

Annex II  
Reservations for Measures referred to  
in paragraph 2 of Article 6

1. The Schedule of a Contracting Party sets out, pursuant to paragraph 2 of Article 6, the reservations taken by that Contracting Party with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 2 (National Treatment);
- (b) Article 3 (Most Favored Nation Treatment);
- (c) Article 5 (Performance Requirements); or
- (d) Article 10 (Senior Management and Boards of Directors).

2. Each reservation sets out the following elements:

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (f) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" element shall prevail over all other elements.

4. For the purposes of this Annex, the term "JSIC" means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on November 6, 2007.

Section 1  
Schedule of Japan

1	Sector:	All Sectors
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 2)  Senior Management and Boards of Directors (Article 10)
	Description:	When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan reserves the right to:  (a) prohibit or impose limitations on the ownership of such interests or assets by investors of the Republic of Colombia or their investments;  (b) impose limitations on the ability of investors of the Republic of Colombia or their investments as owners of such interests or assets to control any resulting enterprise; or  (c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.
	Existing Measures:	

2    Sector:                    All Sectors

      Sub-Sector:

      Industry  
      Classification:

      Type of                    National Treatment (Article 2)  
      Reservation:

                                  Senior Management and Boards of  
                                  Directors (Article 10)

      Description:              In the event where the supply of  
                                  telegraph services, postal services  
                                  and betting and gambling services,  
                                  manufacture of tobacco products,  
                                  manufacture of Bank of Japan notes,  
                                  minting and sale of coinage in Japan,  
                                  which are restricted to designated  
                                  enterprises or governmental entities,  
                                  are liberalized to those other than  
                                  the designated enterprises or  
                                  governmental entities, or in the  
                                  event where such designated  
                                  enterprises or governmental entities  
                                  no longer operate on a non-commercial  
                                  basis, Japan reserves the right to  
                                  adopt or maintain any measure  
                                  relating to those activities.

      Existing  
      Measures:

3 Sector: All Sectors

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: Most Favored Nation Treatment  
(Article 3)

Description: 1. Japan reserves the right to  
adopt or maintain any measure that  
accords differential treatment to  
countries under any bilateral or  
multilateral agreement in force on,  
or signed prior to, the date of entry  
into force of this Agreement.

2. Japan reserves the right to  
adopt or maintain any measure that  
accords differential treatment to  
countries under any bilateral or  
multilateral agreement, other than  
the agreement referred to in  
paragraph 1, involving:

(a) aviation;

(b) fisheries; or

(c) maritime matters including  
salvage.

Existing  
Measures:

4 Sector: All Sectors

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 2)  
Most Favored Nation Treatment  
(Article 3)

Description: National Treatment and Most Favored  
Nation Treatment may not be accorded  
to investors of the Republic of  
Colombia and their investments with  
respect to subsidies.

Existing  
Measures:

5 Sector: Aerospace Industry

Sub-Sector: Aircraft Industry

Space Industry

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 2)

Performance Requirements (Article 5)

Senior Management and Boards of  
Directors (Article 10)

Description: Japan reserves the right to adopt or  
maintain any measure relating to  
investment in aircraft industry and  
space industry.

Existing  
Measures: Foreign Exchange and Foreign Trade  
Law (Law No. 228 of 1949), Articles  
27 and 30

Cabinet Order on Foreign Direct  
Investment (Cabinet Order No. 261 of  
1980), Articles 3 and 5

6 Sector: Arms and Explosives Industry

Sub-Sector: Arms Industry

Explosives Manufacturing Industry

Industry Classification:

Type of Reservation: National Treatment (Article 2)

Performance Requirements (Article 5)

Senior Management and Boards of Directors (Article 10)

Description: Japan reserves the right to adopt or maintain any measure relating to investment in arms industry and explosives manufacturing industry.

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5



7 Sector: Energy

Sub-Sector: Electricity Utility Industry  
Gas Utility Industry  
Nuclear Energy Industry

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 2)  
Performance Requirements (Article 5)  
Senior Management and Boards of  
Directors (Article 10)

Description: Japan reserves the right to adopt or  
maintain any measure relating to  
investment in the energy industry  
listed in the "Sub-Sector" element.

Existing  
Measures: Foreign Exchange and Foreign Trade  
Law (Law No. 228 of 1949), Articles  
27 and 30  
Cabinet Order on Foreign Direct  
Investment (Cabinet Order No. 261 of  
1980), Articles 3 and 5

8 Sector: Fisheries

Sub-Sector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf

Industry Classification:

JSIC 031	Marine fisheries
JSIC 032	Inland water fisheries
JSIC 041	Marine aquaculture
JSIC 042	Inland water aquaculture
JSIC 8093	Recreational fishing guide business

Type of Reservation:

National Treatment (Article 2)

Most Favored Nation Treatment (Article 3)

Performance Requirements (Article 5)

Senior Management and Boards of Directors (Article 10)

Description:

Japan reserves the right to adopt or maintain any measure relating to investment in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan.

For the purposes of this reservation, the term "fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related activities:

- (a) investigation of aquatic resources without taking such resources;
- (b) luring of aquatic resources;
- (c) preservation and processing of fish catches;
- (d) transportation of fish catches and fish products; and

(e) provision of supplies to other vessels used for fisheries.

Existing  
Measures:

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Law for Regulation of Fishing Operation by Foreign Nationals (Law No. 60 of 1967), Articles 3, 4 and 6

Law concerning the Exercise of Sovereign Rights concerning Fisheries in the Exclusive Economic Zones (Law No. 76 of 1996), Articles 4, 5, 7, 8, 9, 10, 11, 12 and 14

9 Sector: Information and Communications

Sub-Sector: Broadcasting Industry

Industry Classification: JSIC 380 Establishments engaged in administrative or ancillary economic activities

JSIC 381 Public broadcasting, except cablecasting

JSIC 382 Private-sector broadcasting, except cablecasting

JSIC 383 Cablecasting

Type of Reservation: National Treatment (Article 2)

Performance Requirements (Article 5)

Senior Management and Boards of Directors (Article 10)

Description: Japan reserves the right to adopt or maintain any measure relating to investment in broadcasting industry.

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Radio Law (Law No. 131 of 1950), Article 5

Broadcast Law (Law No. 132 of 1950), Articles 93, 116, 125, 159 and 161

10	Sector:	Land Transaction
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 2)  Most Favored Nation Treatment (Article 3)
	Description:	With respect to the acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on foreign nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in the foreign country.
	Existing Measures:	Alien Land Law (Law No. 42 of 1925), Article 1

11 Sector: Public Law Enforcement and  
Correctional Services and Social  
Services

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 2)  
Most Favored Nation Treatment  
(Article 3)  
Performance Requirements (Article 5)  
Senior Management and Boards of  
Directors (Article 10)

Description: Japan reserves the right to adopt or  
maintain any measure relating to  
investments in public law enforcement  
and correctional services, and in  
social services such as income  
security or insurance, social  
security or insurance, social  
welfare, primary and secondary  
education, public training, health  
and child care.

Existing  
Measures:

Section 2  
Schedule of Colombia

- 1 Sector: All Sectors
- Sub-Sector:
- Industry  
Classification:
- Type of  
Reservation: National Treatment (Article 2)
- Description: 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:

2 Sector: All Sectors

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: Most Favored Nation Treatment  
(Article 3)

Description: 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:



3 Sector: Social Services

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 2)  
Most Favored Nation Treatment  
(Article 3)  
Performance Requirements (Article 5)  
Senior Management and Board of  
Directors (Article 10)

Description: 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.

For greater certainty, the social  
security system (*Sistema de Seguridad  
Social Integral*) of Colombia is  
currently comprised of the following  
mandatory systems: pensions (*Sistema  
General de Pensiones*), health  
insurance (*Sistema General de  
Seguridad Social en Salud*), workers  
compensation (*Sistema General de  
Riesgos Profesionales*), and severance  
pay (*Régimen de Cesantía y Auxilio de  
Cesantía*).

Existing  
Measures:

4 Sector: Issues Related to Minorities and Ethnic Groups

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 2)  
Most Favored Nation Treatment (Article 3)  
Performance Requirements (Article 5)  
Senior Management and Board of Directors (Article 10)

Description: 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 Andres, Providencia, and Santa Catalina.

Existing Measures:

5 Sector: Cultural Industries and Activities

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 2)  
Most Favored Nation Treatment  
(Article 3)

Description: For the purposes of this reservation,  
the term "cultural industries and  
activities" means:

- (a) publication, distribution, or  
sale of books, magazines,  
periodical publications, or  
printed or electronic  
newspapers, excluding the  
printing and typesetting of any  
of the foregoing;
- (b) production, distribution, sale,  
or display of recordings of  
movies or videos;
- (c) production, distribution, sale,  
or display of music recordings  
in audio or video format;
- (d) production and presentation of  
performing arts;
- (e) production and exhibition of  
visual arts;
- (f) production, distribution, or  
sale of printed music scores or  
scores readable by machines;
- (g) design, production,  
distribution, and sale of  
handicrafts; or
- (h) radiobroadcasts aimed at the  
public in general, as well as  
all radio, television, and cable  
television-related activities;  
satellite programming services;  
and broadcasting networks.

- (i) design and creation of advertising contents

Colombia reserves the right to adopt or maintain any measure according preferential treatment to persons of any other country pursuant to any agreement between Colombia and such other country containing specific commitments regarding cultural cooperation or co-production in cultural industries and activities.

For greater certainty, articles 2 and 3 do not apply to "government support"<sup>1</sup> for the promotion of cultural industries and activities.

Colombia may adopt or maintain any measure that accords a person of another Party treatment equivalent to that accorded by that other Party to Colombian persons in the audiovisual, publishing, or music sector.

Existing  
Measures:

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<sup>1</sup> For purposes of this entry, "government support" means tax incentives, incentives for the reduction of mandatory contributions, government grants, government-supported loans, and guaranties, trusts, or insurance provided by a government, irrespective of whether a private entity is wholly or partially responsible for management of the government support.

6 Sector: Jewelry Design  
Performing Arts  
Music  
Visual Arts  
Audiovisuals  
Publishing

Sub-Sector:

Industry  
Classification:

Type of Reservation: Performance Requirements (Article 5)

Description: Colombia reserves the right to adopt or maintain any measure conditioning the receipt or continued receipt of government support<sup>2</sup> for the development and production of jewelry design, performing arts, music, visual arts, and publishing on the achievement by the recipient of a given level or percentage of domestic creative content.

For greater certainty, this reservation does not apply to advertising and performance requirements shall in all cases be consistent with the Agreement on Trade-Related Investment Measures in Annex 1A to the WTO Agreement.

Existing Measures:

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<sup>2</sup> As defined in the footnote to the previous entry.

7 Sector: Handicraft Industries

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: Performance Requirements (Article 5)

Description: Colombia reserves the right to adopt or maintain any measure relating to the design, distribution, retailing, or exhibition of handicrafts that are identified as handicrafts of Colombia.

For greater certainty, performance requirements shall in all cases be consistent with the Agreement on Trade-Related Investment Measures in Annex 1A to the WTO Agreement.

Existing  
Measures:

8 Sector: Information and Communications

Sub-Sector: Audiovisual Services  
Advertising

Industry  
Classification:

Type of Reservation: Performance Requirements (Article 5)

Description: Cinematographic Works  
(a) Colombia reserves the right to adopt or maintain any measure requiring that a specified percentage (not to exceed 15 per cent) of the total cinematographic works shown on an annual basis in cinemas or exhibition rooms in Colombia consist of Colombian cinematographic works. In establishing such a percentage, Colombia shall take into account national cinematographic production conditions, the existing exhibition infrastructure in the country, and attendance averages.

Cinematographic Works over Free-to-Air Television

(b) Colombia reserves the right to adopt or maintain any measure requiring that a specified percentage (not to exceed 10 per cent) of the total cinematographic works shown on an annual basis on free-to-air television channels consist of Colombian cinematographic works. In establishing such a percentage, Colombia shall take into account the availability of national cinematographic works for free-to-air television. Such works will count towards the domestic content requirements applied to the channel as described in the entry on free-to-air television and audiovisual production services of the schedule of Colombia in Annex I.

Community Television<sup>3</sup>

(c) Colombia reserves the right to adopt or maintain any measure requiring that a specified portion of weekly programming for community television (not to exceed 56 hours per week) consist of national programming produced by the community television operator.

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<sup>3</sup> As defined in Acuerdo 006 de 1999.



Multichannel Free-to-Air Commercial  
Television

- (d) Colombia reserves the right to impose the minimum programming requirements appearing in the entry on free-to-air television and audio-visual production services of the schedule of Colombia in Annex I on multichannel free-to-air commercial television, except that such requirements may not be imposed on more than two channels or 25 per cent of the total number of channels (whichever is greater) made available by an individual service provider.

Advertising

- (e) Colombia reserves the right to adopt or maintain any measure requiring that a specific percentage (not to exceed 20 per cent) of total advertising orders placed annually with media services companies established in Colombia, other than newspapers, daily newspapers, and subscription services with headquarters outside Colombia, be produced and created in Colombia. Any such measure shall not apply to: (i) the advertisement in cinemas and exhibition rooms of upcoming movies; and, (ii) any media where the programming or content originates outside Colombia or to the rebroadcast or retransmission of such programming within Colombia.

Existing  
Measures:

9 Sector: Traditional Expressions

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: National Treatment (Article 2)

Description: Colombia reserves the right to adopt or maintain any measure according to 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:

10 Sector: Interactive Audio and Video Services

Sub-Sector:

Industry  
Classification:

Type of  
Reservation: Performance Requirements (Article 5)

Description: 1. Subject to paragraphs 2 and 3, Colombia reserves the right to adopt or maintain measures to ensure that, upon a finding by the Government of Colombia that Colombian audiovisual content is not readily available to Colombian consumers, access to Colombian audiovisual programming through interactive audio and/or video services is not unreasonably denied to Colombian consumers.

2. Colombia shall publish in advance any measure that it proposes to adopt addressing the unreasonable denial of access to Colombian consumers of Colombian audiovisual content through interactive audio and/or video services and shall provide interested persons a reasonable opportunity to comment on the proposed measure. At least 90 days before any proposed measure is adopted, Colombia shall notify the other Parties of the proposed measure. The notification shall provide information with respect to the proposed measure, including information that forms the basis for the Government of Colombia's finding that Colombian audiovisual content is not readily available to Colombian consumers and a description of the proposed measure. Such measures must be consistent with Colombia's obligations under the GATS.

3. Japan may request consultations with Colombia regarding the proposed measure. Colombia shall begin consultations with Japan within 30 days of the receipt of the request. Colombia may exercise its right under paragraph 1 only if, as a result of these consultations: (i) Japan agrees that Colombian audiovisual content is not readily available to Colombian consumers and that the proposed measure is based on objective criteria and has the least trade-restrictive impact possible; (ii) Colombia agrees that the measure would be applied only to a service supplied in Colombia by a company established in Colombia; and (iii) Japan and Colombia agree on trade-liberalizing compensation in the interactive audio and/or video services sector.

Existing  
Measures:

11 Sector: Finance

Sub-Sector: Financial Services

Industry  
Classification:

Type of  
Reservation: Most Favored Nation Treatment  
(Article 3)

Description: Colombia reserves the right to adopt  
or maintain any measure that accords  
treatment inconsistent with most-  
favored-nation treatment under any  
bilateral or multilateral  
international agreement in effect or  
signed before the date of entry into  
force of this Agreement.

In accordance with the prior  
paragraph, Colombia reserves the  
right to adopt or maintain any  
measure that accords treatment  
inconsistent with most-favored-nation  
treatment, for the purpose of  
complying with the Cartagena  
Agreement and judicial decisions of  
the Andean Community.

Existing  
Measures: