical testing and analysis work, the service provision contract must contain clauses ensuring technology transfer to local firms.</b> (4) <b>Unbound, except as indicated in the horizontal section.</b>	
(o) <b>Building-cleaning services (CPC 874)</b>	(1) <b>Unbound</b> (2) <b>None</b> (3) <b>None</b> (4) <b>Unbound, except as indicated in the horizontal section.</b>	(1) <b>Unbound</b> (2) <b>None</b> (3) <b>None</b> (4) <b>Unbound, except as indicated in the horizontal section.</b>	