

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 Most Favored Nation Treatment
Reservation: (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 National Treatment (Article 2)
 Reservation:

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

 Type of National Treatment (Article 2)
 Reservation: 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	<p>Sector: Public Law Enforcement and Correctional Services and Social Services</p> <p>Sub-Sector:</p> <p>Industry Classification:</p> <p>Type of Reservation: National Treatment (Article 2)</p> <p>Most Favored Nation Treatment (Article 3)</p> <p>Performance Requirements (Article 5)</p> <p>Senior Management and Boards of Directors (Article 10)</p> <p>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.</p> <p>Existing Measures:</p>
----	---

Section 2
Schedule of Colombia

1 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of National Treatment (Article 2)
Reservation:

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 Most Favored Nation Treatment
Reservation: (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 National Treatment (Article 2)
Reservation:

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	<p>Sector: Issues Related to Minorities and Ethnic Groups</p> <p>Sub-Sector:</p> <p>Industry Classification:</p> <p>Type of Reservation:</p> <p>Description:</p> <p>Existing Measures:</p>	<p>National Treatment (Article 2)</p> <p>Most Favored Nation Treatment (Article 3)</p> <p>Performance Requirements (Article 5)</p> <p>Senior Management and Board of Directors (Article 10)</p> <p>Colombia reserves the right to adopt or maintain any measure according to 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.</p>
---	--	---

5 Sector: Cultural Industries and Activities

Sub-Sector:

Industry
Classification:

Type of Reservation:	National Treatment (Article 2)
1. <i>Explicit</i>	
2. <i>Implicit</i>	
3. <i>Partial</i>	
4. <i>General</i>	
5. <i>Specific</i>	
6. <i>Partial</i>	
7. <i>General</i>	
8. <i>Specific</i>	
9. <i>Partial</i>	
10. <i>General</i>	
11. <i>Specific</i>	
12. <i>Partial</i>	
13. <i>General</i>	
14. <i>Specific</i>	
15. <i>Partial</i>	
16. <i>General</i>	
17. <i>Specific</i>	
18. <i>Partial</i>	
19. <i>General</i>	
20. <i>Specific</i>	
21. <i>Partial</i>	
22. <i>General</i>	
23. <i>Specific</i>	
24. <i>Partial</i>	
25. <i>General</i>	
26. <i>Specific</i>	
27. <i>Partial</i>	
28. <i>General</i>	
29. <i>Specific</i>	
30. <i>Partial</i>	
31. <i>General</i>	
32. <i>Specific</i>	
33. <i>Partial</i>	
34. <i>General</i>	
35. <i>Specific</i>	
36. <i>Partial</i>	
37. <i>General</i>	
38. <i>Specific</i>	
39. <i>Partial</i>	
40. <i>General</i>	
41. <i>Specific</i>	
42. <i>Partial</i>	
43. <i>General</i>	
44. <i>Specific</i>	
45. <i>Partial</i>	
46. <i>General</i>	
47. <i>Specific</i>	
48. <i>Partial</i>	
49. <i>General</i>	
50. <i>Specific</i>	
51. <i>Partial</i>	
52. <i>General</i>	
53. <i>Specific</i>	
54. <i>Partial</i>	
55. <i>General</i>	
56. <i>Specific</i>	
57. <i>Partial</i>	
58. <i>General</i>	
59. <i>Specific</i>	
60. <i>Partial</i>	
61. <i>General</i>	
62. <i>Specific</i>	
63. <i>Partial</i>	
64. <i>General</i>	
65. <i>Specific</i>	
66. <i>Partial</i>	
67. <i>General</i>	
68. <i>Specific</i>	
69. <i>Partial</i>	
70. <i>General</i>	
71. <i>Specific</i>	
72. <i>Partial</i>	
73. <i>General</i>	
74. <i>Specific</i>	
75. <i>Partial</i>	
76. <i>General</i>	
77. <i>Specific</i>	
78. <i>Partial</i>	
79. <i>General</i>	
80. <i>Specific</i>	
81. <i>Partial</i>	
82. <i>General</i>	
83. <i>Specific</i>	
84. <i>Partial</i>	
85. <i>General</i>	
86. <i>Specific</i>	
87. <i>Partial</i>	
88. <i>General</i>	
89. <i>Specific</i>	
90. <i>Partial</i>	
91. <i>General</i>	
92. <i>Specific</i>	
93. <i>Partial</i>	
94. <i>General</i>	
95. <i>Specific</i>	
96. <i>Partial</i>	
97. <i>General</i>	
98. <i>Specific</i>	
99. <i>Partial</i>	
100. <i>General</i>	

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"¹ 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:

¹ 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 Performance Requirements (Article 5)
 Reservation:

 Description: Colombia reserves the right to adopt
 or maintain any measure conditioning
 the receipt or continued receipt of
 government support² 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:

² As defined in the footnote to the previous entry.

7 Sector: Handicraft Industries

 Sub-Sector:

 Industry
 Classification:

 Type of Performance Requirements (Article 5)
 Reservation:

 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 Performance Requirements (Article 5)
 Reservation:

 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 audio-visual production services of the schedule of Colombia in Annex I.

Community Television³

- (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.

³ 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:	<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 heritage declared pursuant to <i>Resolución No. 0168 de 2005</i>.</p> <p>This intangible cultural heritage includes but is not limited to:</p> <ul style="list-style-type: none"> (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 Performance Requirements (Article 5)
 Reservation:

 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 Most Favored Nation Treatment
 Reservation: (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: