



Law 100 of 1993

The data published is for informational purposes only. The Administrative Department of Public Service is not responsible for the validity of this regulation. We are in the process of continuously updating the content.

LAW 100 OF 1993

(December 23)

"Whereby the comprehensive social security system is created and other provisions are enacted"

THE CONGRESS OF THE REPUBLIC OF COLOMBIA

DECREES

PREAMBLE

Comprehensive Social Security is the set of institutions, rules, and [procedures](#) available to individuals and the community to enjoy a quality of life through the progressive fulfillment of the plans and programs developed by the State and society to provide comprehensive coverage for contingencies, especially those that undermine the health and economic capacity of the inhabitants of the national territory, in order to achieve individual well-being and community integration.

PRELIMINARY TITLE

COMPREHENSIVE SOCIAL SECURITY SYSTEM

CHAPTER I

GENERAL PRINCIPLES

ARTICLE 1. Comprehensive Social Security System. The purpose of the Comprehensive Social Security System is to guarantee the inalienable rights of individuals and the community to obtain a quality of life consistent with human dignity, by protecting them from contingencies that may affect them.

The System encompasses the obligations of the State and society, the institutions and resources allocated to guarantee coverage of economic benefits, health care, and complementary services, which are the subject of this Law, or others that may be incorporated into regulations in the future.

ARTICLE 2. Principles. The essential public service of social security shall be provided in accordance with the principles of efficiency, universality, solidarity, comprehensiveness, unity, and participation.

a) **EFFICIENCY.** This is the best social and economic use of the administrative, technical, and financial resources available so that the benefits to which social security entitles individuals are provided in an adequate, timely, and sufficient manner.

b) **UNIVERSALITY.** This is the guarantee of protection for all persons, without any discrimination, at all stages of life.

c) **SOLIDARITY.** This is the practice of mutual assistance between individuals, generations, economic sectors, regions, and communities under the principle of the strongest helping the weakest.

It is the duty of the State to guarantee solidarity in the Social Security system through its participation, control, and management thereof.

Resources from the public treasury in the Social Security System shall always be applied to the most vulnerable population groups.

d) **COMPREHENSIVENESS.** This refers to coverage of all contingencies affecting the health, economic capacity, and general living conditions of the entire population. To this end, each person shall contribute according to their capacity and shall receive what is necessary to address their contingencies covered by this Law;

e) **UNITY.** This is the coordination of policies, institutions, regimes, procedures, and benefits to achieve the goals of social security.

f) **PARTICIPATION.** This is the involvement of the community, through social security beneficiaries, in the organization, control, management, and oversight of institutions and the system as a whole.

PARAGRAPH. Social security shall be developed progressively, with the aim of protecting the population and quality of life.

ARTICLE 3. The Right to Social Security. The State guarantees all inhabitants of the national territory the inalienable right to social security.

This service shall be provided by the Comprehensive Social Security System, with a view to progressively extending coverage to all sectors of the population, under the terms established by this Law.

ARTICLE 4. Public Social Security Service. Social Security is a mandatory public service, whose management, coordination, and control are the responsibility of the State and which shall be provided by public or private entities under the terms and conditions established in this Law.

This public service is essential in relation to the General Social Security System for Health. With regard to the General Pension System, it is essential only in those activities directly related to the recognition and payment of pensions.

CHAPTER II

COMPREHENSIVE SOCIAL SECURITY SYSTEM

ARTICLE 5. Creation. In accordance with Article 48 of the Constitution, the Comprehensive Social Security System shall be organized, and its management, coordination, and control shall be the responsibility of the State, under the terms of this Law.

ARTICLE 6. Objectives. The Comprehensive Social Security System shall organize the institutions and resources necessary to achieve the following objectives:

1. To guarantee economic and health benefits to those who have an employment relationship or sufficient economic capacity to join the system.
2. To guarantee the provision of complementary social services under the terms of this Law.
3. To guarantee the expansion of coverage until the entire population has access to the system, through mechanisms that, in accordance with the constitutional principle of solidarity, allow sectors without sufficient economic capacity, such as farmers, indigenous people, self-employed workers, artists, athletes, and community mothers, to access the system and receive comprehensive benefits.

The Comprehensive Social Security System is established to unify social security regulations and planning, as well as to coordinate the entities that provide these services, in order to achieve the objectives set forth in this Law.

ARTICLE 7. Scope of Action. The Comprehensive Social Security System guarantees coverage for economic and health contingencies and the provision of complementary social services, under the terms and conditions set forth in this Law.

ARTICLE 8. Composition of the Comprehensive Social Security System. The Comprehensive Social Security System is a harmonious set of public and private entities, rules, and procedures, and is composed of the general regimes established for pensions, health, occupational hazards, and complementary social services as defined in this Law.

ARTICLE 9. Allocation of resources. The resources of social security institutions may not be allocated or used for purposes other than those for which they are intended.

BOOK ONE

GENERAL PENSION SYSTEM

TITLE I

GENERAL PROVISIONS

CHAPTER I

PURPOSE AND CHARACTERISTICS OF THE GENERAL PENSION SYSTEM

ARTICLE 10. Purpose of the General Pension System. The purpose of the General Pension System is to guarantee the population protection against the contingencies arising from old age, disability, and death, through the recognition of the pensions and benefits determined in this Law, as well as to promote the progressive expansion of coverage to segments of the population not covered by a pension system.

ARTICLE 11. Scope of application. The General Pension System, with the exceptions provided for in Article 279 of this Law, shall apply to all inhabitants of the national territory, additionally preserving all rights, guarantees, privileges, services, and benefits acquired and established in accordance with previous regulatory provisions for those who, on the effective date of this Law, have met the requirements to access a pension or are retired due to retirement, old age, disability, substitution, or survivors of the public, official, and semi-official sectors, in all their orders, of the Social Security Institute and the private sector in general.

For the purposes of this article, the rights acquired in accordance with previous regulatory provisions, collective bargaining agreements, or conventions shall be respected and therefore remain in force. The foregoing shall be without prejudice to the parties' right to file complaints and to have the arbitration tribunal settle any differences between the parties.

ARTICLE 12. Regimes of the General Pension System. The General Pension System is composed of two mutually exclusive but coexisting solidarity regimes, namely:

- a. Solidarity Regime with Average Premium and Defined Benefit;
- b. Individual Savings Scheme with Solidarity.

ARTICLE 13. Characteristics of the General Pension System. The General Pension System shall have the following characteristics:

- a) Membership is mandatory except as provided for self-employed workers;
- b) The selection of any of the schemes provided for in the previous article is free and voluntary on the part of the member, who shall express their choice in writing at the time of enrollment or transfer. The employer or any natural or legal person who disregards this right in any way shall be liable to the penalties referred to in paragraph 1 of Article 271 of this Law;
- c) Members shall be entitled to the recognition and payment of disability, old-age, and survivors' benefits and pensions, in accordance with the provisions of this Law.
- d) Membership implies the obligation to make the contributions established in this Law.
- e) Members of the General Pension System may choose the pension scheme they prefer. Once the initial selection has been made, they may only change schemes once every three years, counted from the initial selection, in the manner indicated by the national government.
- f) For the recognition of pensions and benefits under the two schemes, the sum of the weeks contributed prior to the entry into force of this Law to the Social Security Institute or to any public or private sector fund, or the length of service as public servants, shall be taken into account, regardless of the number of weeks contributed or the length of service;

g) For the recognition of pensions and benefits under the two schemes, the sum of the weeks contributed to either of them shall be taken into account;

h) In accordance with the principle of solidarity, the two schemes provided for in Article 12 of this Law guarantee their members the recognition and payment of a minimum pension under the terms of this Law.

i) There shall be a Pension Solidarity Fund intended to expand coverage by subsidizing population groups that, due to their characteristics and socioeconomic conditions, do not have access to social security systems, such as farmers, indigenous people, self-employed workers, artists, athletes, and community mothers;

j) No member may receive disability and old-age pensions simultaneously;

k) The administrative entities of each of the regimes of the General Pension System shall be subject to the control and supervision of the Superintendency of Banking.

ARTICLE 14. Pension Adjustment. In order for old-age or retirement, disability, and substitution or survivor pensions in either of the two schemes of the general pension system to maintain their constant purchasing power, they shall be adjusted annually, on January 1 of each year, according to the percentage change in the Consumer Price Index certified by the DANE for the immediately preceding year. However, pensions whose monthly amount is equal to the current legal minimum monthly wage shall be automatically adjusted each time and by the same percentage by which the Government increases said wage.

Note: (Article declared enforceable by ruling [C-435](#) of 2017)

CHAPTER II

MEMBERSHIP IN THE GENERAL PENSION SYSTEM

ARTICLE 15. Members. The following shall be members of the General Pension System:

1. Mandatory: All persons employed under an employment contract or as public servants, except for the exceptions provided for in this Law. Likewise, population groups that, due to their characteristics or socioeconomic conditions, are eligible to be beneficiaries of subsidies through the Pension Solidarity Fund, in accordance with budgetary availability.

2. Voluntarily: Self-employed workers and, in general, all natural persons residing in the country and Colombians domiciled abroad who are not compulsorily affiliated and who are not expressly excluded by this Law. Foreigners who, by virtue of an employment contract, remain in the country and are not covered by any regime in their country of origin or any other country.

PARAGRAPH . The persons referred to in paragraph 2 of this article may join the scheme through their unions or associations, in accordance with the regulations issued for this purpose within three months of this Law coming into force.

ARTICLE 16. Incompatibility of Schemes. No person may distribute mandatory contributions between the two Schemes of the General Pension System.

The provisions of the preceding paragraph shall be understood without prejudice to the right of members to contract or participate in supplementary pension plans within or outside the General Pension System.

TRANSITIONAL PARAGRAPH. Within six months of the effective date of this Law, the National Government shall regulate the composition and functions of a permanent commission of workers, employers, and pensioners to analyze deficiencies in the provision of social security administrative services, so that, with a focus on social profitability, it may maintain the basic objective of wealth redistribution.

CHAPTER III

CONTRIBUTIONS TO THE GENERAL PENSION SYSTEM

ARTICLE 17. Mandatory Contributions. During the term of the employment relationship, mandatory contributions to the General Pension System must be made by members and employers, based on the salary earned by the former.

Except as provided in Article 64 of this Law, the obligation to contribute ceases when the member meets the requirements to access the minimum old-age pension, or when the member retires due to disability or early retirement.

The foregoing shall be without prejudice to any voluntary contributions that the member or employer decides to continue making in the case of the individual savings scheme with solidarity.

PARAGRAPH . The Special Administrative Unit for Pension Management and Parafiscal Contributions for Social Protection (UGPP) and the Colombian Pension Administrator (COLPENSIONES) shall eliminate the procedures and processes for collecting debts owed by national public entities that are part of the General National Budget and are required to pay employer contributions to the Social Security Pension System, arising from pension recalculations and adjustments derived from enforceable judgments that have ordered the inclusion of salary factors not contemplated in the base contribution income provided for in the regulations in force at the time of recognition of the pension.

In any case, the entities covered by this provision shall make the respective accounting recognitions and corresponding entries in their financial statements. All other collections to be made in relation to pension recalculations as a result of a court ruling shall be made based on the actuarial methodology established for this purpose by the Ministry of Finance and Public Credit.

(Paragraph added by Article 40 of Decree 2106 of 2019)

ARTICLE 18. Contribution Base for Employees in the Private and Public Sectors. The basis for calculating the contributions referred to in the previous article shall be the monthly salary.

The monthly base salary for contributions for private sector workers shall be that resulting from the application of the provisions of the Substantive Labor Code.

The monthly base salary for contributions for public sector employees shall be that indicated in accordance with the provisions of Law 4 of 1992.

In no case may the contribution base be less than the current legal monthly minimum wage, except as provided for domestic workers under Law 11 of 1988.

When more than 20 current legal monthly minimum wages are earned per month, the contribution base may be limited to that amount by the National Government.

Contributions for workers whose remuneration is agreed upon under the comprehensive salary modality shall be calculated on 70% of said salary.

PARAGRAPH 1. In cases where the member receives wages from two or more employers, the corresponding contributions shall be made in proportion to the wages earned from each of them, and such wages shall be accumulated for all purposes of this Law.

PARAGRAPH 2. As of the effective date of this Law, the tables of categories and contributions of the Social Security Institute and other social security and welfare entities are eliminated. Consequently, contributions shall be calculated based on the salary earned by the member.

PARAGRAPH 3. When the National Government limits the contribution base to 20 minimum wages, the amount of pensions in the Average Premium with Defined Benefit System may not exceed that value.

ARTICLE 19. Contribution Base for Self-Employed Workers. Members of the system who are not bound by an employment contract or as public servants shall contribute on the income they declare to the entity to which they belong and shall be responsible for the entire contribution.

In the case of persons whom the National Government has determined should be temporarily subsidized in their contributions, they shall cover the difference between the total contribution and the subsidy received.

The members referred to in this article may authorize anyone who makes payments or deposits on their behalf to withhold the contribution and make the corresponding transfers.

In no case may the contribution base be less than the current legal minimum monthly wage.

ARTICLE 20. Amount of Contributions. The contribution rate for the old-age pension shall be 8% in 1994, 9% in 1995, and 10% from 1996 onwards, calculated on the basis of income, and shall be paid into pension savings accounts in the case of pension funds. In the case of the ISS, these percentages shall be used for the payment of old-age pensions and the capitalization of reserves, through the creation of an autonomous fund exclusively for these purposes.

To pay disability pensions, survivors' pensions, and system administration expenses, including the reinsurance premium with the guarantee fund, the rate will be 3.5% for both the ISS and pension funds.

However, to the extent that administration costs and insurance premiums are reduced, such reductions shall be credited as additional value to workers' savings accounts or ISS reserves, as applicable.

The total contribution will be equivalent to the sum of the contribution percentage for old-age pensions and the rate referred to in the previous paragraph. Employers will pay 75% of the total contribution and workers will pay the remaining 25%.

To finance disability and survivor pensions for current and future ISS members, an amount equivalent to that which would be obtained from the recognition bonus in accordance with this Law may be transferred from the old-age pension reserves to the disability and survivor reserves.

The National Government shall regulate the operation of separate accounts in the Social Security Institute so that under no circumstances may resources from old-age pension reserves be used for administrative expenses or other purposes.

Members with a monthly income equal to or greater than four times the current legal minimum monthly wage shall be responsible for an additional contribution of one percentage point (1%) on their contribution base, allocated to the Pension Solidarity Fund, as provided for in Articles 25 et seq. of this Law.

The entity to which the member is contributing shall collect and transfer to the Pension Solidarity Fund the additional percentage point referred to in the preceding paragraph, within the time limits set by the National Government.

ARTICLE 21. Base Income for Settlement. The base income for calculating the pensions provided for in this Law is understood to be the average of the salaries or incomes on which the member has contributed during the 10 years prior to the recognition of the pension, or during the entire period if this is shorter in the case of disability or survivor pensions, updated annually based on the variation in the consumer price index, as certified by the DANE.

When the average base income, adjusted for inflation, calculated on the basis of the worker's entire working life, is higher than that provided for in the previous paragraph, the worker may opt for this system, provided that he or she has contributed for at least 1,250 weeks.

(See Ruling [2015-00676](#) of 2020, Council of State)

ARTICLE 22. Employer Obligations. The employer shall be responsible for paying its contribution and the contributions of the workers in its service. To this end, they shall deduct from each member's salary, at the time of payment, the amount of the mandatory contributions and the voluntary contributions expressly authorized in writing by the member, and shall transfer these sums to the entity chosen by the worker, together with those corresponding to their contribution, within the deadlines determined by the Government for this purpose.

The employer shall be liable for the entire contribution even if it has not made the deduction from the employee's salary. (See Court Ruling [T-502](#) of 2020)

(See Council of State Ruling [2017-01393](#) of 2020)

ARTICLE 23. Late payment penalty. Contributions that are not paid within the deadlines set for this purpose will generate late payment interest payable by the employer, equal to that applicable to income tax and supplementary taxes. This interest will be paid into the corresponding distribution fund or into the individual pension savings accounts of the respective members, as the case may be.

The expenditure managers of public sector entities who, without just cause, fail to make the timely deposit of contributions shall be guilty of misconduct, which shall be punished in accordance with the disciplinary regime in force.

All public sector entities shall be required to include in their budgets the necessary items for the payment of employer contributions to Social Security, as a prerequisite for submission, processing, and review by the relevant authority.

ARTICLE 24. Collection Actions. It is the responsibility of the entities administering the different regimes to take collection actions in the event of non-compliance with the employer's obligations in accordance with the regulations issued by the National Government. For this purpose, the settlement by which the administrator determines the amount owed shall be enforceable.

(See Court Ruling [T-502](#) of 2020)

CHAPTER IV

PENSION SOLIDARITY FUND

ARTICLE 25. Creation of the Pension Solidarity Fund. The Pension Solidarity Fund is hereby created as a special account of the Nation, without legal personality, attached to the Ministry of Labor and Social Security, whose resources shall be administered in trust by public trust companies, preferably by trust companies in the social solidarity sector, or by pension and/or severance fund administrators in the social solidarity sector, which are authorized for this purpose by virtue of this Law.

PARAGRAPH. The National Government shall regulate the administration, operation, and allocation of the resources of the Pension Solidarity Fund, in accordance with the provisions of this Law.

The Pension Solidarity Fund shall have an advisory council composed of representatives of production unions, labor unions, and the pensioners' confederation, in accordance with the regulations issued by the National Government for this purpose. This Council shall be heard in advance, without binding effect, by the National Council for Social Policy for the determination of the annual coverage extension plan referred to in Article 28 of this Law.

ARTICLE 26. Purpose of the Fund. The purpose of the Pension Solidarity Fund is to subsidize contributions to the General Pension System for salaried or self-employed workers in the rural and urban sectors who lack sufficient resources to make the full contribution, such as artists, athletes, musicians, composers, bullfighters and their assistants, women microentrepreneurs, community mothers, people with physical, mental, and sensory disabilities, members of worker cooperatives and other forms of associative production, in accordance with the regulations issued by the National Government for this purpose.

The subsidy shall be granted in part to replace the contributions of the employer and the worker or of the latter in the case of self-employed workers, up to a minimum wage as the basis for contribution. The National Government shall regulate the proportion of the subsidy referred to in this paragraph.

The beneficiaries of these subsidies may choose between the Solidarity Average Premium Plan with Defined Benefits and the Individual Savings Plan with Solidarity, but if they choose the latter option, they may only join funds administered by management companies belonging to the social solidarity sector, provided that their actual return is at least equal to the average of the other pension funds in accordance with the provisions of this Law.

To be eligible for the subsidy, workers must prove their membership in the General Social Security Health System and pay the corresponding portion of the contribution.

These subsidies shall be granted as of January 1, 1995.

PARAGRAPH . Workers who have a voluntary pension savings account as referred to in this Law, or those who can be shown to be able to pay the full contribution, shall not be eligible for this subsidy.

ARTICLE 27. Resources. The Pension Solidarity Fund shall have the following sources of resources:

- a) The additional contribution of 1% of salary, payable by members of the General Pension Scheme whose contribution base is equal to or greater than four times the current legal monthly minimum wage;
- b) Contributions from the national budget. These may not be less than the amount obtained annually from the additional contributions referred to in the preceding paragraph, and shall be settled on the basis of the fund's reported figures for the immediately preceding year, adjusted in line with the variation in the consumer price index certified by the DANE;

[\(Repealed by Article 44 of Law 344 of 1996.\)](#)

- c) The resources contributed by local authorities for plans to extend coverage in their respective territories or by associations or federations for their members;
- d) Donations received, financial returns on its excess liquidity, and in general any other resources received for any reason;
- e) The fines referred to in Articles 111 and 271 of this Law.

PARAGRAPH . Each year, the general national budget shall include the item corresponding to the contributions to be made by the National Government to the Fund.

[\(Repealed by Article 44 of Law 344 of 1996.\)](#)

ARTICLE 28. Partiality of the Subsidy. The subsidies referred to in this CHAPTER shall be temporary and partial in nature, so that the beneficiary makes an effort to partially pay the contribution for which they are responsible.

The amount of the subsidy may vary by period and by economic activity, taking into account the economic capacity of the beneficiaries and the availability of resources from the Fund.

The National Council for Social Policy shall determine the annual coverage extension plan, which shall include criteria for regional balance and the groups of workers eligible for this subsidy, as well as the conditions for the amount, form of payment, and loss of entitlement to the subsidy.

PARAGRAPH . The subsidy granted to community mothers or solidarity workers in the community homes of the Colombian Institute of Family Welfare shall be at least 50% of the contribution established in this Law.

ARTICLE 29. Enforceability of the Subsidy. When a member who has received subsidies from the Pension Solidarity Fund exceeds 65 years of age

and does not meet the minimum requirements to qualify for an old-age pension, the respective administrative entity shall return the amount of the subsidized contributions with the corresponding financial returns to said Fund.

Administrative entities shall keep separate accounts of the contributions received from the Fund and shall establish mechanisms for monitoring beneficiaries.

ARTICLE 30. Subsidy for Domestic Workers. The contributions from the national budget referred to in Law 11 of 1988 for the subsidy for domestic workers' contributions shall be transferred to the Solidarity Fund, in separate accounts, so that the Fund may transfer the corresponding subsidy to the entity selected by the worker.

TITLE II

SOLIDARITY-BASED AVERAGE PREMIUM SYSTEM WITH DEFINED BENEFITS

CHAPTER I

GENERAL RULES

ARTICLE 31. Concept. The Average Premium Scheme with Defined Benefits is one whereby members or their beneficiaries obtain an old-age, disability, or survivor's pension, or a previously defined indemnity, in accordance with the provisions of this Title.

The provisions in force for disability, old age, and death insurance provided by the Social Security Institute shall apply to this scheme, with the additions, modifications, and exceptions contained in this Law.

ARTICLE 32. Characteristics. The Average Premium with Defined Benefit Regime shall have the following characteristics:

- a) It is a defined benefit solidarity scheme;
- b) The contributions of members and their returns constitute a public mutual fund that guarantees the payment of benefits to those who are pensioners during each term, the respective administrative expenses, and the creation of reserves in accordance with the provisions of this Law.
- c) The State guarantees the payment of the benefits to which members are entitled.

CHAPTER II

OLD-AGE PENSION

ARTICLE 33. Requirements for Obtaining an Old-Age Pension. To be entitled to an old-age pension, members must meet the following conditions:

(See Ruling [2009-01118](#) of 2019 Council of State)

1. Be fifty-five (55) years of age if female, or sixty (60) years of age if male.
2. Have contributed for a minimum of 1,000 weeks at any time.

PARAGRAPH 1. For the purposes of calculating the weeks referred to in this article, and in accordance with the provisions of paragraph f) of Article 13, the following shall be taken into account:

- a) The number of weeks contributed to either of the two regimes of the general pension system;
- b) The length of service as paid public servants;
- c) The length of service as workers employed by employers who are responsible for recognizing and paying the pension, provided that the employment relationship is current or begins after the effective date of this Law;

d) The number of weeks contributed to private sector provisional funds responsible for recognizing and paying the pension:

e) The paragraph of Article 7 of Law 71 of 1988 is hereby repealed.

f). In the cases provided for in paragraphs c) and d), the calculation shall be applicable provided that the employer or the fund, as the case may be, transfers, based on the actuarial calculation, the corresponding amount of the worker who joins, to the satisfaction of the administering entity.

PARAGRAPH 2. For the purposes of the provisions contained in this Law, a contribution week shall be understood to be a period of 7 calendar days. Contributions shall be invoiced and collected based on the number of days contributed in each period.

PARAGRAPH 3. Notwithstanding the requirement established in paragraph 2 of this article, when the worker deems it appropriate, he or she may continue working and contributing for 5 more years, either to increase the amount of the pension or to complete the requirements, if applicable.

PARAGRAPH 4. As of January 1, 2014, the ages for accessing the old-age pension will be adjusted to fifty-seven (57) years for women and sixty-two (62) years for men.

PARAGRAPH 5. In 2013, the National Association of Actuaries, or the entity acting on its behalf, or a commission of actuaries appointed by the various national associations of actuaries, if any, shall verify, based on the demographic records of the time, the evolution of the life expectancy of Colombians, and, based on the results, may recommend that the increase in age provided for in this article not be applied, in which case said increase shall be postponed until Congress enacts a new law on the matter.

ARTICLE 34. Amount of the Old-Age Pension. The monthly amount of the old-age pension, corresponding to the first 1,000 weeks of contributions, shall be equivalent to 65% of the base income for settlement. For every 50 weeks additional to the 1,000 up to 1,200 weeks, this percentage shall be increased by 2%, reaching 73% of the base income for settlement at this contribution time. For each additional 50 weeks beyond 1,200 up to 1,400, this percentage will increase by 3% instead of 2%, up to a maximum amount of 85% of the base income for settlement.

The total value of the pension may not exceed 85% of the base income for settlement, nor may it be less than the minimum pension referred to in the following article.

ARTICLE 35. Minimum Old Age or Retirement Pension. The monthly amount of the minimum old age or retirement pension may not be less than the current legal minimum monthly wage.

PARAGRAPH. Retirement pensions recognized after the effective date of Law 4 of 1992 shall not be subject to the limit established by Article 2 of Law 71 of 1988, which is amended by this Law, except in the regimes and institutions exempted in Article 279 of this Law.

ARTICLE 36. Transition Regime. The age for accessing the old-age pension will remain at fifty-five (55) years for women and sixty (60) for men until 2014, at which point the age will increase by two years, i.e., it will be 57 for women and 62 for men.

The age for accessing the old-age pension, the length of service or the number of weeks contributed, and the amount of the old-age pension for persons who, at the time the System comes into force, are 35 or older if they are women or 40 or older if they are men, or have 15 or more years of contributions, shall be as established in the previous regime to which they are affiliated. The other conditions and requirements applicable to these persons for access to the old-age pension shall be governed by the provisions contained in this Law.

The base income for calculating the old-age pension of the persons referred to in the previous paragraph who are less than ten (10) years away from acquiring the right shall be the average of what they earned during the time remaining to do so, or what they contributed during the entire time if this is higher, updated annually based on the variation in the consumer price index, according to certification issued by the DANE. However, when the time remaining is equal to or less than two (2) years upon the entry into force of this Law, the base income for calculating the pension shall be the average of the amount accrued in the last two (2) years for private sector workers and one (1) year for public servants.

(See Ruling [2015-00676](#) of 2020 Council of State)

The provisions of this article for persons who, at the time of entry into force of the regime, are thirty-five (35) years of age or older if they are women, or forty (40) years of age or older if they are men, shall not apply when these persons voluntarily opt into the individual savings with solidarity regime, in which case they shall be subject to all the conditions provided for that regime.

Nor shall it apply to those who, having chosen the individual savings scheme with solidarity, decide to switch to the average premium scheme with defined benefits.

Those who, on the effective date of this Law, have met the requirements to access the retirement or old-age pension in accordance with previous favorable regulations, even if recognition has not been made, shall be entitled, in accordance with their acquired rights, to have their pension recognized and settled under the favorable conditions in force at the time they met such requirements.

(See Ruling [2014-00370](#) of 2020, Council of State) (See

Ruling [2014-00390](#) of 2020, Council of State)

PARAGRAPH . For the purposes of recognizing the old-age pension referred to in the first paragraph (1.) of this article, the sum of the weeks contributed prior to the entry into force of this Law to the Social Security Institute, to the public or private sector social security funds or entities, or the length of service as public servants, regardless of the number of weeks contributed or length of service, shall be taken into account.

(See Ruling [SU-023](#) of 2018)

ARTICLE 37. Compensation in lieu of the Old-Age Pension. Persons who, having reached the age to obtain an old-age pension, have not contributed the minimum number of weeks required and declare their inability to continue contributing, shall be entitled to receive, as a substitute, compensation equivalent to an average weekly base salary multiplied by the number of weeks contributed; the weighted average of the percentages on which the member has contributed shall be applied to the result thus obtained.

CHAPTER III

DISABILITY PENSION FOR COMMON RISK

ARTICLE 38. State of Disability. For the purposes of this CHAPTER, a person who, for any non-occupational reason not caused intentionally, has lost 50% or more of their working capacity is considered disabled.

ARTICLE 39. Requirements for obtaining a Disability Pension. Members of the system who, in accordance with the provisions of the previous article, are declared disabled and meet the following conditions shall be entitled to a disability pension:

Disability caused by illness: You must have contributed for fifty (50) weeks within the last three (3) years immediately prior to the date of structuring, and your contribution rate to the system must be at least twenty percent (20%) of the time elapsed between the moment you turned twenty (20) years of age and the date of the first assessment of your disability status.

(Note: Paragraph 1 declared ENFORCEABLE, except for the crossed-out section declared UNENFORCEABLE by the Constitutional Court in Ruling [C-428-09](#))

Disability caused by accident: The person must have contributed for fifty (50) weeks within the last three (3) years immediately prior to the event causing the disability, and your contribution history (to the system) must be at least twenty percent (20%) of the time elapsed between the moment you turned twenty (20) years of age and the date of the first assessment of your disability status.

(Note: Paragraph 2 declared ENFORCEABLE, except for the crossed-out section declared UNENFORCEABLE by the Constitutional Court in Ruling [C-428-09](#))

PARAGRAPH 1. Persons under twenty (20) years of age shall only be required to prove that they have contributed for twenty-six (26) weeks in the last year immediately prior to the event causing their disability or its declaration.

(Note: Paragraph declared CONDITIONALLY ENFORCEABLE by the Constitutional Court in Ruling [C-020-15](#))

PARAGRAPH 2. When the member has contributed at least 75% of the minimum weeks required to qualify for an old-age pension, they will only be required to have contributed 25 weeks in the last three (3) years.

(Article amended by Article 1 of Law 860 of 2003)

ARTICLE 40. Amount of the Disability Pension. The monthly amount of the disability pension shall be equivalent to:

- a) 45% of the base income for calculation, plus 1.5% of said income for every 50 weeks of contributions that the member had credited after the first 500 weeks of contributions, when the reduction in their working capacity is equal to or greater than 50% and less than 66%;
- b) 54% of the base income for calculation, plus 2% of that income for every 50 weeks of contributions that the member had credited after the first 800 weeks of contributions, when the reduction in their working capacity is equal to or greater than 66%.

The disability pension may not exceed 75% of the base income for calculation purposes.

Under no circumstances may the disability pension be less than the legal minimum monthly wage.

The disability pension shall be granted at the request of the interested party and shall begin to be paid retroactively from the date on which such status occurs.

ARTICLE 41. Classification of Disability Status. Classification of Disability Status. The state of disability shall be determined in accordance with the provisions of the following articles and based on the single manual for the assessment of disability in force on the date of assessment. This manual shall be issued by the National Government and shall include the technical evaluation criteria for assessing the inability of the affected person to perform their work due to loss of working capacity.

It is the responsibility of the Social Security Institute, the Colombian Pension Administrator (COLPENSIONES), the Occupational Risk Administrators (ARP), the insurance companies that assume the risk of disability and death, and the Health Promotion Entities (EPS) to determine, at the first opportunity, the loss of working capacity and to assess the degree of disability and the origin of these contingencies. If the interested party does not agree with the assessment, they must express their disagreement within ten (10) days, and the entity must refer the case to the Regional Disability Assessment Boards within five (5) days. The decision of the Regional Disability Assessment Boards may be appealed to the National Disability Assessment Board, which will decide within five (5) days. Legal action may be taken against these decisions.

The act declaring disability issued by any of the above entities must expressly contain the factual and legal grounds that gave rise to this decision, as well as the manner and timing in which the interested party may request the rating by the Regional Board and the power to appeal this rating before the National Board.

When the disability declared by one of the aforementioned entities (ISS, Colombian Pension Administrator - Colpensiones-, ARP, insurer, or health promotion entity) is less than ten percent (10%) of the limits that qualify the state of disability, it will be mandatory to go before the Regional Disability Assessment Board on behalf of the respective entity.

In cases of accident or common illness in which there is a favorable opinion of rehabilitation from the Health Promotion Entity, the Pension Fund Administrator will postpone the disability qualification process for a maximum period of three hundred and sixty (360) calendar days in addition to the first one hundred and eighty (180) days of temporary disability recognized by the Health Promotion Entity, in which case, charged to the disability and survivor's insurance or the corresponding social security entity that issued it, the Pension Fund Administrator will grant a subsidy equivalent to the disability that the worker was receiving.

Health Promotion Entities must issue this concept before the end of the one hundred and twentieth (120th) day of temporary disability and send it before the end of the one hundred and fiftieth (150th) day to each of the Pension Fund Administrators where the worker to whom the respective concept is issued is affiliated, as applicable. When the Health Promotion Entity does not issue a favorable rehabilitation concept, if applicable, it must pay a subsidy equivalent to the respective temporary disability after the initial one hundred and eighty (180) days, charged to its own resources, until the corresponding concept is issued.

PARAGRAPH 1. For the selection of members of the Regional and National Disability Assessment Boards, the Ministry of Labor shall take into account the following criteria:

The selection shall be made through a public and objective competition, which shall be announced no less than two (2) months prior to the date of the competition and shall include the weighting criteria on the basis of which the members of these bodies shall be selected. The announcement shall be published in a widely circulated national medium.

The weighting criteria shall include aspects such as a minimum of five (5) years of professional experience and a written examination of academic background on the use of the manual on loss of working capacity and disability, which shall be conducted through a recognized academic institution. The results of the competition shall be made public, and the members of the Boards shall be appointed by the Minister of Labor, beginning with those who obtained the highest scores.

The composition of the Regional Disability Assessment Boards may be regionalized, and the management of their resources will be regulated by the National Government in an equitable manner. The selection process for the members of the disability assessment boards will be financed with resources from the Occupational Risk Fund.

PARAGRAPH 2. Social security entities, members of the Regional and National Disability Boards, and qualified professionals shall be jointly and severally liable for rulings that cause harm to members or administrators of the Comprehensive Social Security System, when this fact is fully proven.

(Amended by Art. 142, Decree 019 of 2012.)

(Amended by Art. 52, Law 962 of 2005.)

ARTICLE 42. Nature, administration, and operation of the Regional and National Disability Assessment Boards. The Regional and National Disability Assessment Boards are legally established bodies of the national Social Security System, attached to the Ministry of Labor with legal personality, governed by private law, non-profit, interdisciplinary in nature, subject to fiscal review, with technical and scientific autonomy in their expert opinions, whose decisions are binding, without prejudice to the second instance, which corresponds to the National Disability Assessment Board, with respect to the regional boards and in accordance with the regulations determined by the Ministry of Labor.

The composition, operational and financial administration, the terms and procedures for the issuance of opinions, the operation and inspection, supervision, and control of these aspects, as well as the regionalization of the country for the purposes of the operation of the Boards, the scale of fees for their members, operational procedures, and remedies for reversal and appeal shall be in accordance with the regulations determined by the Ministry of Labor.

PARAGRAPH 1. The members of the National and Regional Disability Assessment Boards shall be governed by this law and its regulations, shall act within the respective period and, if necessary, shall remain in office until the new members take office for the corresponding period. They shall be appointed in accordance with the regulations issued for this purpose by the Ministry of Labor.

NOTE: The Constitutional Court, in Ruling C-914 of 2014, declares UNCONSTITUTIONAL the expression "shall be appointed in accordance with the regulations issued for this purpose by the Ministry of Labor."

PARAGRAPH 2. Social security entities and members of the Regional and National Disability Boards and qualified professionals shall be jointly and severally liable for rulings that cause harm to members or administrators of the Comprehensive Social Security System, when this fact is fully proven.

It is the obligation of the different actors in the Social Security Systems for Health and Occupational Risks to provide, in a timely manner, the information required and available to substantiate the classification of the origin, among the entities competent to classify the worker.

PARAGRAPH 3. Within six (6) months of the entry into force of this law, the Ministry of Labor shall organize the structure and functioning of the Disability Assessment Boards as part of the structure of the Ministry of Labor.

(Amended by Article 16 of Law 1562 of 2012.)

ARTICLE 43. Impediments, recusals, and sanctions. The principal and alternate members of the Regional and National Boards, in odd numbers, shall be appointed in accordance with the regulations issued by the Ministry of Labor. The members shall be individuals who perform a public function in the provision of said service and, while they are part of the Disability Assessment Boards, they may not have any connection with or carry out activities related to the assessment of the origin and degree of loss of working capacity or administrative or commercial tasks in the Administrative Entities of the Comprehensive Social Security System, or with their management, supervision, and control entities.

NOTE: In Ruling C-914 of 2014, the Constitutional Court declared UNCONSTITUTIONAL the expression "the principal and alternate members of the regional disability boards, who shall be appointed in odd numbers, in accordance with the regulations issued by the Ministry of Labor."

The members of the Boards shall be subject to the rules on impediments and recusals applicable to judges of the Republic, in accordance with the provisions of the Code of Civil Procedure, and their proceedings shall be conducted in accordance with Article 30 of the Code of Administrative Procedure. As individuals who perform public functions, they are subject to the Single Disciplinary Code.

PARAGRAPH 1. The members of the National Board and the Regional Disability Assessment Boards are not public servants, do not earn salaries or social benefits, and are only entitled to the fees established by the Ministry of Labor.

PARAGRAPH 2. Members of the National Board and the Regional Disability Assessment Boards may not remain in office for more than two (2) continuous periods

(Amended by Article 19 of Law 1562 of 2012.)

ARTICLE 44. Review of Disability Pensions. The state of disability may be reviewed:

a) At the request of the corresponding social security or welfare entity every three (3) years, in order to ratify, modify, or revoke the ruling that served as the basis for the calculation of the pension enjoyed by the beneficiary and to proceed with the termination, reduction, or

increase it, if applicable.

This new ruling is subject to the rules of the previous articles.

The pensioner shall have a period of three (3) months from the date of said request to undergo the respective review of the state of disability. Except in cases of force majeure, if the pensioner does not appear or prevents such review within that period, payment of the pension shall be suspended. If twelve (12) months elapse from the same date without the pensioner appearing or allowing the examination, the respective pension shall lapse.

To reacquire the right at a later date, the member who claims to remain disabled must undergo a new assessment. The costs of this new assessment shall be paid by the member;

b) At the request of the pensioner at any time and at their expense.

ARTICLE 45. Compensation in lieu of disability pension. Members who, at the time of becoming disabled, do not meet the requirements for a disability pension shall be entitled to receive, as a substitute, compensation equivalent to that which would have been payable in the case of compensation in lieu of an old-age pension, as provided for in Article 37 of this Law.

CHAPTER IV

SURVIVORS' PENSION

ARTICLE 46. Requirements for obtaining a Survivors' Pension. The following shall be entitled to a survivors' pension:

1. Members of the family group of the old-age or common risk disability pensioner who dies, and
2. Members of the family group of the deceased member, provided that the latter has met any of the following requirements:

a) The member is contributing to the system and has contributed for at least twenty-six (26) weeks at the time of death;

b) That, having ceased to contribute to the system, they had made contributions for at least 26 weeks of the year immediately preceding the time of death.

PARAGRAPH. For the purposes of calculating the weeks referred to in this article, the provisions of the paragraphs of Article 33 of this Law shall be taken into account.

ARTICLE 47. Survivor Pension Beneficiaries. The beneficiaries of the survivor pension are:

a) For life, the spouse or permanent partner or survivor, provided that said beneficiary is 30 years of age or older on the date of death of the deceased. In the event that the survivor's pension is caused by the death of the pensioner, the surviving spouse or permanent partner must prove that they were married to the deceased until their death and had lived with the deceased for at least five (5) continuous years prior to their death. Underlined text declared ENFORCEABLE by the Constitutional Court in [Ruling C-1094 of 2003](#).

b) On a temporary basis, the surviving spouse or permanent partner, provided that said beneficiary, on the date of the deceased's death, is under 30 years of age and has not had children with the deceased. The temporary pension shall be paid for as long as the beneficiary lives and shall have a maximum duration of 20 years. In this case, the beneficiary must contribute to the system in order to obtain their own pension, which shall be paid out of said pension. If they have children with the deceased, paragraph a) shall apply.

Declared ENFORCEABLE by the Constitutional Court in [Ruling C-1094 of 2003](#).

If a pensioner has a permanent partner, with a previous marital partnership that has not been dissolved and the right to receive part of the pension referred to in paragraphs a) and b) of this article, said pension shall be divided between them in proportion to the time they lived with the deceased.

In the event of simultaneous cohabitation in the last five years prior to the death of the deceased between a spouse and a permanent partner, the beneficiary of the survivor's pension shall be the wife or husband. If there has been no simultaneous cohabitation and the marital union remains in force but there is a de facto separation, the permanent partner may claim a share of the amount corresponding to paragraph a) in proportion to the time lived with the deceased, provided that this was more than five years prior to the death of the deceased. The other share shall correspond to the spouse with whom the marital partnership is in force; Underlined text declared ENFORCEABLE by the Constitutional Court [C-1035](#) of 2008, on the understanding that, in addition to the spouse, the permanent partner shall also be a beneficiary and that said pension shall be divided between them in

proportion to the length of time they lived with the deceased. (See [Ruling 2014-00154 of 2020, Council of State](#)).

c) Children under the age of 18; children over the age of 18 and up to the age of 25 who are unable to work due to their studies and who were financially dependent on the deceased at the time of death, provided that they duly prove their status as students and meet the minimum academic requirements established by the Government; and disabled children if they were financially dependent on the deceased, i.e., they have no additional income, while the conditions of disability persist. To determine when disability exists, the criteria set forth in Article 38 of Law 100 of 1993 shall apply; Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in [Ruling C-1094 of 2003](#).

d) In the absence of a spouse, permanent partner, or eligible children, the parents of the deceased shall be beneficiaries if they were totally and absolutely financially dependent on the deceased; Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in [Ruling C-111 of 2006](#).

e) In the absence of a spouse, permanent partner, parents, or children with rights, the deceased's disabled siblings shall be beneficiaries if they were financially dependent on the deceased.

NOTE: The expression in bold "permanent partner" was declared ENFORCEABLE by the Constitutional Court in [Ruling C-336 of 2008](#), on the understanding that permanent same-sex partners whose status is accredited under the terms set forth in [Ruling C-521 of 2007](#) for heterosexual couples are also beneficiaries of the survivor's pension.

Paragraph

. For the purposes of this article, the relationship between the parent, child, or disabled sibling must be that established in the Civil Code.

[See Law 1204 of 2008](#)

(Amends Article [13](#) of Law [797](#) of 2003)

ARTICLE 48. Amount of Survivors' Pension. The monthly amount of the survivors' pension due to the death of the pensioner shall be equal to 100% of the pension that the pensioner was receiving.

The monthly amount of the total survivor's pension due to the death of the member shall be equal to 45% of the base income for settlement plus 2% of said income for each additional fifty (50) weeks of contributions to the first five hundred (500) weeks of contributions, without exceeding 75% of the base income for settlement.

In no case may the amount of the pension be less than the current legal monthly minimum wage, in accordance with the provisions of Article 35 of this Law.

Notwithstanding the provisions of this article, members may opt for a survivor's pension equivalent to the ISS survivor's pension scheme in force prior to the effective date of this Law, equivalent to 65% of the base income for settlement, provided that the same conditions established by said institute are met.

ARTICLE 49. Compensation in lieu of Survivors' Pension. Members of the family of the member who, at the time of his or her death, did not meet the requirements for a survivor's pension shall be entitled to receive, as a substitute, compensation equivalent to that which would have been payable in the case of compensation in lieu of an old-age pension, as provided for in Article 37 of this Law.

CHAPTER V

ADDITIONAL BENEFITS

ARTICLE 50. Additional monthly payment. Old-age or retirement, disability, and replacement or survivor pensioners shall continue to receive each year, together with their November monthly payment, in the first half of December, the amount corresponding to an additional monthly payment to their pension.

ARTICLE 51. Funeral assistance. Any person who can prove that they have paid the funeral expenses of a member or pensioner shall be entitled to receive funeral assistance equivalent to the last base salary used for contribution purposes, or the amount corresponding to the last pension payment received, as the case may be, provided that such assistance shall not be less than five (5) times the current legal monthly minimum wage, nor more than ten (10) times said wage.

When funeral expenses must be covered by an insurance policy due to legal or regulatory provisions, the Social Security Institute, funds, or public sector entities may seek reimbursement from the insurance company that provided coverage for the amounts paid for this purpose.

CHAPTER VI

ADMINISTRATORS OF THE SOLIDARITY SYSTEM OF AVERAGE PREMIUM WITH DEFINED BENEFITS

ARTICLE 52. Administrative entities. The defined benefit average premium solidarity scheme shall be administered by the Social Security Institute. Existing social security funds, entities, or institutions, whether public or private, shall administer this system with respect to their members and for as long as said entities exist, without prejudice to the members' right to avail themselves of any of the pension systems provided for in this Law.

Existing social security funds, funds, or entities, whether public or private, shall be subject to the supervision and control of the Superintendency of Banking.

ARTICLE 53. Oversight and Investigation. The entities administering the defined benefit solidarity scheme shall have broad powers of oversight and investigation over the employer or agent withholding contributions to the scheme to ensure effective compliance with this Law. To this end, they may:

- a) Verify the accuracy of contributions and other reports, when they deem it necessary;
- b) Conduct any investigations they deem appropriate to verify the occurrence of undeclared events giving rise to obligations;
- c) Summon or require employers or agents withholding contributions to the system, or third parties, to submit reports;
- d) Require employers or agents withholding contributions to the system, or third parties, to submit documents or records of operations, when they are required to keep registered books;
- e) Order the presentation and examination of the books, receipts, and documents of the employer or agent withholding contributions to the system, and take the necessary steps for the correct and timely determination of obligations.

(See Council of State Ruling [2017-01393](#) of 2020)

ARTICLE 54. Investment and profitability of the Disability, Old Age, and Death (IVM) and Work Accidents and Occupational Illness (ATEP) reserves. The investment of the IVM and ATEP reserves of the ISS and the National Public Pension Fund shall be managed through a trust agreement with entities in the financial sector specializing in this service or in government securities, with the aim of obtaining the minimum return referred to in Article 101 of this Law.

If the return referred to in the previous paragraph cannot be guaranteed, the IVM and ATEP reserves of the Social Security Institute and the National Public Pension Fund shall be placed in an account with the National Treasury, which shall guarantee a return that preserves their purchasing power.

These entities may make withdrawals from the account of the General Treasury of the Nation to enter into new trust agreements or to invest in national debt securities placed on the capital market. When, within a period of one (1) year, the return on the nation's debt securities does not maintain the purchasing power of the reserves, the nation shall make the necessary compensation to comply with the mandate of Article 48 of the Political Constitution, through appropriation and transfer from the General Budget of the Nation.

PARAGRAPH. The reserves of public sector pension funds, funds, or entities that, in accordance with the provisions of this Law, administer the defined benefit average premium system, shall be managed through a fiduciary mandate or government securities, in accordance with the rules on investment, profitability, and control determined by the National Government.

ARTICLE 55. Interest exemption. Employers who, as of July 31, 1993, owed sums to the ISS for contributions or premiums for General Illness and Maternity insurance and Work Accident and Occupational Illness insurance shall be exempt from late payment interest and penalties on such debts, as well as from penalties on the principal owed for Disability, Old Age, and Death Insurance, provided that they pay the debt within four months of the effective date of this Law.

To enjoy the benefit referred to in this article, the employer must pay the total amount owed at the time of payment.

ARTICLE 56. Write-off of Accounts Receivable. The Board of Directors of the Social Security Institute may write off accounts receivable that are doubtful for collection when they are more than 24 months past due, using criteria similar to those governing the banking system. In no

case shall the write-off of the portfolio imply the forgiveness of the debt.

ARTICLE 57. Coercive Collection. In accordance with Article 79 of the Administrative Litigation Code and Article 112 of Law 6a of 1992, the entities administering the Average Premium System with defined benefits may establish coercive collection to enforce their credits.

ARTICLE 58. Advertising. The entities administering the defined benefit solidarity regime may carry out advertising, communication, and promotion programs for their activities in accordance with the relevant regulations issued by the Superintendency of Banking. Such advertising may only be contracted at the expense of the entity's administrative budget.

TITLE III

INDIVIDUAL SAVINGS SYSTEM WITH SOLIDARITY

CHAPTER I

GENERAL RULES

ARTICLE 59. Concept. The Individual Savings Scheme with Solidarity is the set of entities, rules, and procedures through which private and public resources are administered to pay the pensions and benefits that must be recognized to its members, in accordance with the provisions of this Title.

This system is based on savings from contributions and their respective financial returns, solidarity through minimum pension guarantees and contributions to the Solidarity Fund, and promotes competition between the different private sector, public sector, and social solidarity sector administrators, which members are free to choose.

ARTICLE 60. Characteristics. The Individual Savings with Solidarity Scheme shall have the following characteristics:

a) Members of the system shall be entitled to the recognition and payment of old-age, disability, and survivor pensions, as well as the compensation contained in this Title, the amount of which shall depend on the contributions of members and employers, their financial returns, and State subsidies, where applicable.

b) A portion of the contributions mentioned in the preceding paragraph shall be capitalized in each member's individual pension savings account. Another portion shall be used to pay insurance premiums to cover disability and survivor pensions and advice on contracting life annuities, to finance the Pension Solidarity Fund, and to cover the cost of administering the scheme.

Personal savings accounts shall be administered by entities authorized for that purpose, subject to State supervision and control.

c) Members of the system may freely choose and transfer between administrative entities and select the insurer with which they contract annuities or pensions.

d) The set of individual pension savings accounts constitutes an autonomous asset owned by the members, called the Pension Fund, which is independent of the assets of the administrative entity.

e) Administrative entities must guarantee a minimum return on the pension fund they administer.

f) The assets of the administrative entities guarantee the payment of the minimum return referred to in the previous paragraph and the development of the pension fund administration business.

g) The State guarantees the savings of members and the payment of pensions to which they are entitled when administrative entities or insurers fail to fulfill their obligations under the terms of this Law, reverting to the assets of the administrative entities and applying the relevant penalties for non-compliance, in accordance with the regulations issued by the National Government.

h) Members of the system who have made contributions or payments to the Social Security Institute, or to public sector funds, entities, or entities, or who have provided services as public servants, or who have worked in companies that are solely responsible for the pensions of their workers and transfer the proportional part of the corresponding actuarial calculation, shall be entitled to the recognition of pension bonuses.

i) In accordance with the principle of solidarity, the State shall contribute the necessary resources to guarantee the payment of minimum pensions when the capitalization of members' contributions and their financial returns are insufficient, and when they meet the conditions required for this purpose;

j) The control and supervision of pension fund management entities is the responsibility of the Superintendency of Banking.

ARTICLE 61. Persons excluded from the Individual Savings with Solidarity System. The following are excluded from the Individual Savings with Solidarity System:

- a) Disability pensioners receiving benefits from the Social Security Institute or any other public sector fund, pension fund, or entity;
- b) Persons who, when the system comes into force, are fifty-five (55) years of age or older, if they are men, or fifty (50) years of age or older, if they are women, unless they decide to contribute for at least 500 weeks under the new regime, in which case the employer will be required to make the corresponding contributions.

ARTICLE 62. Voluntary Contributions. Members of the Individual Savings with Solidarity Plan may contribute, periodically or occasionally, amounts above the minimum limits established as mandatory contributions, in order to increase the balances of their individual pension savings accounts, to opt for a higher pension or early retirement.

ARTICLE 63. Individual Pension Savings Accounts. Mandatory and voluntary contributions shall be credited to the member's individual pension savings account. Each member may only have one account.

Administrators shall send their members, at least quarterly, a statement recording the amounts deposited, their returns and balances, as well as the amount of commissions charged and premiums paid.

The amounts in individual pension savings accounts may only be used to access the pensions referred to in this Title, except as provided in Articles 85 and 89 of this Law.

CHAPTER II

OLD-AGE PENSION

ARTICLE 64. Requirements for obtaining an old-age pension. Members of the Individual Savings with Solidarity Scheme shall be entitled to an old-age pension at the age of their choosing, provided that the capital accumulated in their individual savings account allows them to obtain a monthly pension greater than 110% of the legal minimum monthly wage in force on the date of issuance of this Law, adjusted annually according to the percentage variation of the Consumer Price Index certified by the DANE. The value of the pension bond, when applicable, shall be taken into account for the calculation of said amount.

When, despite meeting the requirements to access the pension under the terms of the previous paragraph, the worker chooses to continue contributing, the employer shall be obliged to make the contributions for which they are responsible, for the duration of the employment relationship, whether legal or regulatory, and until the date on which the worker reaches sixty (60) years of age if female and sixty-two (62) years of age if male.

ARTICLE 65. Guaranteed Minimum Old-Age Pension. Members who, at the age of 62 if they are men and 57 if they are women, have not managed to generate the minimum pension referred to in Article 35 of this Law, and have contributed for at least 1,150 weeks, shall be entitled to have the National Government, in accordance with the principle of solidarity, make up the shortfall in order to obtain said pension.

PARAGRAPH. For the purposes of calculating the weeks referred to in this article, the provisions of the paragraphs of Article 33 of this Law shall be taken into account.

ARTICLE 66. Refund of Balances. Those who, at the ages specified in the previous article, have not contributed for the minimum number of weeks required and have not accumulated the capital necessary to finance a pension at least equal to the minimum wage, shall be entitled to a refund of the capital accumulated in their individual savings account, including financial returns and the value of the pension bond, if applicable, or to continue contributing until they become eligible.

ARTICLE 67. Enforceability of Pension Bonds. Members who are entitled to receive pension bonds may only cash in such bonds from the date on which they reach the age of eligibility for a pension, as provided for in Article 65 of this Law.

ARTICLE 68. Financing of Old-Age Pensions. Old-age pensions shall be financed with the resources of the pension savings accounts, with the value of the pension bonds, where applicable, and with the contribution of the Nation in cases where the corresponding requirements for the minimum pension guarantee are met.

CHAPTER III

DISABILITY PENSION FOR COMMON RISK

ARTICLE 69. Disability pension. The state of disability, the requirements for obtaining the disability pension, the amount, and the system for its qualification in the individual savings with solidarity regime shall be governed by the provisions contained in Articles 38, 39, 40, and 41 of this Law.

ARTICLE 70. Financing of the Disability Pension. Disability pensions shall be financed from the member's individual pension savings account, the pension bond, if applicable, and any additional amount necessary to complete the capital financing the pension amount. The additional amount shall be paid by the insurer with which the disability and survivors' insurance has been contracted.

The amount accumulated in individual pension savings accounts through voluntary contributions shall not form part of the capital used to finance disability pensions, unless so provided by the member, or when necessary to access the minimum disability pension. The disability pensioner may dispose of the unused amount of voluntary contributions.

When, in accordance with the provisions of Article 44 of this Law, the state of disability is determined to have ceased, the insurance company shall return to the individual pension savings account the unused balance of the pension reserve, in the part corresponding to capital plus the returns on the individual savings account and the pension bond.

In the events referred to in the preceding paragraph, members shall be entitled to have the State credit them with the weeks during which they received the respective pension as contribution weeks. This crediting of weeks shall only apply when the State is required to pay the minimum pension guarantee.

PARAGRAPH . Members may take out disability pension insurance with an insurer other than the one that paid the additional sum referred to in the first paragraph of this article.

ARTICLE 71. State Minimum Disability Pension Guarantee. In accordance with the principle of solidarity, the State shall guarantee the necessary resources so that members of the Individual Savings with Solidarity System have access to a minimum disability pension, the monthly amount of which shall be equivalent to the legal minimum monthly wage as established in Article 35 of this Law.

The state guarantee of a minimum pension shall operate in accordance with the provisions of Articles 83 and 84 of this Law.

ARTICLE 72. Refund of Balances due to Disability. When a member becomes disabled without meeting the requirements to access a disability pension, they shall be paid the entire balance credited to their individual pension savings account, including financial returns and, where applicable, the value of the pension bond.

However, the member may maintain a balance in the individual pension savings account and contribute to build up the capital necessary to qualify for an old-age pension.

CHAPTER IV

SURVIVOR'S PENSION

ARTICLE 73. Requirements and amount. The requirements for obtaining a survivor's pension under the individually funded solidarity system, as well as its amount, shall be governed by the provisions contained in Articles 46 and 48 of this Law.

ARTICLE 74. Beneficiaries of the Survivors' Pension. The beneficiaries of the survivors' pension are:

a) For life, the surviving spouse or permanent partner.

In the event that the survivor's pension is caused by the death of the pensioner, the surviving spouse or permanent partner must prove that they were living with the deceased at least from the time the deceased met the requirements to be entitled to an old-age or disability pension until their death and that they had lived with the deceased for at least two (2) continuous years prior to their death, unless they had one or more children with the deceased pensioner.

b) Children under the age of 18; children over the age of 18 and up to the age of 25 who are unable to work due to their studies and who were financially dependent on the deceased at the time of their death; and disabled children if they were financially dependent on the deceased, as long as the conditions of disability persist.

c) In the absence of a spouse, permanent partner, or eligible children, the parents of the deceased shall be beneficiaries if they were financially dependent on the deceased.

ARTICLE 75. State Guarantee of Minimum Survivors' Pension. In accordance with the principle of solidarity, the State guarantees a supplement so that survivors have access to a minimum survivors' pension, the monthly amount of which shall be equivalent to 100 % of the legal monthly minimum wage as established in Article 35 of this Law.

ARTICLE 76. Absence of Beneficiaries. In the event that, upon the death of the member or pensioner, there are no beneficiaries of the pension

survivors, the amounts accumulated in the individual pension savings account shall form part of the deceased's estate.

In the event that there are no successors up to the fifth order of inheritance, the amount accumulated in the individual pension savings account shall be allocated to the Pension Solidarity Fund referred to in this Law.

ARTICLE 77. Financing of Survivors' Pensions.

1. The survivor's pension resulting from the death of the member shall be financed with the resources of the individual pension savings account generated by mandatory contributions, the pension bond, if applicable, and any additional amount necessary to complete the capital financing the pension amount. This additional amount shall be paid by the insurer.

The amount accumulated in individual pension savings accounts as a result of voluntary contributions shall not form part of the capital used to finance survivor pensions generated by the death of a member, except when this is necessary to access the minimum survivor pension. This amount may be used to increase the value of the pension, if the member has so stipulated or the beneficiaries agree. Otherwise, it shall form part of the deceased's estate.

2. Survivor pensions caused by the death of a pensioner are financed with the resources provided for the payment of the old-age or disability pension, as the case may be, that the deceased was receiving at the time of death.

When the survivor's pension is generated by the death of a pensioner covered by the programmed withdrawal or programmed withdrawal with deferred life annuity modality, the excess of the balance of the individual pension savings account over the capital necessary to finance the survivor's pension may be used to increase the value of the pension, if the member has so stipulated or the beneficiaries agree. Otherwise, it shall form part of the deceased's estate.

PARAGRAPH . The member's survivors may contract the survivor's pension with an insurer other than the one that paid the additional sum referred to in the first paragraph of this article.

ARTICLE 78. Refund of Balances. When the member dies without meeting the requirements to cause a survivor's pension, the beneficiaries will be given the entire balance paid into their individual pension savings account, including returns, and the value of the pension bond, if applicable.

CHAPTER V

TYPES OF PENSIONS

ARTICLE 79. Types of Old Age, Disability, and Survivor Pensions. Old age, disability, and survivor pensions may take one of the following forms, at the discretion of the member or beneficiaries, as applicable:

- a) Immediate life annuity;
- b) Scheduled withdrawal;
- c) Scheduled withdrawal with deferred life annuity; or
- d) Any other type authorized by the Superintendency of Banking.

ARTICLE 80. Immediate life annuity. An immediate life annuity is a type of pension whereby the member or beneficiary enters into a direct and irrevocable contract with the insurer of their choice for the payment of a monthly income until their death and the payment of survivor pensions to their beneficiaries for as long as they are entitled to them. Such annuities and pensions must be uniform in terms of constant purchasing power and cannot be contracted for amounts less than the minimum pension in force at the time.

The administrator to whom the member has been contributing at the time of meeting the conditions for obtaining a pension shall be responsible for carrying out, on behalf of the pensioner, the necessary procedures or claims with the respective insurer.

ARTICLE 81. Programmed Retirement. Programmed retirement is the type of pension in which the member or beneficiaries obtain their pension from the management company, charged to their individual pension savings account and the applicable pension bond.

For these purposes, an annuity in constant value units is calculated each year, equal to the result of dividing the balance of their savings account and pension bond by the capital necessary to finance a unit of life annuity for the member and their beneficiaries. The monthly pension shall correspond to one-twelfth of said annuity.

The balance of the pension savings account, while the member enjoys a programmed retirement pension, may not be less than the capital required to finance the member and their beneficiaries a life annuity of one current legal minimum monthly wage.

The provisions of the preceding paragraph shall not apply when the capital saved plus the pension bonus, if applicable, result in a pension lower than the minimum, and the member does not have access to the state minimum pension guarantee.

When there are no beneficiaries, the balances remaining in the savings account upon the death of a member who is receiving a programmed retirement pension shall be added to the estate. If there are no heirs, such sums shall be used to finance the state minimum pension guarantee.

ARTICLE 82. Scheduled Withdrawal with Deferred Life Annuity. Scheduled withdrawal with deferred life annuity is a pension option whereby a member contracts with an insurer of their choice for a life annuity in order to receive monthly payments from a specified date, retaining sufficient funds in their individual pension savings account sufficient funds to obtain a scheduled withdrawal from the administrator during the period between the date on which they exercise the option for this modality and the date on which the deferred life annuity begins to be paid by the insurer. In this case, the deferred life annuity contracted may not be less than the minimum old-age pension in force.

CHAPTER VI

GENERAL CHARACTERISTICS OF MINIMUM PENSIONS

ARTICLE 83. Payment of the guarantee. For persons who have access to state minimum pension guarantees, such guarantees shall be paid from the moment at which the annuity resulting from the programmed withdrawal calculation is less than twelve times the current minimum pension, or when the life annuity to be contracted with the available capital is less than the current minimum pension.

The administrator or insurance company responsible for pensions, regardless of the type of pension, shall be responsible for carrying out, on behalf of the pensioner, the necessary procedures to ensure that the minimum pension guarantees are effective.

ARTICLE 84. Exception to the Minimum Pension Guarantee. When the sum of the pensions, annuities, and remuneration received by the member or beneficiaries, as applicable, exceeds what would correspond to them as a minimum pension, the state minimum pension guarantee shall not apply.

(This article was repealed by Law [1955](#) of 2019, which issues the National Development Plan).

CHAPTER VII

ADDITIONAL BENEFITS AND PERKS

ARTICLE 85. Freely Available Surpluses. From the moment the member chooses to take out a pension, the balance of the individual pension savings account, plus the pension bonus, if applicable, that exceeds the capital required for the member to agree to a pension that meets the following requirements, shall be freely available:

- a) That the immediate or deferred life annuity contracted, or the amount of the programmed withdrawal, is greater than or equal to 70% of the base income for settlement, and may not exceed fifteen (15) times the minimum pension in force on the respective date;
- b) That the immediate life annuity, or the amount of the programmed withdrawal, is greater than or equal to one hundred ten percent (110%) of the minimum legal pension in force.

ARTICLE 86. Funeral Assistance. Any person who can prove that they have paid the funeral expenses of a member or pensioner shall be entitled to receive funeral assistance equivalent to the last base contribution salary, or the value corresponding to the last pension payment received, as the case may be, which may not be less than five (5) times the current legal monthly minimum wage, nor more than ten (10) times said wage.

The benefit shall be covered by the respective administrator or insurer, as applicable.

The administrators may seek reimbursement from the entity that provided the respective survivor insurance, which shall include coverage for this assistance.

The same action shall be taken by insurance companies that have paid the assistance referred to in this article and whose payment is not due to them because this event is covered by a different policy.

ARTICLE 87. Alternative Capitalization and Pension Plans. Members of the Individual Savings with Solidarity Plan may opt for alternative capitalization plans authorized by the Superintendency of Banking. The capital resulting from the basic plan and from such alternative capitalization plans may be linked to alternative pension plans authorized by the same

Superintendency.

The exercise of the options referred to in this article is subject to members having met minimum capitalization goals. Approved plans must allow mobility between plans, administrators, and insurers, and must separate the assets and accounts corresponding to capitalization and insurance, as provided by the Superintendency of Banking. The National Government shall indicate the cases in which entry into alternative plans implies the member's waiver of minimum return or minimum pension guarantees.

PARAGRAPH . The provisions of this article do not exempt the member or the employer from paying the contributions provided for in this Law.

ARTICLE 88. Other Alternative Pension Plans. Pension fund management companies may invest in individual life insurance contracts with defined benefits adjusted for inflation, in amounts that ensure a retirement amount not less than the minimum pension established by law.

The aforementioned life insurance policies must cover disability and survival risks and shall be purchased from the individual savings account, from which the necessary percentage shall be invested to guarantee at least the minimum pension mentioned above.

The National Government shall regulate the maximum percentage of the portfolio that pension funds may invest in these types of policies.

ARTICLE 89. Credit Guarantee and Home Purchase. Members who have accumulated in their individual pension savings account the capital required to finance a pension greater than 110% of the minimum old-age pension may use the excess of said saved capital as collateral for home and education loans, in accordance with the regulations issued for that purpose.

CHAPTER VIII

ADMINISTRATORS OF THE INDIVIDUAL SAVINGS WITH SOLIDARITY SYSTEM

ARTICLE 90. Administrative Entities. The pension funds of the Individual Savings with Solidarity Scheme shall be administered by pension fund management companies, the creation of which is hereby authorized.

Companies that, in accordance with the provisions of current legislation, administer severance funds, are authorized to simultaneously administer pension funds, subject to compliance with the requirements established in this Law.

Public law entities in the central or decentralized sector, at any territorial level, may promote the creation of or be partners in pension fund management companies.

Entities in the social solidarity sector, such as cooperatives, trade unions, mutual investment funds, cooperative banks, employee funds, and family compensation funds, may also promote the establishment of or become partners in pension fund management companies.

Family compensation funds may, either directly or through solidarity economy institutions, promote the creation of, be partners in, or own pension and/or unemployment fund management companies, in accordance with the terms of the Law. In order to achieve the democratization of ownership, family compensation funds must offer their affiliated workers, within a period not exceeding five years, ownership of at least 25% of the shares they hold in the respective management companies, in accordance with the regulations. The five-year period shall be counted from the date of incorporation of the management company.

Family compensation funds may allocate resources from their surpluses to pay contributions to management companies.

Insurance companies may be partners in the entities referred to in this article, but may only participate directly in the Individual Savings with Solidarity regime through the insurance plans adopted in this Law.

ARTICLE 91. Requirements for Administrative Entities. In addition to the requirements established in Law 45 of 1990 for financial services companies, pension fund management companies must comply with the following special requirements:

- a) Be incorporated as corporations or mutual institutions;
- b) Have assets equal to fifty percent (50%) of those required for the incorporation of a financial corporation, which shall exclusively support the development of the pension fund management business.

The equity allocated to the administration of pension funds provided for in this Law may be represented in the investments authorized for this purpose and shall not be counted toward the equity requirements of the respective company for the development of its other businesses. Likewise, separate accounting records must be kept in accordance with the provisions of the Superintendency of Banking.

- c. From the moment of their incorporation and for a period of five years, they must offer shares publicly so that entities in the sector

social solidarity referred to in the fourth paragraph of the previous article, may subscribe to at least 20% of its share capital.

Members and pensioners of the Individual Savings with Solidarity regime, in accordance with the regulations, may be partners in the management companies, and such participation shall be taken into account for the purposes of calculating the percentage referred to in the previous paragraph.

The percentages of ownership that both the social solidarity sector and members and pensioners acquire in the respective administrator, in accordance with the provisions of this paragraph, shall be payable or attributable to the public offering obligations imposed by the democratization rules applicable to pension fund administrators and pension and severance fund administrators. Similarly, the value of the shares sold through a public offering in accordance with Law 50 of 1990 and other complementary regulations shall be credited until the percentage established in this article of the total capital required by this Law is reached.

d) Have sufficient specialized human and technical capacity to adequately comply with the proper administration of the resources entrusted, in accordance with the nature of the pension plan offered.

PARAGRAPH . Administrators may be authorized to simultaneously establish and administer several capitalization or pension plans within the regime, provided that they demonstrate to the Superintendency of Banking that they have the necessary administrative capacity to do so.

ARTICLE 92. Maximum Amount of Capital. In order to avoid economic concentration, companies that manage pension funds may not have capital exceeding 10 times the minimum amount established.

This limit may be modified by the National Government in accordance with the evolution of the regime.

ARTICLE 93. Promotion of Participation in the Share Capital of Pension Fund Administrators. The National Government, using resources from the national budget, shall establish within six months of the effective date of this Law the necessary financing mechanisms so that the entities referred to in the fourth paragraph of Article 90 of this Law may supplement the resources that enable them to participate in the share capital of the entities that administer the Individual Savings with Solidarity regime.

In order to set the amount of the incentive, the National Government shall take into account the financial support needs of each entity and its ability to pay for it.

ARTICLE 94. Equity Levels. The National Government shall establish the manner in which it will ensure that administrators and insurers maintain adequate levels of equity, in accordance with the different risks associated with their activity.

In any case, the level of assets managed by an administrator may not exceed more than 40 times its technical equity.

ARTICLE 95. Approval of Pension Plans. Entities authorized to act as administrators or insurers in the system must submit the capitalization and pension plans they intend to administer to the Superintendency of Banking for approval.

ARTICLE 96. Requirements for the Approval of Pension Plans. Any pension plan submitted to the Superintendency of Banking for approval must protect members and pensioners against all risks referred to in this Law and specify the specific conditions of each protection. Approved plans may not be subsequently modified in a manner that worsens any of the conditions established above.

ARTICLE 97. Pension Funds as Autonomous Assets. Pension funds, consisting of individual pension savings accounts and those resulting from alternative capitalization or pension plans, as well as interest, dividends, or any other income generated by the assets that comprise them, constitute autonomous assets owned by the members, independent of the assets of the administrator.

The accounting of these funds shall be subject to the rules issued for this purpose by the Superintendency of Banking.

ARTICLE 98. Participation of Members in the Control of Management Companies. The members and shareholders of pension fund management companies shall elect the statutory auditor to control the administration of the respective fund. In addition, members shall have two representatives elected by themselves to attend all board meetings of the management company, with voice but no vote, who, together with the statutory auditor, shall look after the interests of the members in accordance with the regulations issued for this purpose by the National Government.

PARAGRAPH. Companies that manage pension and severance funds shall have a total of two (2) representatives of the members.

ARTICLE 99. Guarantees. Administrators and insurers, including those of alternative pension plans, shall establish and maintain adequate guarantees to ensure the proper management of investments representing the resources administered in the development of capitalization and pension plans.

Administrators shall have the guarantee of the Financial Institutions Guarantee Fund, charged to their own resources, to ensure the reimbursement of the balance of individual pension savings accounts in the event of dissolution or liquidation of the respective administrator, without exceeding one hundred percent (100%) of the mandatory contributions for each member, including

their respective interest and returns, and 150 times the legal monthly minimum wage corresponding to voluntary contributions. Under no circumstances may the guarantees be less than those established by the Superintendency of Banking for institutions in the financial system.

ARTICLE 100. Investment of Resources. In order to guarantee the security, profitability, and liquidity of the system's resources, administrators shall invest them under the conditions and subject to the limits established for this purpose by the Government through the Superintendency of Banking, subject to a non-binding opinion from a commission of the National Labor Council or the body acting on its behalf.

At least 3% of resources must be invested in private equity funds and/or private debt, including funds that invest in private equity funds and/or private debt, known as "funds of funds," provided that these resources are invested in Colombian companies or productive projects in Colombia in order to strengthen entrepreneurship and the scaling up of the country's business fabric. Investments in extractive companies in the mining and energy sector and those economically linked to the administrators of the individual savings with solidarity regime or belonging to business groups or financial conglomerates of these institutions shall not be considered for the calculation of this percentage, except in the case of private equity and/or private debt funds that allocate at least two-thirds (2/3) of their investors' contributions to infrastructure projects, either under the Public-Private Partnership (PPP) scheme described in Law 1508 of 2012 and/or under the conditions determined by the National Government for new generations and infrastructure projects. In any case, investments in Public Debt Securities may not exceed fifty percent (50%) of the value of the Pension Fund resources

(Paragraph 2, Modified by Article 2 of Law 2112 of 2021)

The Superintendency of Securities shall define the requirements that must be met by legal entities that are recipients of investments or placements of pension fund resources.

When the Superintendency of Securities authorizes the placement of resources in the capital market or in securities other than official public debt documents, it shall require the recipients to comply with the rules designed to contain phenomena of concentration of ownership and income.

The Government may regulate transactions other than the subscription of primary securities, so that they are carried out through the stock exchanges.

Pension and severance fund administrators of any kind may discount securities and portfolios under the conditions and in the proportion established by the National Government, so that in all cases the investment is of maximum security.

ARTICLE 101. Minimum Return. All returns obtained from the management of pension funds shall be credited to the individual pension savings accounts of the members, in proportion to the amounts accumulated in each account and the length of time they have remained there during the respective period.

Pension and severance fund management companies must guarantee their members a minimum return, which will be determined by the National Government, taking into account returns on comparable securities and investments representative of the market. This methodology shall seek to ensure that the minimum return on the portfolio invested in debt securities is not lower than the defined market rate, taking into account the yield on securities issued by the Nation and the Central Bank. It shall also promote a rational and broad distribution of portfolios in long-term securities and investments and balance the pension and severance pay remuneration systems.

In cases where the minimum return is not achieved, the management companies shall respond with their own resources, initially affecting the return stabilization reserve defined for these companies.

ARTICLE 102. Minimum Return in the Event of Liquidation, Merger, or Transfer of the Management Company or Withdrawal of the Member. In the event of liquidation, transfer, or merger of a management company, the resources that form part of the special account referred to in the preceding articles shall be credited to the individual pension savings accounts of its members.

Likewise, in the event of a member's definitive withdrawal, due to transfer to another administrator or because they contract with an insurance company for the payment of a pension, the minimum required return must be recognized through the immediate payment of the amounts from the special stabilization account that are proportionally in their favor.

ARTICLE 103. Publication of Returns. Administrators shall publish the returns obtained on the capitalization and pension plans offered, in the manner and with the frequency determined for this purpose by the Superintendency of Banking.

ARTICLE 104. Commissions. Administrators shall charge their members an administration commission, the maximum amounts and conditions of which shall be set by the Superintendency of Banking, within the limits established in Article 20 of this Law.

The Government shall regulate the administration fees for the management of voluntary contributions.

ARTICLE 105. Contracts with Credit Institutions. Administrators may enter into contracts with financial institutions or other entities, at their own expense, for the purpose of having them handle the collection, payment, and transfer of

resources managed by the former, under the conditions determined, so that such operations may be carried out throughout the national territory.

ARTICLE 106. Advertising. All advertising or promotion of the activities of the administrators shall be subject to the rules determined by the Superintendency of Banking in this regard, in order to ensure that it is truthful and accurate; such advertising may only be contracted at the expense of the entity's administrative expenses budget.

In any case, all administrators must publish, with the frequency and in the manner determined by the Superintendency, the cost of the premiums paid for insurance and the value of the commissions charged.

The government will eliminate privileges enjoyed by groups with control over the mass media and, where appropriate, prevent beneficiaries from directly or indirectly absorbing advertising costs.

ARTICLE 107. Change of Capitalization or Pension Plan and Administrative Entities. Any member of the system who has not acquired pensioner status may voluntarily transfer the value of their individual pension savings account to another authorized capitalization or pension plan, or transfer to another administrative entity.

The changes authorized in the preceding paragraph may not exceed once per semester, upon request submitted by the interested party at least 30 calendar days in advance.

ARTICLE 108. Participation Insurance. The insurance policies taken out by administrators to make the additional contributions necessary to finance disability and survivor pensions must be collective and participatory.

Such insurance shall be taken out using procedures authorized by the Superintendency of Banking that ensure free competition among bidders.

Likewise, insurers that assume any type of annuity shall adopt the participation insurance modality for the benefit of pensioners.

ARTICLE 109. State Guarantee for Pensions Contracted with Insurers. Without prejudice to the fulfillment of the obligations of the reinsurers, the Nation shall guarantee the payment of pensions in the event of financial impairment or suspension of payments by the insurance company responsible for their payment, in accordance with the regulations issued for that purpose. For this purpose, the National Government may allow the insurance company access to the guarantee of the Financial Institutions Guarantee Fund. In this case, the insurance company shall assume the respective cost.

PARAGRAPH . In all cases where there is fraud or mismanagement on the part of the administrators of pension funds or insurance companies, in order to evade their obligations to savers, they shall be held criminally liable for their actions. For these purposes, savers' contributions shall be treated as public treasury funds.

ARTICLE 110. Supervision and Control. The Superintendency of Banking shall be responsible for the control and supervision of the entities that administer the capitalization and pension plans referred to in this Law.

ARTICLE 111. Sanctions against Administrators. Without prejudice to the application of other penalties that may be imposed by the Superintendency in the exercise of its legal powers, when administrators fail to meet the required levels of equity, the Superintendency of Banking shall impose, for each breach, a fine in favor of the Pension Solidarity Fund equivalent to three point five percent (3.5%) of the value of the monthly shortfall, without exceeding, for each breach, one point five percent (1.5%) of the amount required to comply with such ratio.

Likewise, when the amount corresponding to the Stabilization Reserve is less than the established minimum, the Superintendency of Banking shall impose a fine in favor of the Pension Solidarity Fund for the equivalent of 3.5% of the monthly shortfall presented by the respective administrator.

In addition to the provisions of the preceding paragraphs, the Superintendency of Banking shall issue all orders necessary for the immediate restoration of adequate levels of equity or the Stabilization Reserve, as applicable.

ARTICLE 112. Obligation to Accept all Members who Apply. Persons who meet the requirements to be members of the Individual Savings with Solidarity regime may not be rejected by the entities that administer it.

TITLE IV

PROVISIONS COMMON TO THE GENERAL PENSION SYSTEM SCHEMES

CHAPTER I

TRANSFER BETWEEN SCHEMES - PENSION BONDS

ARTICLE 113. Transfer between schemes. When members of the system developed under this Law transfer from one scheme to another, the following rules shall apply:

- a) If the transfer is from the Defined Benefit scheme to the Individual Savings with Solidarity scheme, pension bonds shall be recognized under the terms set forth in the following articles;
- b) If the transfer is from the Individual Savings with Solidarity regime to the Defined Benefit regime, the balance of the individual account, including returns, shall be transferred to the latter and credited in terms of weeks contributed, in accordance with the base salary for contributions.

ARTICLE 114. Requirement for regime transfer. Workers and public servants who, pursuant to the provisions of this Law, transfer for the first time from the average premium regime with defined benefits to the individual savings regime with solidarity, must submit to the respective administrative entity a written statement certifying that the selection of said regime has been made freely, spontaneously, and without pressure.

This same requirement is mandatory for workers employed by employers until December 31, 1990, who decide to transfer to the special severance regime provided for in Law 50 of 1990, for which purpose said communication must also be submitted before a notary public or, failing that, before the highest political authority in the locality.

ARTICLE 115. Pension bonds. Pension bonds are contributions intended to help build the capital necessary to finance the pensions of members of the General Pension System.

Members who, prior to joining the individual savings scheme with solidarity, meet any of the following requirements shall be entitled to a pension bond:

- a) They must have made contributions to the Social Security Institute or to public sector pension funds or provident funds;
- b) That they had been linked to the State or its decentralized entities as public servants;
- c) That they are linked by an employment contract with companies that are responsible for the recognition and payment of pensions;
- d) That they had been affiliated with private sector pension funds that were exclusively responsible for the recognition and payment of pensions.

PARAGRAPH . Members referred to in paragraph a) of this article who, at the time of transfer, had contributed for less than 150 weeks shall not be entitled to a bonus.

ARTICLE 116. Characteristics. Pension bonuses shall have the following characteristics:

- a) They shall be expressed in pesos;
- b) They shall be nominative;
- c) They shall be endorsable in favor of the administering or insurance entities, for the purpose of paying pensions;
- d) Between the time the worker joins the scheme and the time the bond is redeemed, interest equivalent to the DTF rate shall accrue on capitalized balances, payable by the respective issuer, as established by the Government, and
- e) Any other rates determined by the National Government.

ARTICLE 117. Value of Pension Bonds. To determine the value of the bonds, a reference old-age pension will be established for each member, which will be calculated as follows:

- a) The salary that the member would have at sixty (60) years of age if female or sixty-two (62) years of age if male is calculated as the result of multiplying the member's contribution base as of June 30, 1992, or, failing that, the last salary earned before that date if unemployed at that time, updated to the date of entry into the System according to the percentage variation in the DANE consumer price index, by the ratio between the national average salary at age sixty (60) for women or sixty-two (62) for men, and the national average salary at the age the member would have been on that date. These national average salaries will be established by the DANE:
- b) The result obtained in the previous paragraph is multiplied by the percentage obtained by adding the following percentages:

Forty-five percent, plus 3% for each year exceeding the first 10 years of contributions, employment, or public service, plus another 3% for each year remaining until reaching the age of sixty (60) for women or sixty-two (62) for men, counted from the moment

of joining the system.

The reference pension thus calculated may not exceed 90% of the salary that the member would have at the time of accessing the pension, nor 15 legal monthly minimum wages.

Once the reference pension has been determined, pension bonds will be issued for an amount equivalent to what the member should have accumulated in a savings account during the period in which they made contributions to the Social Security Institute, or were a public servant, or were employed by a company that must assume the payment of pensions, until the moment of entry into the savings system, so that at that rate of accumulation, they would have completed the capital necessary to finance an old-age and survivor's pension at age 62 for men and age 60 for women, for an amount equal to the reference pension.

In any case, the nominal value of the bond may not be less than the amounts compulsorily contributed for the future pension prior to the date on which the person joins the Individual Savings with Solidarity scheme.

The Government shall establish the methodology, procedure, and deadlines for issuing pension bonds.

PARAGRAPH 1. The percentage of 90% referred to in the fifth paragraph shall be 75% in the case of companies that have assumed the recognition of pensions in favor of their workers.

PARAGRAPH 2. When the bond to be issued corresponds to a member who does not come directly from the Social Security Institute, or from a public sector pension fund or provident fund, or from a company that was solely responsible for paying its workers' pensions, the calculation of the salary that they would have at age 62 for men and age 60 for women is based on the last contribution base on which they contributed or the last salary they earned in one of these entities, updated to the date of entry into the System, according to the percentage variation of the DANE consumer price index.

PARAGRAPH 3. For persons entering the workforce for the first time after June 30, 1992, the pension bond shall be calculated as the value of the contributions made plus the returns obtained up to the date of transfer.

ARTICLE 118. Types. There shall be three types of pension bonds:

- a) Pension bonds issued by the Nation;
- b) Pension bonds issued by public sector funds, funds, or entities that are not replaced by the national Public Pension Fund referred to in Chapter III of this TITLE, and whose generic name of pension bond will be supplemented with the name of the issuing fund, fund, or entity;
- c) Pension bonds issued by private or public companies, or by private sector pension funds that have assumed exclusive responsibility for the recognition and payment of pensions, and whose generic name of pension bond shall be supplemented by the name of the issuing entity.

ARTICLE 119. Issuer and Contributors. Pension bonds shall be issued by the last pension-paying entity to which the member belonged before entering the Individual Savings with Solidarity regime, provided that the contribution or service period, whether continuous or discontinuous, was equal to or greater than five (5) years.

When the contribution or service period in the last pension-paying entity is less than five (5) years, the pension bond shall be issued by the pension-paying entity in which the member has made the highest number of contributions or has completed the longest period of service.

In the cases indicated in Article 121 of this Law, the Nation shall issue the bonds on behalf of such entities.

ARTICLE 120. Contributions to Pension Bonds. Pension-paying entities to which the beneficiary of the pension bond has been affiliated or employed shall be required to contribute the corresponding share to the entity issuing the pension bond.

The share factor shall be equal to the time contributed or served in each entity, divided by the total time of contributions and services recognized for the calculation of the bond.

ARTICLE 121. Pension Bonds and Shares Paid by the Nation. The Nation shall issue a national public debt instrument called a Pension Bond, of the nature and with the characteristics indicated in the preceding articles, to members of the General Pension System, when the responsibility corresponds to the Social Security Institute, the National Social Security Fund, or any other fund, fund, or public sector entity replaced by the National Public Pension Fund, and shall assume payment of the contributions payable by these entities.

The bonds payable by the Nation shall be issued in relation to members prior to the effective date of this Law and on the value of the debt attributable prior to that date.

ARTICLE 122. Funds for the Payment of Pension Contributions and Bonds of Funds, Funds, or Public Entities Not Replaced by the National Public Pension Fund.

National Public Pension Fund. Public sector funds, entities, or institutions that have not been replaced by the National Public Pension Fund shall allocate the necessary resources to fulfill their obligations arising from their corresponding pension bonds and contributions, by establishing autonomous assets managed by fiduciary mandate in accordance with the provisions issued by the Superintendency of Banking and the guarantees required by the National Government.

These funds shall be subject to the supervision and control of the Superintendency of Banking.

The resources shall be appropriated with priority from the contributions provided for in this Law and, when necessary, also from the entities' own resources.

The Nation may subrogate the obligations referred to in this article to ensure their payment to the beneficiaries of the Individual Savings with Solidarity regime and the members of the defined benefit regime entities when the entity is temporarily unable to assume them, under the conditions established for that purpose.

ARTICLE 123. Resources and guarantees for the payment of pension bonds and obligations by territorial entities. Territorial entities may issue public debt securities in order to access pension fund resources under the terms provided for in Article 100 of this Law. Transfers from the national budget may be pledged to guarantee the obligations resulting from this operation. The resources shall be used to redeem pension bonds and pay the pensions for which they are responsible.

The National Government shall regulate this matter, taking into account that local authorities must make an effort to increase the contribution of their own resources to the payment of pensions for which they are responsible and, in any case, must have the approval of the Superintendency of Banking.

ARTICLE 124. Funds for the Payment of Pension Contributions and Bonds by Companies that are Solely Responsible for the Pensions of their Employees. In order to comply with the obligations arising from the corresponding pension bonds and contributions, companies that are solely responsible for the payment of pensions and private sector pension funds must provide the guarantees determined by the National Government for this purpose.

When the amount of the obligations referred to in the preceding paragraph exceeds the proportions of the assets established for this purpose, autonomous assets managed by fiduciary mandate shall be constituted, subject to the supervision and control of the respective Superintendency.

Contributions to the funds referred to in this article shall be deductible from taxpayers' income insofar as they have not been previously deducted.

PARAGRAPH 1. Resources allocated to the payment of pension benefits other than those contemplated in this Law, which are agreed or have been agreed upon by employers and workers in the private sector, are exempt from the obligation set forth in this article.

PARAGRAPH 2. Companies that constitute actuarial reserves in accordance with the rules issued by the respective Superintendency are exempt from the obligation set forth in this article.

ARTICLE 125. Acquisition of Company Shares. Pension bonds of members who have accumulated in their individual pension savings accounts the capital necessary to obtain an old-age pension greater than 110% of the current minimum old-age pension may be used for the acquisition, under preferential conditions, of shares in public companies.

In such cases, the fund administrators shall represent the holders of pension bonds vis-à-vis the issuers of the shares, subject to the express authorization of the member and in accordance with the regulations issued by the National Government.

ARTICLE 126. Privileged Credits. Credits incurred or payable in respect of the bonds and shares referred to in this Chapter belong to the first class of Article 2495 of the Civil Code and have the same privilege as credits for wages, social benefits, or labor compensation.

ARTICLE 127. Domestic Debt Securities. The National Government is authorized to issue Pension Bonds on behalf of the Nation and Internal Public Debt Securities of the Nation, up to the amount necessary to pay the pensions for which it is responsible under the provisions of this Law, plus the obligations corresponding to said bonds and the shares with which it must contribute to the pension bonds issued by other pension bond issuers.

The issuance of the securities authorized by this Law shall only require the prior approval of the Board of Directors of the Bank of the Republic and a decree of the National Government, specifying the types, characteristics, and financial conditions of issuance, placement, and administration of the securities.

The Nation, through the Ministry of Finance and Public Credit, may directly administer the public debt securities authorized by this Law. Likewise, it may authorize the execution of contracts with national or foreign entities for the agency, issuance, editing, placement, guarantee, administration, and servicing of the respective securities.

Such contracts shall only require, for their execution, validity, and perfection, the signature of the parties and their publication in the Official Gazette, a requirement that shall be deemed to have been fulfilled by the order issued by the Director General of Public Credit.

CHAPTER II

PROVISIONS APPLICABLE TO PUBLIC SERVANTS

ARTICLE 128. Selection of the regime. Public servants affiliated with the General Pension System may choose the regime to which they wish to be affiliated, which must be reported to the employer in writing.

Public servants who opt for the defined benefit regime may continue to be affiliated with the fund, pension fund, or social security entity to which they are linked. These entities shall administer the resources and pay the pensions in accordance with the provisions of said regime set forth in this Law.

Public servants who are not affiliated with a pension fund, social security fund, or social security entity, those who are affiliated with one of these entities whose liquidation is ordered, and those who are entering the workforce for the first time, if they select the defined benefit plan, shall be affiliated with the Social Security Institute.

National public servants, regardless of the scheme they select, shall be entitled to a pension bonus.

PARAGRAPH . Enrollment in the selected plan implies acceptance of its terms and conditions for access to old-age, disability, and survivor pensions.

CHAPTER III

PUBLIC SECTOR ENTITIES

ARTICLE 129. General Prohibition. As of the effective date of this Law, the creation of new public sector pension or social security funds or entities, at any national or territorial level, other than those established as health service providers or promoters in accordance with the provisions of this Law, is prohibited.

ARTICLE 130. National Public Pension Fund. The National Public Pension Fund is hereby created as a national account attached to the Ministry of Labor and Social Security, whose resources shall be administered through a fiduciary mandate.

The Fund shall replace the National Social Security Fund in relation to the payment of old-age or retirement pensions, disability pensions, and replacement or survivor pensions, as well as other insolvent social security funds or funds in the national public sector, as determined by the Government and for the same purposes. The National Government shall establish the mechanisms required for the payment of pensions recognized or accrued prior to this Law.

As of 1995, all obligations for old-age, disability, and survivor pensions recognized by the National Social Security Fund shall be paid by the National Public Pension Fund.

The Social Security Fund of the Congress of the Republic, created by Law 33 of 1985, shall continue to be responsible for the recognition and payment of old-age or retirement, disability, and survivor pensions, as well as health services for members of Congress and employees of Congress and the Fund who contribute to the pension and health systems in accordance with the provisions of this Law.

ARTICLE 131. Fund to pay the pension liabilities of public universities and public higher education institutions of a territorial nature. Each of the public higher education institutions at the territorial, departmental, district, and municipal levels shall establish a fund for the payment of pension liabilities incurred as of the date this Law enters into force, up to an amount equal to the value of said liabilities that are not constituted in reserves in the pension funds or authorized funds, discounting the actuarial value of future contributions that the institutions as employers and employees must make in accordance with the provisions of this Law, in the part corresponding to officials, employees, or workers linked to the date of entry into force of this Law.

This fund shall be managed as a subaccount in the budget of each institution. It shall be financed by the nation, departments, districts, and municipalities, which shall contribute in the same proportion as they have contributed to the budget of the respective university or institution of higher education, taking into account the average of the last five annual budgets prior to the year of entry into force of this Law.

Contributions shall consist of fixed-value bonds from the respective entities, which shall be redeemed as pension obligations become payable in accordance with budget projections and actuarial calculations, and in accordance with the regulations established for this purpose by the National Government.

Within one year of the effective date of this Law, the universities and higher education institutions referred to in

this article shall prepare or update actuarial studies with the approval of the Ministry of Finance. This requirement is necessary for the subscription of bonds representing the contributions of the Nation. This subscription must be made within the first two years of the effective date of this Law.

ARTICLE 132. Separation of risks. As of the effective date of this Law, public sector funds, accounts, and entities, at all levels, shall finance and administer old-age, disability, and survivors' pensions, the occupational risk protection regime, and the general illness and maternity protection regime independently and in separate accounts. They shall also administer them in separate accounts from the other accounts and items used by the respective administration.

CHAPTER IV

FINAL PROVISIONS OF THE GENERAL PENSION SYSTEM

ARTICLE 133. Pension penalty. Article 267 of the Substantive Labor Code, replaced by Article 37 of Law 50 of 1990, shall read as follows:

A worker who is not affiliated with the General Pension System due to the employer's omission, who is dismissed without just cause after having worked for the same employer for ten (10) years or more and less than fifteen (15) years, continuously or discontinuously, prior to or after the effective date of this Law, shall be entitled to a pension from said employer from the date of dismissal, if by that time they have reached the age of sixty (60) if they are male, or 55 if they are female, or from the date on which they reach that age after dismissal.

If the retirement is due to dismissal without just cause after 15 years of such service, the pension shall be paid when the dismissed worker reaches fifty-five (55) years of age if male, or 50 years of age if female, or from the date of dismissal, if they have already reached that age.

The amount of the pension shall be directly proportional to the length of service that would have corresponded to the worker if he or she had met all the requirements for accessing the old-age pension under the average premium system with defined benefits, and shall be calculated based on the average accrued over the last ten (10) years of service, updated based on the variation in the consumer price index certified by the DANE.

PARAGRAPH 1. The provisions of this article shall apply exclusively to public servants who are official workers and to workers in the private sector.

PARAGRAPH 2. The pensions referred to in this article may be commuted with the Social Security Institute.

PARAGRAPH 3. As of January 1, 2014, the ages referred to in this article shall be adjusted to sixty-two (62) years for men and fifty-seven (57) years for women, when the dismissal occurs after having worked for the same employer for ten (10) years or more and less than fifteen (15) years, and to sixty (60) years for men and fifty-five (55) years for women, when the dismissal occurs after fifteen (15) years of such service.

ARTICLE 134. Exemption from seizure. The following are exempt from seizure:

1. The resources of the pension funds of the individual savings regime with solidarity.
2. The resources of the pay-as-you-go funds of the defined benefit average premium scheme and their respective reserves.
3. The amounts paid into the individual pension savings accounts of the individual savings scheme with solidarity, and their respective returns.
4. The sums allocated to pay for disability and survivors' insurance within the same individual savings with solidarity scheme.
5. Pensions and other benefits recognized by this Law, regardless of their amount, except in the case of garnishments for alimony or credits in favor of cooperatives, in accordance with the legal provisions in force on the matter.
6. Pension bonds and resources for the payment of bonds and bond shares referred to in this Law.
7. The resources of the Pension Solidarity Fund.

PARAGRAPH. Notwithstanding the provisions of this article, voluntary contributions and their financial returns shall only enjoy the same benefits that the Law grants to UPAC savings accounts in terms of exemption from seizure.

(See Decree 1793 of 2021; Art. 35)

ARTICLE 135. Tax treatment. The resources of the pension funds of the Individual Savings with Solidarity regime, the resources of the distribution funds of the Average Premium with Defined Benefit regime, the resources of the funds for the payment of bonds and pension bond shares, and the resources of the pension solidarity fund shall be exempt from all types of taxes, fees, and contributions of any origin, at the national level.

The following shall be exempt from income tax and supplementary taxes:

1. The Social Security Institute.
2. The National Welfare Fund and other welfare or social security funds in the public sector, for as long as they exist.
3. The sums paid into the individual pension savings accounts of the Individual Savings with Solidarity scheme and their respective returns.
4. The amounts allocated to the payment of disability and survivors' insurance within the same individual savings scheme with solidarity.
5. Pensions shall be exempt from income tax. As of January 1, 1998, they shall be taxed only on the portion exceeding twenty-five (25) minimum wages.

The following shall be exempt from sales tax:

1. Services provided by administrators within the Individual Savings with Solidarity and average premium with defined benefit schemes.
2. Insurance and reinsurance services provided by insurance companies for disability and survivors covered under the individual savings with solidarity scheme.

Acts or documents related to the administration of the General Pension System shall be exempt from stamp duty.

PARAGRAPH 1. Mandatory and voluntary contributions made to the General Pension System shall not form part of the basis for applying withholding tax on salaries and shall be considered as income that does not constitute income or capital gains. Contributions paid by the employer shall be deductible from their income.

PARAGRAPH 2. The provisions referred to in this article and the previous article shall apply, as appropriate, to the pension funds referred to in Decree 2513 of 1987 and to private pension insurance.

PARAGRAPH 3. Under no circumstances shall payments made for severance be subject to withholding tax by the Nation.

ARTICLE 136. Tax treatment of freely available surpluses. The withdrawal of freely available surpluses, in the portion corresponding to the actual return on pension savings accounts, for purposes other than pension financing, shall be subject to income tax.

ARTICLE 137. Shortfalls to be covered by the State. The State shall assume payment of pensions recognized by the Social Security Institute, the National Pension Fund, and other public sector funds or funds replaced by the National Public Pension Fund, including the latter, once the reserves set up for this purpose have been exhausted and only for the amount of said shortfall.

ARTICLE 138. State guarantee in the Average Premium with Defined Benefit regime. The State shall be liable for the obligations of the Social Security Institute to its members in the Average Premium with Defined Benefit regime when the income and reserves of said entity are exhausted, provided that the contributions have been collected in accordance with the terms of this Law.

ARTICLE 139. Extraordinary Powers. In accordance with the provisions of paragraph 10 of Article 150 of the Constitution, the President of the Republic shall be vested with specific extraordinary powers for a term of six (6) months from the date of publication of this Law to:

1. Determine the structure, administration, resources, and other provisions necessary for the operation of the exclusive delegation for the supervision of pension and/or severance fund administrators and other social security entities of the Superintendency of Banking and harmonize it with the rest of its structure.

These powers include the power to change the name of the Superintendency. The superintendent delegated for these functions must meet the same conditions and requirements as those required for the Banking Superintendent.

2. Determine, based on technical-scientific and occupational health criteria, the activities that pose a high risk to workers' health and require a change in the number of weeks of contributions and the amount of the pension. The other conditions and requirements for accessing the pension shall be governed by the provisions of this Law, without disregarding acquired rights, and in any case shall be less demanding. It is also empowered to harmonize and adjust the pension rules governing civil aviators and journalists with professional licenses.

This power includes the power to establish additional percentage points of contribution payable by the employer and the worker, depending on each

activity.

3. Establish a system of departmental and municipal public pension funds to replace the payment of pensions by public pension funds and insolvent precious metal production companies at the respective territorial levels. Transfers from the respective territorial entity may be withheld to guarantee the payment of such pensions, but only by agreement with its legal representative.
4. Establish the manner in which the remaining private sector funds, entities, or institutions must adapt to the provisions contained in this Law, indicating the additional functions of the Superintendency of Banking and the Superintendency of Health, so that said entities adapt their statutes and operating rules.
5. Issue the necessary regulations for the issuance of pension bonds, their redemption, the possibility of trading them on the secondary market, and the conditions of the bonds when they are to be issued to persons who transfer from the Average Premium regime to the Individual Capitalization regime.
6. Establish the necessary rules to authorize the incorporation of non-profit companies, subject to the regulations of the National Government and under the supervision of the entity it determines, whose corporate purpose is to assume the risks arising from occupational diseases and accidents at work.
7. Review payroll contributions, with the exception of those of the ICBF (Family Welfare Institute) intended for activities other than those established in this Law, and those of small businesses, whether rural or urban.
8. Establish the legal and financial regime for pension fund management companies.
9. Establish a Pension Update Fund for retirees, disabled persons, the elderly, and survivors in the public sector, the private sector, and the Social Security Institute whose pensions were recognized before January 1, 1989, in order to meet the following commitments:
 - a) The annual adjustment contained in Decree 2108 of 1992;
 - b) The additional pension allowance referred to in Article 142 of this Law;
 - c) The reallocation of revenues and the budgetary addition referred to in Article 267 of this Law.

In exercising the powers established in this section, the structure, administration, resources, and other provisions necessary for the operation of the Fund shall be established.

The updating of pensions in the public sector at the departmental and municipal levels shall be carried out to the extent that the respective budgets so permit, and subject to a prior decision by the respective Departmental Assemblies and Councils.

10. Establish mechanisms for the Nation to consolidate and assume, in whole or in part, the debt of the latter and of other State agencies and entities for the investment and management of the reserves of the Social Security Institute, in force until the date of promulgation of this Law, and establish the procedures for its payment.
11. To issue the necessary regulations to organize the administration of the General Occupational Risk System as a set of public and private entities, rules, and procedures designed to prevent, protect, and care for workers from the effects of illnesses and accidents that may occur during or as a result of the work they perform. In any case, employers will continue to be responsible for contributions.

PARAGRAPH . In order to exercise the powers referred to in paragraph 2 of this article, the Government shall hear the non-binding opinion of two (2) representatives of Congress, two (2) representatives of the workers, and two representatives of the employers.

ARTICLE 140. High-risk activities of public servants. In accordance with Law 4 of 1992, the National Government shall issue regulations for public servants who work in high-risk activities, taking into account a lower retirement age or a lower number of weeks of contributions, or both requirements. For this purpose, activities that are considered high risk for workers are those carried out in certain sectors, such as the national prison guard and surveillance corps. All without disregarding acquired rights.

(See Ruling [2009-01131](#) of 2019 Council of State)

The National Government shall establish the additional percentage points of contribution payable by the employer, or by the employer and the employee, depending on each activity.

(See Ruling [2009-01131](#) of 2019 Council of State)

(Regulated by Article 1 of Decree 1950 of 2005)

ARTICLE 141. Interest on arrears. As of January 1, 1994, in the event of late payment of the pension payments referred to in this Law, the corresponding entity shall recognize and pay the pensioner, in addition to the obligation for which it is responsible and on the amount thereof, the

maximum default interest rate in force at the time the payment is made.

ARTICLE 142. Additional monthly payment for current pensioners. Retirement, disability, old-age, and survivor pensioners from the public, official, and semi-official sectors, in all their forms, in the private sector and the Social Security Institute, as well as retirees and pensioners from the Armed Forces and the National Police, whose pensions were accrued and recognized before January 1, 1988, shall be entitled to the recognition and payment of thirty (30) days of the pension corresponding to each of them under the respective regime, which shall be paid with the pension due on the date of recognition. January 1988, shall be entitled to the recognition and payment of thirty (30) days of the pension corresponding to each of them under the respective regime, which shall be paid with the monthly payment for the month of June of each year, starting in 1994.

National old-age pensioners who are beneficiaries of the adjustments ordered in Decree 2108 of 1992 shall receive recognition and payment of the 30 days of additional monthly pension only as of June 1996.

PARAGRAPH . This additional monthly payment shall be paid by the party responsible for paying the pension, without exceeding fifteen (15) times the legal minimum monthly wage.

ARTICLE 143. Pension adjustment for current pensioners. Those who, prior to January 1, 1994, were granted an old-age or retirement pension, disability pension, or death pension shall be entitled, as of that date, to a monthly adjustment equivalent to the increase in health contributions resulting from the application of this Law.

The health contribution established in the General Health System for pensioners shall be paid in full by the latter, who may pay it by means of a supplementary contribution during their period of employment.

The National Social Security Council for Health may reduce the amount of the contribution for pensioners in proportion to the lower number of beneficiaries and for pensions whose amount does not exceed three (3) legal minimum wages.

TRANSITIONAL PARAGRAPH. For the year 1993 only, the health expenses of current ISS pensioners shall be covered by the IVM Insurance up to the amount of the employer's contribution.

ARTICLE 144. Death pensions recognized before 1990. Survivor pensions recognized by the Social Security Institute for ascendants as sole beneficiaries of insured persons who died before April 17, 1990, shall remain in force under the same terms as they were recognized.

ARTICLE 145. Resources for the payment of pensions in territorial entities. Of the additional resources that, departments and municipalities receive as transfers from 1997 onwards from income tax and production tax contributions from oil companies in the Cusiana-Cupiagua area, at least 5% shall be allocated to a pension payment fund, without prejudice to said territorial entities continuing to fulfill their pension obligations.

The balances held in this fund shall be invested exclusively in public debt securities issued by the Nation or the Bank of the Republic.

ARTICLE 146. Individual legal situations defined by municipal or departmental provisions. Individual legal situations defined prior to this Law, based on municipal or departmental provisions regarding extralegal retirement pensions in favor of employees or public servants or persons employed by territorial entities or their decentralized agencies, shall remain in force.

Those who, prior to the entry into force of this article, have met or will meet within the following two years the requirements set forth in said regulations shall also be entitled to retire in accordance with such provisions.

The provisions of this Law do not affect or modify the situation of the persons referred to in this article. The

provisions of this article shall take effect from the date of enactment of this Law.

[\(See Council of State Ruling 2006-02662 of 2020\)](#)

ARTICLE 147. Guaranteed minimum pension for demobilized persons. Colombians who have demobilized or will demobilize in the future under peace processes may retire at the ages established in this Law, with a guaranteed minimum pension under the Average Premium with Defined Benefit regime, provided they have contributed for at least 500 weeks.

ARTICLE 148. Outstanding athletes with limited resources. The National Government, through prior regulation, may guarantee pensions for athletes with limited resources who win medals in the International Olympic Committee's Summer Olympic Games and in world championships. The amount of the pension may not exceed three times the minimum monthly wage, and they must also meet the requirements to acquire the aforementioned right in accordance with the law.

ARTICLE 149. Beneficiaries of the Pension Fund for Precious Metal Producing Companies and EMPOS. The pensions of the beneficiaries of the Pension Fund for Precious Metal Producing Companies created by Law 50 of 1990, and those of the liquidated Sanitary Works Companies, shall henceforth be paid by the Social Security Institute, which shall also assume the provision of medical care services, provided that the pensioner contributes to health insurance.

The National Government shall annually allocate the necessary funds in the budget to comply with the provisions of this article and shall make the corresponding transfers to the Social Security Institute.

ARTICLE 150. Recalculation of the pension amount for civil servants and public employees. Civil servants and public employees who have been notified of the retirement decision and who have not retired from office shall be entitled to have their base income for calculating their pension recalculated, including salaries accrued after the date of notification of the decision.

PARAGRAPH. No public official or employee may be forced to retire from office solely on the grounds that a retirement decision has been issued in their favor, if they have not reached the mandatory retirement age.

ARTICLE 151. Validity of the General Pension System. The General Pension System provided for in this Law shall come into force on April 1, 1994. However, the Government may authorize the operation of pension and severance fund administrators subject to the provisions of this Law, as of the date of its entry into force.

PARAGRAPH. The General Pension System for public servants at the departmental, municipal, and district levels shall come into force no later than June 30, 1995, on the date determined by the respective government authority.

CHAPTER V

FAMILY PENSION BOOK

II

THE GENERAL SOCIAL SECURITY SYSTEM FOR HEALTH

TITLE I

GENERAL PROVISIONS

CHAPTER I

PURPOSE, BASIC PRINCIPLES, AND CHARACTERISTICS OF THE SYSTEM

ARTICLE 152. Purpose. This Law establishes the General Social Security System for Health, develops the principles that govern it, determines its management, organization, and operation, its administrative, financial, and control regulations, and the obligations that arise from its application.

The objectives of the General Social Security System for Health are to regulate the essential public health service and to create conditions for access to the service at all levels of care for the entire population.

The powers for the public provision of health services and the organization of health care in areas not covered by this Law shall be governed by the legal provisions in force, in particular Law 10 of 1990 and Law 60 of 1993. Public health activities and powers shall be governed by the provisions in force in this area, in particular Law 9 of 1979 and Law 60 of 1993, except for the regulation of medicines, which shall be governed by the provisions of this Law.

ARTICLE 153. Foundations of Public Service. In addition to the general principles enshrined in the Constitution, the following are rules of public health service that govern the General Social Security System for Health:

1. Equity. The General Social Security System for Health shall gradually provide health services of equal quality to all inhabitants of Colombia, regardless of their ability to pay. To avoid discrimination based on ability to pay or risk, the system shall offer special financing for the poorest and most vulnerable populations, as well as mechanisms to prevent adverse selection.
2. Mandatory. Affiliation to the General Social Security System for Health is mandatory for all inhabitants of Colombia. Consequently, it is the responsibility of all employers to affiliate their workers to this System, and of the State to facilitate affiliation for those who have no connection to an employer or no ability to pay.

3. Comprehensive protection. The General Social Security System for Health will provide comprehensive health care to the population in the areas of education, information, health promotion, prevention, diagnosis, treatment, and rehabilitation in terms of quantity, timeliness, quality, and efficiency, in accordance with the provisions of Article 162 regarding the Mandatory Health Plan.
4. Free choice. The General Social Security System for Health shall allow the participation of different entities that offer the administration and provision of health services, under the regulations and supervision of the State, and shall ensure users freedom of choice between Health Promotion Entities and Health Service Providers, when this is possible according to the conditions of service provision. Those who violate this mandate shall be subject to the penalties provided for in Article 230 of this Law.
5. Autonomy of institutions. Health service providers shall have, based on the size and complexity regulated by the Government, legal status, administrative autonomy, and independent assets, except in the cases provided for in this Law.
6. Administrative decentralization. The organization of the General Social Security System for Health shall be decentralized and shall include regional, district, and local health authorities. National public institutions participating in the system shall adopt an organizational, management, and technical, administrative, and financial decision-making structure that strengthens their decentralized operation.
7. Social participation. The General Social Security System for Health shall encourage the participation of users in the organization and control of the institutions of the General Social Security System for Health and of the system as a whole. The National Government shall establish mechanisms for community oversight of the entities that make up the system. The participation of representatives of user communities on the boards of directors of public entities shall be mandatory.
8. Coordination. The system will promote coordination among the various agents at all levels and will use the National, Departmental, District, and Municipal Social Security in Health Councils as a formal mechanism for this purpose.
9. Quality. The system shall establish control mechanisms for services to guarantee users timely, personalized, humane, comprehensive, and continuous care in accordance with accepted standards of professional procedures and practices. In accordance with regulations issued by the Government, service providers must be accredited by oversight entities.

ARTICLE 154. State intervention. The State shall intervene in the public Social Security Health service, in accordance with the rules of competition referred to in this Law, within the framework of the provisions of Articles 48, 49, 334, and 365 to 370 of the Political Constitution. Such intervention shall primarily seek to achieve the following objectives:

- a) To guarantee compliance with the principles enshrined in the Constitution and in Articles 2 and 153 of this Law;
- b) Ensure the mandatory nature of Social Security in Health and its status as a social right for all inhabitants of Colombia;
- c) Develop the responsibilities of management, coordination, monitoring, and control of Social Security in Health and the regulation of health service provision;
- d) Achieve the progressive expansion of Social Security Health coverage, gradually allowing access to education, information, and health promotion services, as well as health protection and recovery services, for the country's inhabitants;
- e) Establish basic health care that will be provided free of charge and on a mandatory basis, under the terms set forth in the Law;
- f) Organize health services in a decentralized manner, by levels of care and with community participation;
- g) Prevent resources allocated to Social Security Health from being used for other purposes;
- h) Guarantee the priority allocation of public expenditure to the public Social Security Health service, as a fundamental part of social public expenditure.

PARAGRAPH. All powers conferred by this Law on the President of the Republic and the National Government shall be understood to be assigned in accordance with the mandate for state intervention referred to in this article.

ARTICLE 155. Members of the General Social Security System for Health. The General Social Security System for Health is composed of:

1. Management, Oversight, and Control Bodies:

- a) The Ministries of Health and Labor;
- b) The National Council for Social Security in Health;
- c) The National Health Superintendency;

2. Administration and Financing Bodies:

- a) Health Promotion Entities;

- b) Regional, District, and Local Health Authorities;
- c) The Solidarity and Guarantee Fund.
- 3. Public, mixed, or private health service providers.
- 4. Other health entities that, upon entry into force of this Law, are attached to the Ministries of Health and Labor.
- 5. Employers, workers and their organizations, self-employed workers who contribute to the contributory system, and pensioners.
- 6. The beneficiaries of the General Social Security System for Health, in all its forms.
- 7. The Community Participation Committees (COPACOS) created by Law 10 of 1990 and community organizations that participate in health subsidies.

PARAGRAPH. The Social Security Institute shall continue to perform its duties in accordance with the law.

ARTICLE 156. Basic characteristics of the General Social Security System for Health. The General Social Security System for Health shall have the following characteristics:

- a) The National Government shall direct, guide, regulate, control, and supervise the essential public health service that constitutes the General Social Security System for Health;
- b) All inhabitants of Colombia must be affiliated with the General Social Security System for Health, upon payment of the regulatory contribution or through a subsidy financed with fiscal resources, solidarity resources, and the own revenues of the territorial entities;
- c) All members of the General Social Security Health System will receive a comprehensive health protection plan, with preventive and medical-surgical care and essential medicines, which will be called the Mandatory Health Plan;
- d) The collection of contributions will be the responsibility of the General Social Security System-Solidarity and Guarantee Fund, which will delegate this function to the Health Promotion Entities as appropriate;
- e) Health Promotion Entities will be responsible for user enrollment and the administration of services provided by healthcare institutions. They are obliged to provide, within the limits established in paragraph 5 of Article 180, the Mandatory Health Plan to any person who wishes to enroll and pays the contribution or has the corresponding subsidy, under the terms regulated by the Government;
- f) For each enrolled person and beneficiary, the health promotion entity will receive a Capitation Payment Unit (UPC), which will be established periodically by the National Council for Social Security in Health.
- g) Members of the system shall freely choose their Health Promotion Entity, within the conditions of this Law. Likewise, they shall choose the service providers and/or professionals affiliated with or employed by the Health Promotion Entity, from among the options offered by the latter.
- h) Members may form alliances or associations of users to represent them before health promotion entities and health service providers.
- i) Health service providers are official, mixed, private, community, and solidarity entities organized to provide health services to members of the General Social Security System for Health within or outside health promotion entities. The State may establish mechanisms to promote these organizations and open lines of credit for the organization of professional practice groups and for community and solidarity-based service providers.
- j) In order to ensure that the entire population has access to the system under equitable conditions, there shall be a subsidized regime for the poorest and most vulnerable, which shall be financed by fiscal contributions from the Nation, the departments, the districts, and the municipalities, the Solidarity and Guarantee Fund, and resources from members to the extent of their capacity.
- k) Health promotion entities may provide direct services to their members through their own health care institutions, or contract with duly constituted health care institutions, independent professionals, or professional practice groups;
- l) There shall be a Solidarity and Guarantee Fund whose purpose, in accordance with the provisions of this Law, shall be to guarantee compensation between persons of different incomes and risks and the solidarity of the General Social Security System for Health, to cover catastrophic risks and traffic accidents, and other complementary functions indicated in this Law;
- m) The National Social Security Health Council, referred to in Articles 171 and 172 of this Law, is the body responsible for coordination between the different members of the General Social Security Health System. Its decisions shall be binding, may be reviewed periodically by the Council itself, and must be adopted by the National Government.

n) The territorial entities, charged with the sectional and local health funds, shall comply, in accordance with Law 60 of 1993 and the provisions of this Law, with the financing of the subsidy to demand provided therein and under the terms set forth in this Law;

o) Local authorities shall enter into agreements with health promotion entities for the administration of health services under the subsidized regime referred to in this Law. They shall be financed from the resources allocated to the health sector in each territorial entity, whether these are transferred resources, contributions, or own resources, or the resources provided for the Solidarity and Guarantee Fund. Individuals shall contribute in proportion to their socioeconomic capacity under the terms and conditions provided for in this Law.

p) The Nation and the territorial entities, through public or private hospital institutions at all levels of care that have a service provision contract with it for this purpose, shall guarantee access to the service they provide to those who are not covered by the General Social Security System for Health, until such time as it achieves universal coverage.

CHAPTER II

OF THE SYSTEM'S MEMBERS

ARTICLE 157. Types of participants in the General Social Security Health System. As of the enactment of this Law, all Colombians shall participate in the essential health service provided by the General Social Security Health System. Some shall do so as members of the contributory or subsidized regime, and others shall do so on a temporary basis as affiliated participants.

A. Affiliates of the Social Security System.

There are two types of members of the General Social Security System for health:

1. Members of the System through the contributory regime are persons linked through an employment contract, public servants, pensioners and retirees, and self-employed workers with the ability to pay. These persons must join the System through the rules of the contributory regime referred to in Chapter I of Title III of this Law.

2. Those affiliated with the System through the subsidized regime referred to in Article 211 of this Law are individuals without the ability to pay the full amount of the contribution. The poorest and most vulnerable populations in rural and urban areas of the country will be subsidized in the General Social Security System for Health. Of particular importance within this group are persons such as mothers during pregnancy, childbirth, and the postpartum and breastfeeding periods, community mothers, female heads of household, children under one year of age, minors in irregular situations, Hansen's disease patients, persons over 65 years of age, persons with disabilities, peasants, indigenous communities, independent workers and professionals, artists and athletes, bullfighters and their assistants, independent journalists, construction workers, bricklayers, taxi drivers, electricians, unemployed persons, and other persons without the ability to pay.

B. Persons linked to the system.

Participants linked to the system are those who, due to their inability to pay and while they are beneficiaries of the subsidized regime, are entitled to health care services provided by public institutions and private institutions that have a contract with the State.

As of 2000, all Colombians must be affiliated with the System through the contributory or subsidized schemes, where health plans will be progressively unified so that all inhabitants of the national territory receive the Mandatory Health Plan referred to in Article 162.

[\(Final paragraph repealed by Article 113 of Law 715 of 2001.\)](#)

PARAGRAPH 1. The National Government shall establish a system of incentives, terms, controls, and penalties to ensure universal membership.

PARAGRAPH 2. Membership may be individual or collective through companies, associations, or geographical settlements, in accordance with the regulations issued for this purpose. Collective membership shall be voluntary, and members shall not lose the right to choose or move freely between Health Promotion Entities.

PARAGRAPH 3. User alliances or associations may be established, which shall be promoted and regulated by the National Government in order to strengthen the negotiating capacity, protection of rights, and community participation of members of the General Social Security System for Health. These user groups may be based on companies, mutual societies, social and economic sectors, trade unions, territorial arrangements, or other types of associations, and may charge a membership fee.

PARAGRAPH 4. The National Social Security Council shall define and regulate the groups with priority for subsidy membership.

ARTICLE 158. Benefits for demobilized persons. Colombians who, taking advantage of peace processes, have demobilized or do so in the future

future, shall be entitled to the benefits of the subsidized health care system contained in this Law, as long as they do not join the contributory system by virtue of an employment contract.

ARTICLE 159. Guarantees for members. Members of the General Social Security System for Health are guaranteed the proper organization and provision of public health services, under the following terms:

1. The provision of services under the Mandatory Health Plan of Article 162 by the respective health promotion entity through the affiliated service providers.
2. Emergency care throughout the national territory.
3. The free choice and transfer between Health Promotion Entities, whether individual or collective membership, in accordance with the procedures, times, limits, and effects determined by the National Government within the conditions provided for in this Law.
4. The choice of service providers and professionals from among the options offered by each health promotion entity within its service network.
5. The participation of members, individually or in their organizations, in all instances of association, representation, and oversight of the governing, promoting, and providing entities and the Social Security Health System.

ARTICLE 160. Duties of Members and Beneficiaries. Members and beneficiaries of the General Social Security System for Health have the following duties:

1. To seek comprehensive care for their health and that of their community.
2. Enroll themselves and their families in the General Social Security System for Health.
3. Facilitate payment, and pay when applicable, the mandatory contributions and payments that may be due.
4. Provide accurate, clear, and complete information about their health status and contribution base income.
5. Monitor compliance with the obligations assumed by employers referred to in this Law.
6. Comply with the rules, regulations, and instructions of the institutions and professionals who provide health care.
7. Take care of and make rational use of resources, facilities, equipment, as well as social and labor services and benefits.
8. Treat the staff who care for you with dignity and respect the privacy of other patients.

ARTICLE 161. Duties of Employers. As members of the General Social Security System for Health, employers, regardless of the entity or institution on behalf of which they hire workers, must:

1. Enroll all persons who have any employment relationship, whether verbal or written, temporary or permanent, in a Health Promotion Entity. Collective affiliation may in no case restrict the worker's freedom of choice regarding the Health Promotion Entity with which he or she prefers to affiliate, in accordance with the regulations.
2. In accordance with Article 22 of this Law, contribute to the financing of the General Social Security System for Health through actions such as the following:
 - a) Pay the corresponding contributions in full, in accordance with Article 204.
 - b) Deduct the contributions corresponding to the workers in your service from their income;
 - c) Transfer contributions and premiums to the Health Promotion Entity in a timely manner, in accordance with the regulations issued by the Government.
3. Report changes in their employees' employment status to the entity to which they are affiliated, in matters such as income level and changes therein, and the hiring and dismissal of employees. Likewise, inform employees of their rights and obligations under the General Social Security System for Health.
4. Ensure a healthy work environment that prevents occupational hazards and diseases by adopting industrial safety systems and complying with occupational health and social security regulations.

PARAGRAPH. Employers who fail to comply with the provisions of this article shall be subject to the same penalties provided for in Articles 22 and 23 of Book One of this Law. In addition, damages for negligence in employment information, including underreporting of income, shall be borne by the employer. The cost of treating work-related accidents, risks, and contingencies due to general illness, maternity, and ATEP shall be covered in full by the employer if the worker has not been registered or if the contributions have not been paid in a timely manner to the corresponding social security entity.

CHAPTER III

THE BENEFITS SYSTEM

ARTICLE 162. Mandatory Health Plan. The General Social Security Health System shall create the conditions for access to a Mandatory Health Plan for all inhabitants of the national territory before the year 2001. This Plan will provide comprehensive protection for families in relation to maternity and general illness, in the areas of health promotion and prevention, diagnosis, treatment, and rehabilitation for all pathologies, according to the intensity of use and the levels of care and complexity that are defined.

For contributors under the contributory regime, the content of the Mandatory Health Plan defined by the National Social Security Council for Health shall be that set forth in Decree-Law 1650 of 1977 and its regulations, including the provision of essential medicines in their generic form. For other beneficiaries of the contributor's family, the Mandatory Health Plan shall be similar to the above, but its financing shall include co-payments, especially at the primary care level, under the terms of Article 188 of this Law.

For members under the rules of the subsidized regime, the National Council for Social Security in Health will design a program for its beneficiaries to progressively reach the Mandatory Plan of the Contributory System before 2001. At its inception, the plan will include first-level health services for a value equivalent to 50% of the capitation payment unit of the contributory system. Second- and third-level services will be progressively incorporated into the plan in accordance with their contribution to healthy life years.

PARAGRAPH 1. During the transition period, the population covered by the subsidized regime will receive more complex hospital services in public hospitals in the official health subsector and in private hospitals with which the State has a service provision contract.

PARAGRAPH 2. The health services included in the Mandatory Health Plan shall be updated by the National Social Security Council for Health, in accordance with changes in the demographic structure of the population, the national epidemiological profile, the appropriate technology available in the country, and the financial conditions of the system.

PARAGRAPH 3. The National Health Superintendency shall verify the compliance of the provision of the Mandatory Health Plan by each Health Promotion Entity in the national territory with the provisions of the National Council for Social Security in Health and the National Government.

PARAGRAPH 4. All Health Promotion Entities shall reinsure the risks arising from the treatment of diseases classified by the National Social Security Council as high-cost.

PARAGRAPH 5. For the provision of services under the Mandatory Health Plan, all Health Promotion Entities shall establish a referral and counter-referral system so that access to highly complex services is provided through the first level of care, except in the case of emergency services. The National Government shall establish the rules, without prejudice to the system corresponding to the territorial entities.

ARTICLE 163. Family Coverage. The Mandatory Health Plan shall provide family coverage. For these purposes, the beneficiaries of the System shall be the spouse or permanent partner of the member whose union has lasted more than two years; the children under 18 years of age of either spouse who are part of the family unit and are financially dependent on the member; children over 18 years of age with permanent disabilities or those under 25 years of age who are full-time students and financially dependent on the member. In the absence of a spouse, permanent partner, or eligible children, family coverage may be extended to the member's parents who are not retired and are financially dependent on the member.

PARAGRAPH 1. The National Government shall regulate the inclusion of children who, due to permanent disability, are part of the family coverage.

PARAGRAPH 2. Any child born after the effective date of this Law shall automatically become a beneficiary of the Health Promotion Entity to which their mother is affiliated. The General Social Security System for Health shall recognize the Health Promotion Entity as the corresponding Capitation Payment Unit, in accordance with the provisions of Article 161 of this Law.

ARTICLE 164. Pre-existing conditions. In the General Social Security System for Health, Health Promotion Companies may not apply pre-existing conditions to their members.

Access to certain high-cost services for individuals who enroll in the System may be subject to minimum contribution periods, which in no case may exceed 100 weeks of enrollment in the System, of which at least 26 weeks must have been paid in the last year. For shorter contribution periods, access to these services will require a payment by the user, which will be established according to their socioeconomic capacity.

In the subsidized regime, no waiting periods may be established for childbirth care and children under one year of age. In this case, the Health Service Providers that attend to such interventions will repeat against the solidarity subaccount of the Solidarity and Guarantee Fund, in accordance with the regulations.

Solidarity and Guarantee Fund, in accordance with the regulations.

PARAGRAPH . When it is found that a Health Promotion Entity applies pre-existing conditions to any member, the Superintendency of Health may apply fines of up to twice the estimated value of the treatment of the excluded disease. This collection will be allocated to the Solidarity and Guarantee Fund. Each time there is a repeat offense, the value of the fine will be doubled.

ARTICLE 165. Basic Care. The Ministry of Health shall define a basic care plan that complements the actions provided for in the Mandatory Health Plan of this Law and environmental sanitation actions. This plan shall consist of interventions that are directed directly at the community or those that are directed at individuals but have high externalities, such as public information, health education and promotion, control of tobacco, alcohol, and psychoactive substance use, nutritional supplementation and family planning, school deworming, vector control, and national campaigns for the prevention, early detection, and control of communicable diseases such as AIDS, tuberculosis, and leprosy, and tropical diseases such as malaria.

The provision of basic healthcare will be free and mandatory. Funding for this plan will be guaranteed by fiscal resources from the national government, supplemented by resources from local authorities.

ARTICLE 166. Maternal and Child Care. The Mandatory Health Plan for pregnant women will cover health services for prenatal care, childbirth care, postpartum care, and care for conditions directly related to breastfeeding.

The Mandatory Health Plan for children under one year of age shall cover education, information, and health promotion; the promotion of breastfeeding; growth and development monitoring; disease prevention, including immunizations; outpatient, hospital, and emergency care, including essential medicines; and rehabilitation, when applicable, in accordance with the provisions of this Law and its regulations.

In addition to the Mandatory Health Plan, pregnant women and mothers of children under one year of age who are covered by the subsidized regime will receive a food subsidy as determined by the plans and programs of the Colombian Family Welfare Institute, which will be responsible for paying for it.

PARAGRAPH 1. For the purposes of this Law, food subsidy shall be understood to mean a subsidy in kind, consisting of food or nutrients provided to pregnant women and mothers of children under one year of age to enable them to follow an adequate diet.

PARAGRAPH 2. The National Government shall organize a special program to inform and educate women on aspects of comprehensive health and sex education in the least developed areas of the country. Priority shall be given to rural areas and adolescents. To this end, 2% of the annual resources of the ICBF, 10% of the resources referred to in paragraph 1 of Article 10 of Law 60 of 1993, and the percentage of the promotion subaccount of the Solidarity and Guarantee Fund defined by the National Government after consideration by the National Council for Social Security in Health shall be allocated. The National Government shall regulate the procedures for implementing the program. The part of the program that is financed with ICBF resources shall be implemented by the ICBF itself.

ARTICLE 167. Catastrophic Risks and Traffic Accidents. In cases of emergencies arising from traffic accidents, terrorist acts involving bombs or explosive devices, natural disasters, or other events expressly approved by the National Council for Social Security in Health, members of the General Social Security System for Health shall be entitled to coverage of medical and surgical services, compensation for permanent disability and death, funeral expenses, and transportation costs to the health care center. The Solidarity and Guarantee Fund shall pay directly to the institution that provided the service at the rates established by the National Government in accordance with the criteria of the National Social Security Health Council.

PARAGRAPH 1. In cases of traffic accidents, coverage for medical and surgical services and other benefits will continue to be provided by the insurers authorized to administer the resources of the Compulsory Traffic Accident Insurance, with the modifications of this Law.

PARAGRAPH 2. All other risks provided for herein shall be covered by the Solidarity and Guarantee Fund subaccount, in accordance with the regulations established by the National Government.

PARAGRAPH 3. The National Government shall regulate the procedures for collection and payment for these services.

PARAGRAPH 4. The General Social Security System for Health may establish a reinsurance system to cover catastrophic risks.

ARTICLE 168. Initial Emergency Care. Initial emergency care must be provided on a mandatory basis by all public and private entities that provide health services, to all persons regardless of their ability to pay. Its provision does not require a contract or prior order. The cost of these services shall be paid by the Solidarity and Guarantee Fund, in the cases provided for in the previous article, or by the health promotion entity to which the patient is affiliated in any other event.

PARAGRAPH. Collection and payment procedures, as well as the fees for these services, shall be defined by the National Government, in accordance with the recommendations of the National Council for Social Security in Health.

ARTICLE 169. Supplementary Plans. Health Promotion Entities may offer supplementary plans to the Mandatory Health Plan

, which shall be financed in full by the member with resources other than the mandatory contributions provided for in Article 204 of this Law.

PARAGRAPH. The adjustment of the value of the plans shall be subject to a regime of supervised freedom by the National Government.

CHAPTER IV

SYSTEM MANAGEMENT

ARTICLE 170. Management of the System. The General Social Security System for Health is under the guidance, regulation, supervision, oversight, and control of the National Government and the Ministry of Health and shall comply with the policies, plans, programs, and priorities of the Government in the fight against disease and in the maintenance and education, information, and promotion of health and health in accordance with the economic and social development plan and the territorial plans referred to in Articles 13 and 14 of Law 60 of 1993.

ARTICLE 171. The National Social Security Council for Health. The National Social Security Council for Health is hereby created, attached to the Ministry of Health, as the governing body of the General Social Security System for Health, of a permanent nature, composed of:

1. The Minister of Health, who shall preside over it.
2. The Minister of Labor and Social Security, or his delegate.
3. The Minister of Finance and Public Credit, or his delegate.
4. Representatives of the departmental and municipal health entities.
5. Two (2) representatives of employers, one of whom shall represent small and medium-sized enterprises and other forms of associations.
6. Two (2) representatives of workers, one of whom shall represent pensioners.
7. The legal representative of the Social Security Institute.
8. One (1) representative for Health Promotion Entities, other than the Social Security Institute.
9. One (1) representative of Health Service Providers.
10. One (1) representative of healthcare professionals from the majority association.
11. One (1) representative of associations of users of health services in the rural sector.

PARAGRAPH 1. The Council shall have a technical secretary who shall be the Director General of Social Security of the Ministry of Health, a position that shall be created for this purpose, or whoever acts in his or her stead. Through this secretary, the technical studies required for decision-making shall be submitted to the Council for consideration.

PARAGRAPH 2. The Government shall regulate the mechanisms for selecting non-governmental representatives from among their majority organizations, as well as their term of office.

PARAGRAPH 3. The permanent advisors to the Council shall be one representative from the National Academy of Medicine, one from the Colombian Medical Federation, one from the Colombian Association of Medical Schools, one from the Colombian Association of Hospitals, and another representing the Schools of Public Health.

PARAGRAPH 4. Territorial Councils shall, as far as possible, have a similar composition to the National Council, but with the participation of departmental, district, or municipal entities or associations.

ARTICLE 172. Functions of the National Council for Social Security in Health.

The National Council for Social Security in Health shall have the following functions:

1. Define the Mandatory Health Plan for members according to the rules of the contributory and subsidized regimes, in accordance with the criteria set forth in Chapter Three of Title One of this book.
2. Define the amount of the contribution of the System's members, within the limits provided for in Article 204 of this Law.
3. Define the value of the Capitation Payment Unit as provided for in Article 182 of this book.
4. Define the value per beneficiary of the health subsidy scheme.
5. Define the essential and generic medicines that will be part of the Mandatory Health Plan.

6. Define the general criteria for the selection of beneficiaries of the subsidized health regime by territorial entities, giving due priority to poor and vulnerable groups and in accordance with the provisions of Law 60 of 1993.
7. Define the shared payment system referred to in paragraph 3 of Article 160 and Articles 164 and 187 of this Law.
8. Define the regime to be applied by health promotion entities for the recognition and payment of sick leave due to general illness and maternity leave to members in accordance with the rules of the contributory regime.
9. Define the measures necessary to prevent adverse selection of users by health promotion entities and an inequitable distribution of the costs of care for different types of risk.
10. Recommend the regime and criteria to be adopted by the National Government to establish the rates for services provided by hospitals in cases of catastrophic risks, traffic accidents, and initial emergency care.
11. Regulate the Territorial Social Security Councils for Health.
12. Exercise the functions of the Board of Directors of the Solidarity and Guarantee Fund.
13. Submit an annual report on the evolution of the General Social Security System for Health to the Seventh Committees of the Senate and House of Representatives.
14. Adopt its own regulations.
15. Perform any other functions assigned to it by law or necessary for the proper functioning of the Council.

PARAGRAPH 1. The above decisions that have fiscal implications and implications for the quality of public health services shall require the favorable opinion of the Minister of Health.

PARAGRAPH 2. The value of shared payments and the Capitation Payment Unit (UPC) shall be reviewed at least once a year, before the start of the next fiscal year. If the UPC has not been reviewed at the beginning of the year, it shall be automatically adjusted in proportion to the percentage increase in the minimum wage approved by the National Government in the immediately preceding year.

PARAGRAPH 3. The definitions referred to in paragraphs 1, 4, 5, 7, and 11 of this article shall be adopted by the National Government.

ARTICLE 173. Functions of the Ministry of Health. In addition to those enshrined in current legal provisions, particularly Law 10 of 1990, Decree-Law 2164 of 1992, and Law 60 of 1993, the Ministry of Health shall have the following functions:

1. To formulate and adopt, in coordination with the Ministry of Labor and Social Security, policies, strategies, programs, and projects for the General Social Security System for Health, in accordance with the economic, social, and environmental development plans and programs approved by the Congress of the Republic.
2. To issue scientific standards regulating the quality of services and the control of risk factors, which are mandatory for all Health Promotion Entities and Health Service Providers of the General Social Security System for Health, as well as for regional, district, and local health authorities.
3. Issue mandatory administrative standards for Health Promotion Entities, Health Service Providers of the General Social Security System for Health, and sectional, district, and local health departments.
4. Formulate and apply criteria for evaluating the efficiency of the management of Health Promotion Entities, Health Service Providers of the General Social Security System for Health, and regional, district, and local health authorities.
5. Prepare the studies and proposals required by the National Social Security Council in Health in the exercise of its functions.
6. Exercise adequate supervision, oversight, and control of all entities covered by paragraphs b) to h) of Article 181 of this Law and of the regional, district, and local health directorates, except for the National Health Superintendency.
7. The Ministry of Health shall regulate the collection, transfer, and dissemination of information in the subsystem to which all members of the Social Security Health System are required to contribute, regardless of their legal status, without prejudice to the legal provisions governing the confidentiality and disclosure of commercial records. Failure to comply with this regulation shall be punishable by up to the revocation of operating licenses.

PARAGRAPH . The functions referred to in this article replace those corresponding to Article 9 of Law 10 of 1990, in paragraphs a), b), e), and j).

ARTICLE 174. General Social Security System for Health at the territorial level. The General Social Security System for Health integrates, at all territorial levels, the management institutions, the entities promoting and providing health services, as well as the set of health actions and control of risk factors in their respective jurisdiction and sphere of competence.

In accordance with the legal provisions in force, and in particular Law 10 of 1990 and Law 60 of 1993, it is the responsibility of the departments,

districts and municipalities, management and organization of health services to ensure public health and the provision of health services by public institutions through the contracting of services or the granting of subsidies to meet demand.

In order to exercise their powers, local authorities shall, as of the effective date of this Law, be subject to the public health service regulated herein, which specifies and develops the terms, conditions, principles, and rules of operation of the local powers referred to in Law 60 of 1993 and Law 10 of 1990. In accordance with the foregoing, the current structure of health services in the official subsector in territorial entities shall be progressively adapted and integrated into the General Social Security System for Health.

The General Social Security System for Health created by this Law expands the scope of competence of the health management systems of departments, districts, and municipalities to guarantee the social function of the State in the adequate provision and expansion of health service coverage. The health authorities in the territorial entities shall organize, in accordance with the provisions of this Law, the system of subsidies for the poorest and most vulnerable population by entering into contracts for the care of health affiliates with the health promotion entities operating in their territory and promoting the creation of solidarity-based health companies. They shall also support the creation of public health promotion entities and the transformation, in accordance with the provisions of this Law, of hospitals into service providers capable of offering services to the various health promotion entities.

The public provision of health services, organized by levels of complexity and by territorial levels, contributes to the fulfillment of the purposes of the General Social Security System for Health, its organization, and its proper functioning.

In the General Social Security System for Health, the resources earmarked for health by any level of government under the terms of this Law contribute to the financing of subsidies for the poorest and most vulnerable population in each territorial entity.

PARAGRAPH. During the transition period required to achieve universal social security health coverage, public hospitals and private hospitals with which there is a contract for this purpose shall continue to provide services to poor and vulnerable persons who are not affiliated with the General Social Security Health System.

ARTICLE 175. Territorial Social Security Health Councils. Territorial entities at the sectional, district, and local levels may create a Territorial Social Security Health Council to advise the health departments of the respective jurisdiction in the formulation of health plans, strategies, programs, and projects and in the orientation of the territorial social security health systems that develop the policies defined by the National Social Security Health Council.

ARTICLE 176. Functions of the Sectional, District, and Municipal Health System Directorates. In addition to the functions provided for in Laws 10 of 1990 and 60 of 1993, the sectional, district, and municipal health directorates shall have the following functions:

1. Prepare the studies and proposals required by the Territorial Social Security Health Council in the exercise of its functions.
2. Prepare for consideration by the Territorial Social Security Health Council the instruments and methodologies for targeting beneficiaries of the subsidized regime in their area of jurisdiction and guide their implementation.
3. Administer the subsidy resources for the poorest and most vulnerable population in accordance with the terms set forth in this Law, with the controls provided for in paragraph 7 of Article 153.
4. Inspect and monitor the application of the technical, scientific, administrative, and financial standards issued by the Ministry of Health, without prejudice to the inspection and monitoring functions attributed to other competent authorities.
5. Ensure compliance with regulations on health workers' benefit liabilities within their respective jurisdictions.

TITLE II

THE ORGANIZATION OF THE GENERAL SOCIAL SECURITY SYSTEM FOR HEALTH

CHAPTER I

HEALTH PROMOTION ENTITIES

ARTICLE 177. Definition. Health Promotion Entities are the entities responsible for the affiliation and registration of members and the collection of their contributions, as delegated by the Solidarity and Guarantee Fund. Their basic function shall be to organize and guarantee, directly or indirectly, the provision of the Mandatory Health Plan to members and to pay, within the terms provided for in this Law, the difference between the income from their members' contributions and the value of the corresponding Capitation Payment Units to the Solidarity and Guarantee Fund

Solidarity and Guarantee Fund, as provided for in Title III of this Law.

ARTICLE 178. Functions of Health Promotion Entities. Health Promotion Entities shall have the following functions:

1. Act as delegates of the Solidarity and Guarantee Fund for the collection of contributions from members of the General Social Security System for Health.
2. Promote the affiliation of population groups not currently covered by Social Security.
3. Organize the means and mechanisms through which members and their families can access health services throughout the national territory. Health Promotion Companies are required to accept any person who applies for membership and meets the requirements of the law.
4. Define procedures to guarantee free access for members and their families to the provider institutions with which it has established agreements or contracts in its area of influence or anywhere in the country, in the event of illness of the member or their family.
5. Send information regarding the affiliation of the worker and their family, employment developments, contribution collections, and disbursements for the payment of services to the Solidarity and Compensation Fund.
6. Establish procedures to monitor the comprehensive, efficient, timely, and quality care provided by health service providers.
7. Any other duties determined by the National Council for Social Security in Health.

ARTICLE 179. Scope of action of health promotion entities. To guarantee the Mandatory Health Plan to their members, health promotion entities shall directly provide or contract health services with healthcare providers and professionals. To rationalize the demand for services, health promotion entities may adopt contracting and payment modalities such as capitation, protocols, or fixed global budgets, in such a way as to encourage promotion and prevention activities and cost control. Each health promotion entity shall offer its members several alternatives of health care providers, except when supply restrictions prevent this, in accordance with the regulations issued for this purpose by the National Council for Social Security in Health.

PARAGRAPH . Health promotion entities shall seek mechanisms for risk pooling among their members, among companies, unions, or associations, or by geographic location, in accordance with the regulations issued by the National Government.

ARTICLE 180. Requirements for Health Promotion Entities. The National Health Superintendency shall authorize public, private, or mixed entities that meet the following requirements as Health Promotion Entities:

1. Have a corporate name that identifies it and expresses its nature as a Health Promotion Entity.
2. Have legal status recognized by the State.
3. Have as its objectives the affiliation and registration of the population in the General Social Security System for Health, the collection of contributions, and the promotion, management, coordination, and control of the health services of the service providers with which it serves its members and their families, without prejudice to the controls established in this regard in the Constitution and the law.
4. Have an administrative and financial organization that allows for:
 - a) Maintain a database containing information on the socioeconomic characteristics and health status of its members and their families;
 - b) Demonstrate the technical and scientific capacity necessary for the proper performance of its functions and verify that of the institutions and professionals providing the services;
 - c) Systematically evaluate the quality of the services offered.
5. Periodically accredit a minimum and maximum number of members such that viable operating scales are obtained and the affiliation of people from all social strata and different risk groups is achieved. These parameters will be set by the National Government based on the pursuit of equity and the technical and financial resources available to Health Promotion Entities.
6. Periodically certify the solvency margin that ensures the liquidity and solvency of the health promotion entity, which shall be set by the National Government.
7. Have a minimum share capital or social fund that guarantees the economic and financial viability of the entity, as determined by the National Government.
8. Any others established by law and regulations, after consideration by the National Council for Social Security in Health.

PARAGRAPH. The National Government shall issue the regulations required for faithful compliance with the provisions of this article.

ARTICLE 181. Types of Health Promotion Entities. The National Health Superintendency may authorize the following entities as Health Promotion Entities, provided that they comply with the requirements set forth in Article 180:

- a. The Social Security Institute;
- b. Public sector pension and social security funds, entities, or companies, without prejudice to the provisions of Article 236 of this Law;
- c. Entities that, as a result of an association or agreement between family compensation funds or the prior existence of a special program individually sponsored by them, are established for this purpose;
- d. Entities offering prepaid medical or health insurance programs, regardless of their legal nature;
- e. Health Promotion Entities that may be created by departments, districts, and municipalities and their associations. To this end, they may also associate with public and private hospital entities;
- f. Organizations that have been organized by public or private companies to provide health services to their workers prior to the entry into force of this Law, provided that they are constituted as independent legal entities;
- g. Non-governmental organizations and social solidarity organizations that are organized for this purpose, especially solidarity-based health companies and those of indigenous communities;
- h. Private, charitable, or public entities created for the specific purpose of operating as a Health Promotion Entity.

PARAGRAPH 1. When a Health Service Provider Institution is owned by a Health Promotion Entity, the former shall have technical, financial, and administrative autonomy within a delegation or affiliation regime that guarantees a more efficient service. Such autonomy shall be established gradually and progressively, under the terms established by the regulations.

PARAGRAPH 2. The Ministry of Health and the Regional and Local Health Directorates are responsible for promoting Health Promotion Entities where users have greater participation and control, such as solidarity-based health companies, cooperatives, and medical micro-enterprises.

PARAGRAPH 3. Companies that provide health services in the manner provided for in subparagraph f) may replace them by contracting such services with Health Promotion Entities affiliated with the General Social Security System for Health.

ARTICLE 182. On the income of Health Promotion Entities. The contributions collected by Health Promotion Entities belong to the General Social Security System for Health.

For the organization and guarantee of the provision of services included in the Mandatory Health Plan for each member, the General Social Security Health System shall recognize each Health Promotion Entity a per capita value, which shall be called the Capitation Payment Unit, UPC. This Unit shall be established based on the epidemiological profile of the relevant population, the risks covered, and the costs of providing the service under average conditions of quality, technology, and hospitality, and shall be defined by the National Social Security Health Council, in accordance with technical studies by the Ministry of Health.

PARAGRAPH 1. Health Promotion Entities shall manage social security resources originating from the contributions of members of the system in accounts that are separate from the entity's other income and assets.

ARTICLE 183. Prohibitions for Health Promotion Entities. Health Promotion Entities may not unilaterally terminate the contractual relationship with their affiliates, nor may they deny affiliation to anyone who wishes to join the system, provided that they guarantee payment of the corresponding contribution or subsidy, except in exceptional cases of abuse or bad faith on the part of the user, in accordance with the regulations issued by the National Government for this purpose.

PARAGRAPH 1. The National Government may regulate efficiency parameters and establish the investment and organizational regime for Health Promotion Companies that are not service providers. When they simultaneously provide services, it may establish limits on administrative and operating expenses for promotional activities.

PARAGRAPH 2. All agreements or arrangements, as well as concerted practices and decisions that, directly or indirectly, are intended to prevent, restrict, or distort the free choice within the General Social Security System for Health, are prohibited.

ARTICLE 184. Incentives for better service. In order to achieve quality and efficiency in the provision of health services covered by the Law, incentive systems shall be applied to the provision of services aimed at cost control, increased productivity, and resource allocation using cost-efficiency criteria. Similarly, incentive systems shall be applied to demand in order to streamline the patient referral and counter-referral system, expand beneficiaries' knowledge and management of the system, and promote higher quality service to users.

CHAPTER II

HEALTH SERVICE PROVIDERS

ARTICLE 185. Health Service Providers. Health Service Providers are responsible for providing services at their corresponding level of care to members and beneficiaries within the parameters and principles set forth in this Law.

Health Service Providers must have quality and efficiency as their basic principles and shall have administrative, technical, and financial autonomy. In addition, they shall promote free competition in their actions, providing timely, sufficient, and accurate information to users and avoiding abuse of a dominant position in the system. All agreements or arrangements between Health Service Providers, between scientific associations or societies and professionals or assistants in the health sector, or within any of the above, that have the object or effect of preventing, restricting, or distorting free competition within the health services market, or preventing, restricting, or interrupting the provision of health services, are prohibited.

In order for an entity to be established as a Health Service Provider Institution, it must comply with the requirements set forth in the regulations issued by the Ministry of Health.

PARAGRAPH. All Health Service Providers shall have an accounting system that allows them to record the costs of the services offered. Adoption of this accounting system is a condition for the application of the single tariff regime referred to in Article 241 of this Law. This provision must be complied with no later than the end of the first year of this Law's validity. From that date on, it shall be mandatory to prove the existence of such a system in order to contract services with Health Promotion Entities or with territorial entities, as the case may be.

ARTICLE 186. Accreditation System. The National Government shall promote the establishment of an accreditation system for Health Service Providers, in order to provide users with information on their quality and promote their improvement.

ARTICLE 187. Copayments. Members and beneficiaries of the General Social Security Health System shall be subject to cost sharing, copayments, and deductibles. For contributing members, these payments shall be applied with the sole purpose of rationalizing the use of the system's services. In the case of other beneficiaries, the aforementioned payments shall also be applied to supplement the financing of the Mandatory Health Plan.

Under no circumstances may co-payments become barriers to access for the poorest. To avoid creating restrictions on access for the poorest population, such payments for the different services shall be defined in accordance with socioeconomic stratification and length of membership in the system, in accordance with regulations adopted by the National Government, subject to the opinion of the National Council for Social Security in Health.

The proceeds from these items will be resources for the Health Promotion Entities, although the National Council for Social Security in Health may allocate part of them to the Health Promotion subaccount of the Solidarity and Guarantee Fund.

PARAGRAPH. The rules on collection procedures, definition of socioeconomic status or users, and the services to which they will apply, among others, shall be defined by the National Government, subject to approval by the National Council for Social Security in Health.

ARTICLE 188. Guarantee of Care for Users. Service Providers may not discriminate in their care for users.

When events of a healthcare nature occur that allegedly affect the member with respect to the adequate provision of services by the General Social Security Health System, they may file a complaint with the technical scientific committee designated by the health entity to which they are affiliated. In case of disagreement, they may request a new opinion from a similar committee designated by the Sectional Health Directorate of the respective territorial entity where they are affiliated. The National Government shall regulate this matter.

ARTICLE 189. Hospital Maintenance. Public and private hospitals in which the value of contracts signed with the nation or territorial entities represents more than thirty percent (30%) of their total income must allocate at least 5% of their total budget to infrastructure maintenance and hospital equipment.

ARTICLE 190. Technological Evaluation. The Ministry of Health shall establish rules governing the importation of biomedical technology and shall define those whose importation shall be controlled. It shall also regulate the development of high-technology programs, in accordance with national plans for the treatment of pathologies.

The rules established shall include, among others, methodologies and procedures for technical and economic evaluation, as well as those that allow for determining the most efficient geographical location. The rules shall be applicable in both the public and private sectors.

ARTICLE 191. Hospital Resource Allocation Priorities. Municipalities shall give priority in their allocation of investment resources for health to strengthening the system of health centers and posts, in such a way as to strengthen the basic provision of equipment and personnel defined by the Ministry of Health and progressively expand, in accordance with demand, their hours of service to the public, until well-equipped health centers are available 24 hours a day. The mandatory social service of health professionals is

will primarily work in rural health centers and clinics.

The staffing requirements for health posts, health centers, and public hospitals at any level of care, as well as the network of services at the territorial level, shall be established by the Ministry of Health. The Ministry shall exercise technical control over the staffing of such entities, either directly or through a delegated authority.

ARTICLE 192. Management of public hospitals. The directors of public hospitals of any level of complexity shall be appointed by the head of the respective territorial entity that has assumed health services in accordance with the provisions of Law 60 of 1993 and the regulations issued for this purpose by the National Government from a shortlist presented by the board of directors, constituted in accordance with the provisions of Law 10 of 1990 for minimum terms of three years, which may be extended. They may only be removed when it is proven to the competent authorities that they have committed serious offenses in accordance with the disciplinary regime of the official sector, ethical offenses in accordance with the provisions in force, or administrative inefficiency as defined by regulations of the National Government.

PARAGRAPH 1. This regulation shall enter into force on March 31, 1995.

PARAGRAPH 2. The directors of public sector hospitals or state-owned social enterprises shall be governed in matters of salary by a special regime to be regulated by the National Government within six months of the entry into force of this Law, taking into account the level of complexity and the budget of the respective hospital.

ARTICLE 193. Incentives for health workers and professionals. In order to encourage the efficient performance of health workers and professionals and their location in regions with the greatest needs, the Government may establish a system of salary and non-salary incentives, which in no case shall constitute salary. It may also establish incentives for continuing education, credit for installation, equipment, housing, and transportation. Likewise, health promotion entities shall sponsor group practices and other forms of solidarity associations of health professionals. The National Council for Social Security in Health shall determine the areas in which the provisions of this article shall apply.

For public health employees at the territorial level, the National Government shall establish a special salary regime and a gradual program to equalize salaries among the different entities.

The special salary regime shall include the structure and designation of job categories, job evaluation criteria, and minimum and maximum salary ranges corresponding to the different categories for administrative levels or groups of employees as determined by the National Government.

The National Government shall establish a gradual process to equalize the minimum limits of each salary range among the different territorial entities. This equalization shall be carried out in accordance with the gradual regime provided for herein and on a one-time basis, without prejudice to the provisions of Article 6 of Law 60 of 1993. This equalization must take place during the fiscal years 1995 to 1998, in accordance with the availability of fiscal resources and other sector revenues in the different departments and municipalities with which the specific equalization plan must be agreed upon. For the 1994 fiscal year, the equalization may be brought forward in accordance with budgetary availability and regulations.

For the establishment of the special salary regime and the equalization referred to in this article, the criteria established in Article 2 of Law 4 of 1992 shall be considered, with the exception of letters k and ll. Likewise, regional equity and the special incentive required by public employees who provide their services in marginalized and rural areas shall be considered in accordance with the regulations.

PARAGRAPH 1. Teaching-care agreements entered into for the residency or training of health professionals in different specialties involving the provision of services in health institutions shall provide for a scholarship-credit in favor of such students and professionals of no less than two minimum monthly wages. The Ministry of Health and ICETEX shall contribute to the financing of this program in accordance with the regulations issued by the Government. The credit may be forgiven when the residency or training is carried out in priority areas for the development of public health or the General Social Security System for Health, and/or in exchange for services in regions with less availability of human resources, in accordance with the definition issued by the Ministry of Health.

PARAGRAPH 2. Health promotion entities and health care providers may establish capitation contracting arrangements with professional practice groups or individual professionals in order to encourage efficiency and quality in the provision of health services.

PARAGRAPH 3. The Social Security Institute may establish a productivity bonus system for workers, doctors, and other salaried professionals, in accordance with the performance of individuals or the institution as a whole, which in no case shall constitute salary. The Institute's Board of Directors shall regulate its application.

PARAGRAPH 4. Private health care institutions may implement work efficiency incentive programs for physicians and other salaried health care professionals that take into account the performance of individuals, work groups, or institutions as a whole. The National Social Security Council for Health shall define the type of incentives referred to in this paragraph.

(Regulated by Decree [1038](#) of 1995)

CHAPTER III

REGIME OF STATE-OWNED SOCIAL ENTERPRISES

ARTICLE 194. Nature. The provision of health services directly by the Nation or by territorial entities shall be carried out through State Social Enterprises, which constitute a special category of decentralized public entity, with legal personality, their own assets, and administrative autonomy, created by law or by assemblies or councils, as the case may be, subject to the legal regime provided for in this chapter.

ARTICLE 195. Legal regime. Social Health Enterprises shall be subject to the following legal regime:

1. The name must always include the expression "State Social Enterprise."
2. The purpose must be the provision of health services, as a public service provided by the State or as part of the public social security service.
3. The board or council of directors shall be composed in the same manner as provided for in Article 19 of Law 10 of 1990.
4. The director or legal representative shall be appointed in accordance with Article 192 of this Law.
5. Persons associated with the company shall have the status of public employees and civil servants, in accordance with the rules of CHAPTER IV of Law 10 of 1990.
6. In contractual matters, it shall be governed by private law, but may, at its discretion, use the exorbitant clauses provided for in the General Contracting Statute of the public administration.
7. The budgetary regime shall be that provided for, according to its specialty, in the Organic Budget Law, so that a budgeting regime based on the system of reimbursement for services rendered is adopted, under the terms provided for in this Law.
8. As a public entity, it may receive direct transfers from the national or regional budgets.
9. For the purposes of national taxes, they shall be subject to the regime provided for public establishments.

ARTICLE 196. National Social Health Enterprises. All decentralized entities at the national level whose purpose is to provide health services shall be transformed into social health enterprises.

ARTICLE 197. Territorial social health enterprises. Territorial entities shall, within six months of the effective date of this Law, restructure decentralized entities whose main purpose is the provision of health services, in order to bring them into line with the provisions of this chapter.

CHAPTER IV

USERS

ARTICLE 198. Information for Users. Health Care Providers must guarantee an adequate information system for their services and care for users, through the implementation of a 24-hour hotline.

ARTICLE 199. User Information. The Ministry of Health shall define standards of quality and user satisfaction and may establish measures such as maximum waiting times for services and methods of registration on waiting lists, in accordance with the patient's pathologies and care needs.

PARAGRAPH. The Ministry of Health shall request the information it deems necessary in order to establish uniform registration and analysis systems that allow for periodic evaluation of service quality and user satisfaction.

ARTICLE 200. Promotion of User Associations. For those populations not affiliated with the contributory regime, the Government shall promote the organization of communities as consumers of health services, based on the community organizations referred to in Article 22 of Law 11 of 1986 and Decree 1416 of 1990, indigenous councils, and, in general, any other form of community organization.

TITLE III

ADMINISTRATION AND FINANCING OF THE SYSTEM

ARTICLE 201. Establishment of the General Social Security System for Health. The General Social Security System for Health combines, for its financing and administration, a contributory health regime and a health subsidy regime, linked through the Solidarity and Guarantees Fund.

CHAPTER I

THE CONTRIBUTORY REGIME

ARTICLE 202. Definition. The contributory regime is a set of rules governing the affiliation of individuals and families to the General Social Security System for Health, when such affiliation is made through the payment of an individual and family contribution, or a prior financial contribution financed directly by the member or jointly by the member and their employer.

ARTICLE 203. Members and Beneficiaries. Members referred to in paragraph a) of Article 157 shall be mandatory members of the contributory regime.

PARAGRAPH. The Government may establish the control systems it deems necessary to prevent mandatory members of the contributory regime and high-income individuals from benefiting from the subsidies provided for in this Law.

ARTICLE 204. Amount and Distribution of Contributions. The mandatory contribution applicable to members of the General Social Security System for Health under the rules of this regime shall be a maximum of 12% of the base contribution salary, which may not be less than the minimum wage. Two-thirds of the contribution shall be paid by the employer and one-third by the employee. One percentage point of the contribution shall be transferred to the Solidarity and Guarantee Fund to contribute to the financing of the beneficiaries of the subsidized regime.

The National Government, with the prior approval of the National Social Security Health Council, shall define the amount of the contribution within the limit established in the previous paragraph and its distribution between the Mandatory Health Plan and the coverage of disabilities and maternity leave referred to in Articles 206 and 207 and the subaccount for Health Promotion and Research activities referred to in Article 222.

PARAGRAPH 1. The contribution base for persons employed under an employment contract or as public servants, who are compulsory members of the General Social Security Health System, shall be the same as that provided for in the General Pension System of this Law.

PARAGRAPH 2. For the purposes of calculating the contribution base for self-employed workers, the National Government shall regulate a system of income assumptions based on information on the level of education, work experience, economic activities, region of operation, and assets of individuals. Likewise, the frequency of contributions for these workers may vary depending on the stability and frequency of their income.

PARAGRAPH 3. When more than 20 times the current legal minimum wage is earned monthly, the contribution base may be limited to that amount by the National Council for Social Security in Health.

PARAGRAPH 4. As of January 1, 2014, companies and legal entities and similar taxpayers who file income tax and supplementary tax returns shall be exempt from contributing to the Contributory Health System referred to in this article for their employees who earn up to ten (10) times the current legal monthly minimum wage.

PARAGRAPH 5. The monthly health contribution to the contributory regime payable by pensioners for the years 2020 and 2021 shall be determined using the following table:

The health contribution payable by pensioners earning between 2 and 3 minimum wages will be reduced from 12% to 10%, which will take effect in 2024, subject to regulation by the national government, which is part of the social agenda to be presented to the Congress of the Republic.

Pension allowance in current legal monthly minimum wages (SMLMV) Monthly health contribution

Pension allowance in current legal monthly minimum wages (SMLMV)	Monthly health contribution
1 SMLMV	8%
>1 SMLMV and up to 2 SMLMV	10
>2 SMLMV and up to 5 SMLMV	12

>5 SMLMV and up to 8 SMLMV	12
>8 SMLMV	12

Starting in 2022, the following table will apply:

Pension allowance in current legal monthly minimum wages (SMLMV)	Monthly health contribution
1 SMLMV	4%
>1 SMLMV and up to 2 SMLMV	10
>2 SMLMV and up to 5 SMLMV	12
>5 SMLMV and up to 8 SMLMV	12
>8 SMLMV	12

The health contribution paid by pensioners earning between 2 and 3 minimum wages will be reduced from 12% to 10%, which will take effect in 2024, subject to regulation by the national government, which is part of the social agenda to be presented to the Congress of the Republic.

(paragraph added by Article 78 of Law 2294 of 2023)

ARTICLE 205. Administration of the Contributory Regime. Health Promotion Entities shall collect mandatory contributions from members, as delegated by the Solidarity and Guarantee Fund. From this amount, they shall deduct the value of the Capitation Payment Units (UPC) set for the Mandatory Health Plan and transfer the difference to the Solidarity and Guarantee Fund no later than the first business day following the deadline established for the payment of contributions. If the sum of the Capitation Payment Units is greater than the contribution income, the Solidarity and Guarantee Fund shall pay the difference on the same day to the Health Promotion Entities that report it.

PARAGRAPH 1. The Solidarity and Guarantee Fund is authorized to take out bridge loans with the banking system in the event of liquidity problems at the time of internal compensation.

PARAGRAPH 2. The Solidarity and Guarantee Fund shall only make reimbursements to compensate for the value of the Capitation Payment Unit of those members who have paid the corresponding monthly contribution in full and on time. The National Health Superintendency shall ensure compliance with this provision.

ARTICLE 206. Disabilities. For the members referred to in paragraph a) of Article 157, the contributory regime shall recognize disabilities arising from general illness, in accordance with the legal provisions in force. To cover these risks, Health Promotion Companies may subcontract with insurance companies. Disabilities arising from occupational diseases and work accidents shall be recognized by the Health Promotion Entities and shall be financed from the resources allocated for the payment of such contingencies in the respective regime, in accordance with the regulations issued for this purpose.

ARTICLE 207. Maternity Leave. For the members referred to in paragraph a) of Article 157, the contributory regime shall recognize and pay each of the Health Promotion Entities for maternity leave, in accordance with the legal provisions in force. Compliance with this obligation shall be financed by the Solidarity Fund, from its compensation subaccount, as a transfer separate from the Capitation Payment Units (UPC).

ARTICLE 208. Care for Work Accidents and Occupational Diseases. The provision of health services resulting from occupational diseases and work accidents shall be organized by the Health Promotion Entity. These services shall be financed by the contribution to the work accident and occupational disease regime, as defined in Book 3 of this Law.

PARAGRAPH. The National Government shall regulate the procedures for the collection and payment of these services. The National Health Superintendency shall monitor and control compliance with these regulations.

ARTICLE 209. Suspension of Membership. Failure to pay contributions to the contributory system will result in the suspension of membership and the right to care under the Mandatory Health Plan. No debt or interest of any kind may be incurred during the period of suspension.

ARTICLE 210. Penalties for Employers. The same penalties set forth in Articles 23 and 271 of this Law shall apply to employers who prevent or infringe in any way on the right of workers to freely and voluntarily choose the Health Promotion Entity with which they wish to affiliate. The penalties established for those who delay payment of contributions shall also apply.

PARAGRAPH. No employer in the public or private sector is exempt from paying their respective contribution to the General Social Security System for Health.

CHAPTER II

THE SUBSIDIZED REGIME

ARTICLE 211. Definition. The Subsidized Regime is a set of rules governing the affiliation of individuals to the General Social Security System for Health, when such affiliation is made through the payment of a contribution that is subsidized, in whole or in part, with fiscal or solidarity resources referred to in this Law.

ARTICLE 212. Creation of the System. The Subsidized Regime is hereby created for the purpose of financing health care for poor and vulnerable individuals and their families who are unable to pay contributions. The form and conditions of operation of this regime shall be determined by the National Social Security Health Council. This subsidy regime shall be complementary to the health system defined by Law 10 of 1990.

ARTICLE 213. Beneficiaries of the System. The entire poor and vulnerable population shall be beneficiaries of the Subsidized System, under the terms of Article 157 of this Law.

The National Government, upon recommendation of the National Council for Social Security in Health, shall define the general criteria to be applied by territorial entities to define the beneficiaries of the System, according to the rules of the subsidized regime. In any case, the nature of the subsidy, which may be a variable proportion of the Capitation Payment Unit, shall be established according to the economic capacity of the persons, measured in terms of their income, educational level, family size, and the health and geographical situation of their home.

Individuals who meet the criteria established by the National Social Security Council for Health as potential beneficiaries of the subsidy regime shall register with the corresponding Health Directorate, which shall qualify their status as beneficiaries of the subsidy, in accordance with the regulations issued for that purpose.

PARAGRAPH . The National Government, under the guidelines of the National Council for Social Security in Health, shall establish a system for targeting subsidies to the poorest and most vulnerable population in the country, in which the criteria for co-financing the subsidy by local authorities shall be established.

The National Government shall regulate the proportion of the subsidy referred to in the previous paragraph for those particular cases in which artists and athletes deserve special recognition.

ARTICLE 214. Resources of the System. The Subsidized System shall be financed with the following resources:

a) A minimum of fifteen points of the social investment transfers allocated to health referred to in paragraph 2 of Article 22 of Law 60 of 1993.

The remaining 10 points must be invested in accordance with paragraph 2 of Article 21 of Law 60 of 1993, except for the payment of subsidies. Additionally, during the period 1994-1997, 10 points of the freely allocated transfer referred to in paragraph 22 of said Law must be allocated to the provision, maintenance, and construction of service delivery infrastructure.

b) Own resources and those from Ecosalud that departments and municipalities allocate to the health subsidy system;

c) The resources from the fiscal allocation and the revenues transferred to the departments that are required to finance at least the second and third level interventions of the Health Plan for those affiliated with the subsidized regime, in accordance with the gradual implementation referred to in Articles 161 and 240 of this book;

d) The resources for subsidies from the Solidarity and Guarantee Fund described in Article 221 of this Law;

e) Fifteen percent of the additional resources that municipalities, districts, and departments receive as of 1997 as shares and transfers from income tax on the production of oil industry companies in the Cupiagua and Cusiana area.

PARAGRAPH 1. The resources allocated by the sectional, district, and local health authorities to the health subsidy system in accordance with this article shall be managed as a special account separate from the rest of the resources within the respective sectional, district, and local health fund.

PARAGRAPH 2. As of January 1, 1995, the investment budget for freely allocated resources earmarked for health under subparagraph (a) of this article must be approved by the departmental health authority. If the departmental health authority certifies that the service delivery infrastructure of the respective municipality is adequately equipped, it may authorize the allocation of resources for investment for other purposes covered by Law 60 of 1993.

ARTICLE 215. Administration of the Subsidized Regime. Local, district, or departmental health authorities shall enter into subsidy administration contracts with the Health Promotion Entities that affiliate the beneficiaries of the subsidy. These contracts shall be financed with resources from the Solidarity and Guarantee Fund and resources from the official health subsector allocated for this purpose.

Health Promotion Entities that affiliate beneficiaries of the subsidized regime shall provide, directly or indirectly, the services contained in the Mandatory Health Plan.

PARAGRAPH. The National Government shall establish the requirements that Health Promotion Entities must meet in order to administer subsidies.

ARTICLE 216. Basic Rules for the Administration of the Health Subsidy System.

1. The Sectional or Local Health Directorate shall preferably contract the administration of subsidy resources with community-based Health Promotion Companies such as Solidarity Health Companies.
2. When contracting with an entity that is not owned by users, such as Solidarity Health Companies, contracting between sectional or local health directorates and Health Promotion Entities shall be carried out through a competitive bidding process and shall be governed by private law, and may contain exorbitant clauses typical of public law.
3. A representative of the beneficiaries of the subsidized regime shall participate as a member of the bidding and procurement boards or the body acting in their stead, in the session that defines the Health Promotion Entity with which the sectional or local health directorate will enter into the contract. The National Government shall regulate the matter, especially with regard to the procedures for selecting the representatives of the beneficiaries.
4. If any contract with Health Promotion Entities that fail to comply with the conditions of quality and coverage is declared expired, the territorial entity shall assume the provision of the service while a new Promotion Entity is selected.
5. The beneficiaries of the subsidized system shall contribute to the partial financing of the organization and provision of health services, according to their socioeconomic status, in accordance with the regulations issued by the Social Security Council for Health.
6. Local health departments may associate with each other or with regional health departments to contract the services of a Health Promotion Entity.
7. Health Promotion Entities that affiliate beneficiaries of the subsidized regime shall receive from the sectional, district, and local health funds, from the special account referred to in the paragraph of Article 214, for each of the affiliates, up to the value of the corresponding capitation payment unit, in accordance with the provisions of Article 213 of this Law. During the transition period, the value of the capitation payment unit shall be that corresponding to the mandatory health plan referred to in paragraph 2 of Article 162 of this Law.

PARAGRAPH 1. Public resources received by Health Promotion Entities and/or Service Provider Institutions shall be understood to be intended for the purchase and sale of services under the terms provided for in Article 29 of Law 60 of 1993.

PARAGRAPH 2. Fifty percent of the subsidy resources for expanding coverage shall be distributed each year among beneficiaries in the rural sector and indigenous communities, until full coverage is achieved.

ARTICLE 217. Participation of Family Compensation Funds. Family Compensation Funds shall allocate 5% of the family subsidy revenues they administer to finance the health subsidy system, except for those funds that obtain a quotient greater than 100% of the family subsidy revenues for the respective year, which shall have to allocate 10%. The application of this ratio, for all purposes, shall be made in accordance with the provisions of Article 67 of Law 49 of 1990 and as of February 15 of each year.

The Family Compensation Funds may directly administer the resources of the subsidized system referred to in this article, in accordance with the regulations issued for this purpose. The Fund that directly administers these resources shall establish an account that is separate from the rest of its income and assets. Family Compensation Funds that do not meet the requirements defined in the regulations shall transfer the subsidy resources to the solidarity subaccount of the Solidarity and Guarantee Fund.

PARAGRAPH . As of the effective date of this Law, the 55% that the Compensation Funds must allocate to the cash subsidy shall be calculated on the balance remaining after deducting 10% for administration, installation, and operating expenses, the respective transfer from the family housing subsidy fund, the legal reserve, and the contribution to the Family Subsidy Superintendency and the contribution referred to in this article.

CHAPTER III

SOLIDARITY AND GUARANTEE FUND

ARTICLE 218. Creation and Operation of the Fund. The Solidarity and Guarantee Fund is hereby created as an account attached to the Ministry of Health, which shall be managed on a fiduciary basis, without legal personality or its own staff, in accordance with the provisions of the General Statute on Public Administration Contracting referred to in Article 150 of the Constitution.

The National Council for Social Security in Health shall determine the criteria for the use and distribution of its resources.

ARTICLE 219. Structure of the Fund. The Fund shall have the following independent subaccounts:

- a) Internal compensation for the contributory regime;
- b) Solidarity for the health subsidy system;
- c) Health promotion;
- d) Insurance for catastrophic risks and traffic accidents, in accordance with Article 167 of this Law.

ARTICLE 220. Financing of the Compensation Subaccount. The resources that finance compensation in the contributory regime come from the difference between the contribution income of its members and the value of the Capitation Payment Units (UPC), which will be recognized by the System for each Health Promotion Entity. Entities whose contribution income is greater than the recognized Capitation Payment Units shall transfer these resources to the compensation subaccount to finance entities whose contribution income is less than the latter.

PARAGRAPH . The National Health Superintendency shall control the amounts declared and shall have the power to impose the fines defined in the respective regulations.

ARTICLE 221. Financing of the Solidarity Subaccount. In order to co-finance with local authorities the subsidies to affiliated users in accordance with the rules of the subsidized regime, the Solidarity and Guarantee Fund shall have the following resources:

- a) One point of the solidarity contribution from the contributory regime, as provided for in Article 203. This contribution is paid by each Health Promotion Entity directly to the Fund's solidarity subaccount;
- b) The amount that the Family Compensation Funds, in accordance with Article 217 of this Law, allocate to health subsidies;
- c) A contribution from the national budget as follows:
 - 1. In 1994, 1995, and 1996, it shall not be less than the resources generated under paragraphs (a) and (b).
 - 2. - From 1997 onwards, it may be equal to half a point of the contributory regime contribution rate.
- As of 1998, it may not be less than four points of the contributory regime contribution. (Partially amended by [Article 34 of Law 344 of 1996.](#))
- d) The financial returns generated by the investment of the above resources;
- e) The financial returns from the investment of the proceeds from the sale of the nation's shares and holdings in public or mixed companies allocated for this purpose by CONPES;
- f) The resources from the tax on remittances of profits from oil companies corresponding to production in the Cusiana and Cupiagua areas. These resources will be deducted from the calculation basis for current income referred to in Law 60 of 1993;
- g) Resources from social VAT allocated to plans to extend social security coverage to ICBF community mothers, as provided for in Law 6 of 1992.

PARAGRAPH 1. Solidarity resources shall be used to co-finance subsidies for the poorest and most vulnerable Colombians, which shall be transferred, in accordance with the regulations adopted by the National Government for this purpose, to the special account to be established in the sectional, district, and local funds for the management of health subsidies.

PARAGRAPH 2. Each year, the General National Budget shall include the item corresponding to the contributions to be made by the National Government to the Solidarity and Guarantee Fund. The amount of the appropriations shall be based on the figures reported by the Solidarity and Guarantee Fund in the period immediately prior to the preparation and approval of the Budget Law and adjusted on the basis of the variation in the consumer price index, as certified by the DANE. The Congress of the Republic shall refrain from processing any budget bill that does not include the corresponding items. Officials who fail to make the appropriate appropriations and transfers shall be guilty of misconduct, which shall be punished in accordance with the disciplinary regime in force.

(Repealed by [Article 44 of Law 344 of 1996.](#))

ARTICLE 222. Financing of the Health Promotion Subaccount. For the financing of health education, information, and promotion activities and secondary and tertiary disease prevention, the National Social Security Council for Health shall define the percentage of the total contribution revenues referred to in Article 204 that shall be allocated for this purpose, which may not exceed one point of the contribution rate of the contributory regime referred to in Article 204 of this Law. These resources shall be complementary to the appropriations made by the Ministry of Health for this purpose.

The resources provided for in this article may be used to pay for activities carried out by Health Promotion Entities that the National Council for Social Security in Health considers to have the greatest impact on disease prevention.

ARTICLE 223. Financing of the Catastrophic Illnesses and Traffic Accidents Subaccount. Coverage for catastrophic illnesses

defined in Article 166 of this Law shall be financed as follows:

- a) The resources of FONSAT, created by Decree-Law 1032 of 1991, in accordance with this Law;
- b) A contribution equivalent to 52% of the value of the annual premium established for compulsory traffic accident insurance, to be charged in addition to it;

jurisprudence

- c) When the Solidarity and Social Emergency Fund of the Presidency of the Republic is extinguished, the budgetary contributions of this Fund for victims of terrorism shall be transferred to the Solidarity and Guarantee Fund.

PARAGRAPH . These resources shall be complementary to the resources allocated by local authorities for emergency hospital care.

ARTICLE 224. Social tax on weapons and ammunition. As of January 1, 1996, a social tax on firearms shall be created, to be paid by those who carry them in the national territory and collected upon the issuance or renewal of the respective permit and for the term thereof. The proceeds from this tax shall be allocated to the Solidarity Fund provided for in Article 221 of this Law. The tax shall be equivalent to 10% of the minimum monthly wage. Likewise, a social tax on ammunition and explosives shall be created, which shall be collected as an ad valorem tax at a rate of 5%. The Government shall regulate the mechanisms for payment and use of these resources: the benefits plan, the beneficiaries, and the procedures necessary for its operation.

PARAGRAPH . Firearms, ammunition, and explosives owned by the Armed Forces, the Police, and State security entities are exempt from this tax.

TITLE IV

SUPERVISION AND CONTROL OF THE SYSTEM.

ARTICLE 225. Required Information. Health Promotion Entities, regardless of their nature, must establish cost, billing, and advertising systems. Cost systems must be based on an independent budget that guarantees a separation between income and expenses for each of the services provided, using systematized methods for this purpose. Billing systems must allow the user to be identified so that they can keep an invoice that includes the services and corresponding costs, itemizing the amount subsidized by the General Social Security System for Health.

The Superintendency shall periodically require, in accordance with the regulations issued, the publication of the information it deems necessary from the entity and from the entity vis-à-vis the system, thereby ensuring the necessary competition and transparency. Likewise, users must be guaranteed prior knowledge of those procedures and supplies determined by the Ministry of Health.

ARTICLE 226. Information for monitoring collection. Affiliation to the General Social Security Health System may be done independently of affiliation to the general pension system.

The National Health Superintendency may request from the governing bodies of the general pension system information that allows it to determine the evasion and avoidance of contributions by members of the General Social Security System for Health.

Likewise, it may request information from the National Tax Administration and territorial collection entities and other entities that receive payroll contributions for the same purposes. In any case, such information shall be subject to the confidentiality of tax information.

ARTICLE 227. Control and Evaluation of Health Service Quality. The National Government has the power to issue regulations relating to the organization of a mandatory health care quality assurance system, including mandatory medical audits in Health Promotion Entities, in order to guarantee adequate quality in the provision of services. The information produced shall be made public.

ARTICLE 228. Statutory Auditor. Health Promotion Entities, regardless of their nature, must have a statutory auditor appointed by the general shareholders' meeting or by the competent body. The statutory auditor shall perform the functions set forth in Book II, TITLE I, Chapter VII of the Commercial Code and shall be subject to the provisions therein, without prejudice to the provisions of other regulations.

The National Superintendent of Health shall be responsible for swearing in the statutory auditor of such entities. When the appointment falls to an association or firm of accountants, the swearing-in ceremony shall proceed with respect to the public accountant designated by the association or firm to perform the duties of statutory auditor. The appointment shall only be made once the Superintendent has verified the character, suitability, and experience of the applicant.

PARAGRAPH . For the registration of the appointment of statutory auditors in the commercial register, the Chambers of Commerce shall be required to provide a copy of the corresponding certificate of appointment.

Chambers of Commerce shall require a copy of the corresponding certificate of appointment.

ARTICLE 229. Fiscal Control. The fiscal control of the entities referred to in this Law shall be carried out by the respective Comptroller's Offices for those that are official in nature and by the statutory controls for those that are private in nature.

ARTICLE 230. Penalty System. The National Health Superintendency, after requesting explanations, may impose, in the event of a violation of the rules contained in Articles 161, 168, 178, 182, 183, 188, 204, 210, 225, and 227, impose fines of up to 1,000 times the current legal monthly minimum wage in favor of the Solidarity subaccount of the Solidarity and Guarantee Fund, either once or repeatedly.

The authorization certificate granted to Health Promotion Companies may be revoked or suspended by the Superintendency through a duly reasoned decision in the following cases:

1. Request by the Health Promotion Entity.
2. When the entity fails to comply with any of the requirements established for the granting of authorization.
3. When the entity has not commenced its activity within a period of three months from the date of issuance of the authorization certificate.
4. When the entity engages in adverse selection practices.
5. When it is verified that the services provided for in the Mandatory Health Plan are not being effectively provided.

PARAGRAPH 1. The Government shall regulate the procedures for mergers, acquisitions, liquidations, transfers of assets, liabilities, and contracts, takeovers for administration or liquidation, and other mechanisms applicable to health promotion and service providers that ensure the adequate provision of the health services referred to in this Law, protecting public confidence in the system.

PARAGRAPH 2. The National Health Superintendency shall exercise the functions of inspection, control, and oversight with respect to Health Promotion Entities, regardless of their legal nature.

ARTICLE 231. Community oversight committees. Without prejudice to other control mechanisms and in order to guarantee coverage, efficiency, and quality of services, the provision of services through the health subsidy system shall be subject to control by popularly elected community oversight committees, in accordance with the regulations issued for this purpose.

ARTICLE 232. Obligations of Health Service Providers. The provisions contained in Articles 225, 227, and 228 of this Law shall apply to health service providers, in accordance with the regulations issued for this purpose. The Ministry of Health shall define the exceptional cases in which fiscal review shall not be required.

ARTICLE 233. The National Health Superintendency. The National Health Superintendency is an agency attached to the Ministry of Health with legal status, administrative autonomy, and independent assets.

Add the following paragraphs to Article 7 of Decree 2165 of 1992, which establishes the functions of the National Health Superintendency:

1. To question under oath and in accordance with the formalities provided for this type of evidence in the Code of Civil Procedure, any person whose testimony may be useful for clarifying the facts in the course of its duties.

In exercising this power, it may require the appearance of persons, making use of the coercive measures established for this purpose in the Code of Civil Procedure.

2. To impose on the institutions over which it has inspection and surveillance functions, administrators, employees, or tax auditors of the same, after requesting explanations, successive fines of up to 1,000 times the legal minimum monthly wage in force on the date of the sanction when they disobey the instructions or orders issued by the Superintendency.
3. Issue the necessary orders to immediately suspend illegal or unauthorized practices and adopt the corresponding corrective and remedial measures.
4. Ensure that supervised entities provide users with the information necessary to achieve the greatest transparency in their operations, so that they can choose the best options on the market based on clear and objective criteria.
5. Publish or order the publication of the financial statements and indicators of the entities under its control, showing the situation of each of them and that of the sector as a whole.
6. Establish the general rules to be followed by hospitals in their accounting, without prejudice to their recognized autonomy to choose and use ancillary methods, provided that these do not directly or indirectly conflict with the general instructions issued by the Superintendency.

7. Conduct inspection visits to supervised entities in order to obtain knowledge of their financial situation, business management, or any special aspects that may be required.

8. Ensure that provisions in the area of social security and benefits are properly made by health service providers and public utility institutions that contract with the State.

9. Inspect and supervise Health Promotion Entities in accordance with the terms of this Law and other regulations governing the structure and functions of the Superintendency.

The National Government may delegate all or part of the inspection and monitoring of Health Promotion Entities to the heads of territorial entities.

The National Health Superintendency will be the entity responsible for administratively resolving disputes arising in relation to pre-existing conditions in the health sector. To this end, the Superintendency shall take into account the opinion of a committee, composed in each case of a specialist appointed by the Superintendency, a specialist appointed by the entity, and a specialist appointed by the user. The specialists shall be called upon to perform their duties free of charge and on a mandatory basis before the Superintendency. The procedure for resolving disputes shall be established by the National Government.

PARAGRAPH 1. Article 3, paragraphs 1, 2, 16, 17, 18, and Article 38 of Decree 2165 of 1992 are hereby repealed.

PARAGRAPH 2. The administrative procedure of the National Health Superintendency shall be the same as that established by the legal provisions for the Banking Superintendency. Acts of a general nature issued by the National Health Superintendency shall not have legal effect until they are published in the bulletin of the Ministry of Health, CHAPTER, National Health Superintendency, which may be edited and distributed through the latter.

PARAGRAPH 3. In order to fulfill its function of inspection and supervision of the Solidarity and Guarantee Fund and the Health Promotion Entities, the National Health Superintendency may contract Colombian auditing firms to carry out the program or special tasks.

TITLE V

THE TRANSITION OF THE SYSTEM

ARTICLE 234. Transition Regime. The General Social Security System for Health, with all the entities and elements that comprise it, shall have a maximum period of one year, counted from the entry into force of this Law, to begin operating, except in the special cases provided for in this Law.

A Technical Commission for the Transition shall be created, which shall be responsible for advising the National Government, with due consultation with the various groups participating in the System, on the implementation of the new Social Security Health System within the period provided for in this article. It shall be composed of five experts in the field, and its organization and operation shall be regulated by the national government. The national government shall make the necessary budgetary appropriations for its financing.

PARAGRAPH 1. Health Promotion Entities created under this Law shall provide family coverage for their members from the start of their operations.

ARTICLE 235. Social Security Institute. Notwithstanding the provisions of the previous article, the affiliation and contribution obligations established in the laws in force shall be enforceable for employers and workers during the transition period.

Those who, at the time this Law comes into force, are affiliated with the Social Security Institute may transfer to another duly approved Health Promotion Entity only when the compensation subaccount of the Solidarity and Guarantee Fund, referred to in Article 220 of this Law, is effectively operating.

The extension of family coverage for those who continue or decide to join the Social Security Institute shall be carried out progressively, within a maximum period of one year from the effective operation of the Solidarity and Guarantee Fund.

PARAGRAPH. Employees of the Social Security Institute shall retain their status as social security employees. NOTE: Paragraph declared UNCONSTITUTIONAL by Constitutional Court ruling [C-579](#) of 1996.

ARTICLE 236. On the Social Security Funds, Funds, and Entities of the Public Sector, Public Companies, and Public Entities.

Public sector social security funds, entities, and companies, as well as public sector entities of any kind, which prior to the effective date of this Law provide health services or cover their members for general illness and maternity risks, shall have two years to transform themselves into health promotion companies, adapt to the new system, or liquidate, in accordance with the regulations issued by the National Government in this regard.

in accordance with the regulations issued by the National Government in this regard.

The transformation into a Health Promotion Entity will be a process in which all workers will receive the Mandatory Health Plan referred to in Article 162 and, within four years of this Law coming into force, they will pay the contributions set out in Article 204 - adjusted by at least one percentage point per year, and the Health Promotion Entity will contribute fully to the system with the compensation provided for in Article 220. When the entity's benefits plan is more comprehensive than the Mandatory Health Plan, workers covered by this Law and until the end of their employment or retirement period will continue to receive these benefits as a supplementary plan, under the terms of Article 169. Agencies that provide health services for funds, pension funds, social security entities, or public entities with other corporate purposes may be eliminated or converted into State Social Enterprises, which shall be governed by the provisions of this Law.

The aforementioned public entities, which in the opinion of the National Government do not need to be transformed into Health Promotion Companies or liquidated, may continue to provide health services to employees who are affiliated with the respective entity on the date of entry into force of this Law and until the end of the employment relationship or during the retirement period, in the same manner as they have been doing. However, these entities must gradually adjust their benefits and financing regime, in accordance with the provisions of Articles 162, 204, and 220 of this Law, within a period not exceeding four (4) years, so that they participate in the compensation subaccount of the Solidarity and Guarantee Fund. In accordance with the foregoing, the entities shall collect, by means of withholding from public servants, in an increasing and explicit manner, the contributions established in Article 204 of this Law, which shall increase by at least one percentage point per year.

In the event of liquidation of the funds, pension entities, and public sector companies, employers shall guarantee the affiliation of their workers to another Health Promotion Entity and, until such affiliation is achieved, shall guarantee the respective protection of their beneficiaries.

For national institutions, the labor provisions referred to in Chapter 2 of Decree 2147 of 1992 shall apply by analogy, in particular to preserve the rights of workers and pay compensation resulting from the elimination of jobs. Likewise, the provisions enshrined in Decree 2151 of 1992 shall be extended to guarantee the labor adaptation of employees who, as a result of the provisions herein, have their positions eliminated.

For institutions other than national ones, the respective territorial entity or the board of directors of autonomous entities shall issue the corresponding regulation, observing the principles established in this article.

PARAGRAPH 1. In any case, public servants who join the civil service after this Law comes into force shall be affiliated to the Social Security Institute or to any Health Promotion Entity, in accordance with the provisions of this Law.

PARAGRAPH 2. Disposals resulting from the reorganization processes mentioned herein shall be exempt from the corresponding taxes.

PARAGRAPH 3. National social security institutions may be liquidated when requested by half plus one of the members, who shall express their opinion in accordance with the mechanism defined for this purpose in the regulatory decree. The foregoing is without prejudice to all institutions being subject to the provisions enshrined in this Law.

ARTICLE 237. Transition for the agricultural sector. The obligation of employers and workers in the agricultural sector to join the agencies responsible for providing the Social Security Health Service regulated by this Law must be fulfilled as soon as the services are available in the respective region.

ARTICLE 238. Financing of public hospitals that receive contributions from the Nation and/or Territorial Entities. Hereinafter, and in accordance with the gradual conversion program established for this purpose, the sectional, district, and local health authorities shall guarantee the conclusion of service purchase agreements with hospitals to serve the population assigned to them or with Health Promotion Entities, without prejudice to the provisions of Law 10 of 1990 and Law 60 of 1993.

For the 1995 and 1996 fiscal years, local authorities, without prejudice to the provisions of paragraph 7 of Article 18 of Law 60 of 1993, shall use as a reference for the budget planning of public entities providing health services the value in constant pesos assigned to them in the 1994 fiscal year.

During the first three years of the Law's validity, health service providers that receive public funds for any reason will continue to receive at least the same amount in real terms as they received during the fiscal year immediately preceding the date of this Law. Once this term has ended, the conversion program agreed upon between the Ministry of Health and the territorial entities referred to in Article 239 of this Law will be implemented.

ARTICLE 239. Territorial Entities. Territorial entities shall gradually organize the subsidy system within a maximum period of two (2) years from the effective date of this Law, so that a growing portion of the income of healthcare providers comes from the sale of services under the health plans of the General Social Security System for Health.

To this end, the Sectional, District, and Municipal Directorates must submit to the Ministry of Health, as part of the plan to expand coverage, improve quality, and decentralize, as referred to in Articles 13 and 14 of Law 60 of 1993, the conditions and terms

for the transition from transfers to the contracting of services and the implementation of subsidies for health care demand.

ARTICLE 240. Family Compensation Funds. Family compensation funds that, without having been transformed into Health Promotion Entities, choose to provide the services typical of these entities, shall have the same period of time contemplated in Article 234 to adopt the programs regulated for the General Social Security System for Health referred to in this Law.

In any case, family compensation funds must guarantee the current protection of their beneficiaries during the transition period referred to in Article 234 to the Health Promotion Entities of the General Social Security System for Health. During this period, the family compensation funds shall allocate to the subsidy regime, as provided for in Article 217, only the difference between five percent (5%) or ten percent (10%), as the case may be, referred to in Article 217 and the cost of health care for family members who are not affiliated with said System. The funds shall allocate these resources to care for beneficiaries of the subsidized regime who are affiliated with it or to care for the priority groups defined in Article 157, paragraph b), in accordance with the form and modalities regulated by the National Government, subject to the opinion of the National Council for Social Security in Health.

PARAGRAPH. During the period in which members of the Social Security Institute are unable to transfer to other Health Promotion Entities, the care of workers' families may be covered by family compensation funds or by any other Health Promotion Entity, according to the choice made by the contributing member. To this end, they shall receive a portion of the contribution referred to in Article 204, as established by the National Government following the opinion of the National Council for Social Security in Health.

ARTICLE 241. The Fee Schedule. One year after this Law comes into force, the fee schedule applied by Public Health Service Providers in the sale of their services or use of their capacity to any health service provider or professional association shall be unified, in accordance with the regulations issued for this purpose.

TITLE VI

COMPLEMENTARY PROVISIONS

ARTICLE 242. Health Sector Benefit Fund. The benefit liability fund for the health sector, referred to in Law 60 of 1993, shall cover the accumulated net severance payments and the labor liability for retirement pensions accrued as of December 31, 1993.

The additional cost generated by the retroactivity of severance pay in the health sector, to which those in force at the time of this Law are entitled, in accordance with Article 33 of Law 60 of 1993, and for the purposes provided for therein, shall be assumed by the Benefit Liability Fund and the territorial entities, within the terms and conditions of concurrence established by the same Law.

As of the effective date of this Law, retroactivity in the severance pay regime applicable to new health sector employees may not be recognized or agreed upon.

In the event that the institutions referred to in Article 33 of Law 60 of 1993, and for the purposes provided therein, recognize a pension system under a special regime that differs from that required by the social security entity to which the corresponding workers are affiliated or are affiliated, the pension shall be guaranteed by the Pension Liability Fund and the territorial entities until such time as the worker meets the requirements of the social security institution, and the pension differentials shall be shared and assumed by the Fund, the territorial entities, and the aforementioned social security institution, in the proportion corresponding to each.

Health sector entities shall continue to budget for and pay the severance payments and pensions to which they are obligated until the accounts with the benefit fund are settled and the contribution to which the territorial entities are obligated in each case is established in accordance with the terms of Law 60 of 1993.

PARAGRAPH. For the purposes of this article, net severance pay shall be understood to mean accumulated severance pay minus that paid as of December 31, 1993.

ARTICLE 243. Amnesty for Health Service Providers. For the full application of the provisions of paragraph 5 of Article 19 of Law 60 of 1993, on payments for social benefits for health personnel, the entities provided for in paragraph 2 of Article 33 of the same Law, the Social Security Institute, and the National Savings Fund shall enroll public servants in the health sector, once the payment of the accumulated debt for severance pay and pension liabilities, including current interest, has been defined.

In the case of the public entities provided for in paragraph a) of the second paragraph of Article 33 of Law 60 of 1993, the ISS, the FNA, the ICBF, the SENA, and the ESAP shall waive fines and other expenses other than the restructuring of pension liabilities and current interest owed for their failure to enroll or pay before December 1993.

In the case of entities subject to liquidation under the terms set forth in paragraphs b) and c) of the aforementioned article, the boards or governing bodies of the Social Security Institute, the FNA, the ICBF, the SENA, and the ESAP shall be empowered to waive the fines and expenditures provided for in the preceding paragraph.

ARTICLE 244. On the Operation of Compulsory Traffic Accident Insurance. Whereby the following amendments are introduced to Decree 663 of 1993.

1. Add paragraph 5 to Article 192.

Insurance companies that operate compulsory insurance for bodily injury caused to persons in traffic accidents shall allocate 3.0% of the premiums they collect annually to the creation of a fund administered by them for the joint implementation of national road safety campaigns, in coordination with state entities that carry out programs in this regard.

2. Article 194, paragraph 1, subparagraph a) shall read as follows:

a) Certification of the occurrence of the accident. The National Government shall regulate the manner in which the occurrence of the accident shall be demonstrated. Proof of the accident shall be provided by the certification issued by the physician who initially treated the emergency at the hospital.

3. Article 194, paragraph 2, shall read as follows:

In the event of the death of the victim as a result of a traffic accident and for the purposes of this statute, the beneficiaries of compensation for death shall be the persons indicated in Article 1.142 of the Commercial Code. In any case, in the absence of a spouse, in cases where the spouse is entitled to compensation, the permanent partner who can prove such status shall be considered as such, in accordance with the regulations established for this purpose by the National Government. Compensation for funeral and burial expenses shall be paid to whoever can prove that they have incurred the corresponding expenses.

4. Paragraph 2, numeral 1, of Article 195 shall read as follows:

The National Government shall determine the rates to be charged by hospitals and clinics in the public and private subsectors referred to in Article 5 of Law 10 of 1990 for the provision of medical, surgical, pharmaceutical, and hospital care to victims of traffic accidents. The rates established by the National Government shall be set in terms of legal minimum wages.

5. Add paragraph 5 to Article 195.

Insurance companies that engage in conduct tending to unjustifiably delay payment of the compensation referred to in this article shall be subject to the financial penalties established for this purpose by the National Government, without prejudice to any other penalties provided for by law.

6. Add paragraph 6 to Article 195.

When insurance companies find that there are serious grounds for objection to the claim submitted by hospital clinical entities, they must inform the claimant of such objections within the period provided for the payment of compensation. However, in all cases, the insurer must pay, as an advance on the compensation, a sum equivalent to the percentage regulated by the National Government, provided that the claim has been submitted in accordance with the provisions of the regulations governing it.

7. Paragraph b) of section 4 of article 199 shall read as follows:

Once the limit of coverage for surgical, pharmaceutical, and hospital expenses granted by insurance companies or Fonsat has been exhausted, for the care of victims of multiple trauma from traffic accidents or their rehabilitation under the terms of the National Government's regulations, according to the guidelines of the National Safety Council.

8. Subparagraph c) of paragraph 4 of Article 199 shall read as follows:

c) As of the effective date of this Law and after the above expenditures have been met, for the care of victims of natural disasters and terrorist acts in accordance with the regulations of the National Government and the guidelines established by the National Social Security Council. The balance existing on that date shall be allocated in accordance with the above rules.

9. Whereby the final part of paragraphs 1 and 4 of Article 199, section 2, is amended.

Paragraph 1. Transfers of resources administered by insurance companies to "Fonsat". Insurance companies authorized to operate in the compulsory insurance sector for bodily injury caused to persons in traffic accidents shall transfer 20% of the value of the premiums issued by each of them in the immediately preceding two-month period to the Compulsory Traffic Accident Insurance Fund "Fonsat" every two months. This transfer must be made within the first fifteen (15) business days of the corresponding month.

Paragraph 4. The determination of the annual result shall be made within two (2) months following the corresponding cut-off date. The transfer shall be made within the first fifteen (15) business days of the corresponding month.

ARTICLE 245. The Institute for the Surveillance of Medicines and Food. The National Institute for Drug and Food Surveillance (INVIMA) is hereby created as a national public institution attached to the Ministry of Health, with legal personality, independent assets, and administrative autonomy, whose purpose is to implement policies on health surveillance and quality control of drugs, biological products, food, beverages, cosmetics, medical and surgical devices and elements, dental products,

homeopathic natural products and those generated by biotechnology, diagnostic reagents, and others that may have an impact on individual and collective health.

The National Government shall regulate the registration and licensing regime, as well as the health surveillance and quality control regime for the products covered by Invima, within which it shall establish the functions to be performed by the nation and the territorial entities, in accordance with the regime of competences and resources.

PARAGRAPH . As of the effective date of this Law, the power to formulate the policy for regulating drug prices, which is currently held by the Ministry of Economic Development in accordance with Law 81 of 1987, shall be transferred to the National Drug Pricing Commission.

To this end, the National Drug Pricing Commission shall be created, composed, in a non-delegable manner, of the Ministers of Economic Development and Health and a delegate of the President of the Republic. The Government shall regulate the functioning of this Commission.

The Ministry of Development shall be responsible for monitoring and controlling drug prices, in accordance with the policies established by the Commission.

The Ministry of Health shall be responsible for developing a permanent program to provide information on the prices and quality of medicines sold in the national territory, in accordance with the policies adopted by the Commission.

ARTICLE 246. Dissemination and Training for the Development of the Law. The Ministry of Health shall organize and implement a program to disseminate the new General Social Security System for Health and to train local authorities, promoting entities and provider institutions, workers, and, in general, users who are part of the General Social Security System for Health. This program shall include specific actions to train and support health professionals in the process of adapting to the modalities of organization, contracting, remuneration, and service provision required by the new Health System based on the universalization of social security.

ARTICLE 247. The offering of academic programs in the area of health by institutions of higher education. In order to develop undergraduate or graduate programs in the health area that involve training in the field of healthcare, higher education institutions must have their own Health Center or formalize teaching-care agreements with health institutions that comply with the three levels of medical care, according to the complexity of the program, in order to carry out training practices. Such agreements shall clearly establish the responsibilities of the parties.

The enrollment quotas set by higher education institutions for undergraduate and graduate academic programs in the health field shall be determined by the capacity of the institutions providing health services.

The agreements mentioned in the first paragraph must be submitted to the Ministry of National Education through the ICFES, with a favorable opinion from the National Council for the Development of Human Resources in Health at the time of notification or reporting of the creation of the programs.

Medical-surgical specialization programs offered by universities and other higher education institutions shall be treated as equivalent to master's programs, in accordance with the provisions of Law 30 of 1992, subject to regulation by the Higher Education Council.

ARTICLE 248. Extraordinary Powers. In accordance with the provisions of paragraph 10 of Article 150 of the Political Constitution, the President of the Republic shall be vested with specific extraordinary powers for a term of six (6) months, counted from the date of publication of this Law, to:

1. Restructure the National Health Institute and the Ministry of Health in accordance with the purposes of this Law.
2. The National Government may modify the structure and functions of the National Health Superintendency for the sole purpose of making the necessary adjustments to effectively comply with the provisions of this Law. In the event that staff reductions are necessary as a result of the modification of the structure and functions of the Superintendency, the National Government shall establish a compensated retirement plan for its employees, which shall include severance pay or bonuses for retirement and/or retirement pensions.
3. Determine the liquidation of national social security or welfare funds, entities, or institutions that provide health services and, due to their financial situation, must be liquidated due to proven insolvency.
4. Issue a regime of incompatibilities and disqualifications and the corresponding sanctions for members of the board of directors or governing bodies and for the legal representatives and employees of entities that provide and promote state services and institutions of common utility or foundations that contract with the State for the provision of services or those that receive state contributions.
5. Issue an organic statute of the health system, with continuous numbering, in order to systematize, integrate, incorporate, and harmonize in a single legal body the current regulations on health, as well as those that contemplate the functions and powers assigned to the National Health Superintendency. For this purpose, it may reorder the numbering of the different provisions, including this Law, without altering their content. In exercising this power, it may eliminate repeated or superfluous regulations.

6. The National Government is hereby authorized to organize, within six months from the date of this Law, the health system of the Armed Forces and Police and of the personnel governed by Decree-Law 1214 of 1990, with regard to:

- a) Structural organization;
- b) Levels of medical care and degrees of complexity;
- c) Functional organization;
- d) Regime that includes scientific and administrative standards;
- e) Health service provision system.

7. Specify the functions of Invima and provide its basic organization. Empower the National Government to make the necessary budget transfers to ensure the proper functioning of the entity.

8. Reorganize and adapt the National Cancer Institute, the Contratación and Agua de Dios sanatoriums, and the Federico Lleras Acosta special administrative unit, which provide health services, for their transformation into social health enterprises. To this end, the National Government is authorized to make the necessary budget transfers.

BOOK THREE

GENERAL OCCUPATIONAL RISK SYSTEM

CHAPTER I

DISABILITY DUE TO WORK ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 249. Work Accidents and Occupational Diseases. Disability pensions arising from work accidents or occupational diseases shall continue to be governed by the provisions in force, except for the provisions relating to the disability rating system and integrated disability pensions referred to in the following articles.

ARTICLE 250. Classification of Disability Status. The classification of disability status resulting from work accidents or occupational diseases shall be subject to the provisions of this Law for the classification of disability due to common risk.

ARTICLE 251. Comprehensive Disability Pensions. In the individual savings with solidarity system, insurance to cover disability due to common risk and disability due to work-related accidents or occupational diseases may be taken out jointly with the same insurance company, when workers and employers so decide. In this case, coverage for the risk of disability due to work-related accidents or occupational diseases must be equivalent to or greater than that provided by the work-related accident and occupational disease insurance provided by the Social Security Institute, or that currently applies in the case of workers in the jurisdictional branch.

The insurance company shall indicate the amount of the contribution for occupational accident and illness insurance payable by the employer, and the contribution to the Social Security Institute for this concept shall cease to be mandatory.

ARTICLE 252. Common Rules. When insurance to cover the risk of occupational accidents or diseases is taken out in the manner provided for in the previous article, the provisions of common risk disability insurance shall apply as appropriate.

ARTICLE 253. Refund of Balances. When a member of the individual savings with solidarity scheme becomes disabled due to a work accident or occupational disease, in addition to the disability pension covered by the employer's contribution, they shall be paid the entire balance credited to their individual pension savings account, and in this case there shall be no pension bonus.

ARTICLE 254. Medical Care Benefits. Health services resulting from a work accident or occupational disease shall be provided by the Health Promotion Entities referred to in this Law, which shall seek reimbursement from the entities responsible for administering the work accident and occupational disease insurance resources to which the respective worker is affiliated.

CHAPTER II

SURVIVORS' PENSION ARISING FROM WORK ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 255. Work Accidents and Occupational Diseases. Survivors' pensions arising from work accidents or occupational diseases shall continue to be governed by the provisions in force, unless the integrated management of these pensions is opted for in accordance with the provisions of Article 157 of this Law.

ARTICLE 256. Refund of Balances due to Death caused by Work Accident or Occupational Disease. In the event of the death of a member of the individual savings system with solidarity, resulting from a work accident or occupational disease, there shall be no pension bonus and the balance of the individual pension savings account may be used to increase the value of the pension financed by the employer's contribution, if the member has so stipulated or the beneficiaries agree.

Otherwise, it shall form part of the deceased's estate. If there are no heirs, these sums shall be used to finance the state minimum pension guarantee.

BOOK FOUR

COMPLEMENTARY SOCIAL SERVICES

ARTICLE 257. Program and Requirements. A program of assistance shall be established for indigent elderly persons who meet the following requirements:

- a) Be Colombian;
- b) Be sixty-five years of age or older;
- c) Have resided in the national territory for the last ten years;
- d) Lack sufficient income or resources for subsistence, or be in conditions of extreme poverty or destitution, in accordance with the regulations issued for this purpose by the National Council for Social Policy;
- e) Reside in a non-profit institution for the care of indigent elderly persons, physically or mentally disabled persons, and persons who are not financially dependent on anyone. In these cases, the amount may be increased in accordance with budgetary availability and the level of coverage. In this event, part of the pension may be paid to the respective institution.

PARAGRAPH 1. The National Government shall regulate the payment of assistance to those persons who do not reside in a non-profit institution and who meet the other requirements established in this article.

PARAGRAPH 2. In the case of indigenous elders residing in their own communities, the required age is fifty (50) years or older. This same age shall apply to persons with dementia and disabilities.

PARAGRAPH 3. Territorial entities that establish this benefit using their own resources may modify the requirements defined above.

ARTICLE 258. Purpose of the Program. The purpose of the program for the elderly shall be to provide financial support of up to 50% of the current legal monthly minimum wage to persons who meet the conditions set forth in the previous article and in accordance with the goals established by CONPES for such program.

The program shall be financed with resources from the general national budget allocated annually by CONPES for this purpose and with resources that may be allocated for this purpose by departments, districts, and municipalities.

[\(Paragraph 2 repealed by Article 44 of Law 344 of 1996.\)](#)

PARAGRAPH . The National Government shall regulate the mechanisms and procedures for implementing the program referred to in this article, including mechanisms for co-financing by departments, districts, and municipalities. The program may be administered and executed in a decentralized manner. Likewise, the Government may modify the requirements depending on demographic changes and the evolution of the program's beneficiary population.

ARTICLE 259. Loss of Special Old Age Benefit. The special old age benefit shall be lost:

- a) Upon the death of the beneficiary;
- b) Upon proven begging as a productive activity;
- c) Upon receipt of a pension or any other subsidy;
- d) Any other reasons established by the National Council for Social Policy. (See Decree [1173](#) of 2020)

ARTICLE 260. Recognition, administration, and control of the special old-age benefit. The recognition of the special old-age benefit, its administration, and control shall be established by the National Government.

For the purposes of administering the special old-age benefit, mechanisms for co-financing by departments, municipalities, and districts may be considered.

Municipalities or districts, as well as entities recognized for this purpose that provide assistance services for the elderly, may administer the benefit referred to in Article 258 of this Law, provided that they comply with the provisions of the following article.

ARTICLE 261. Local Complementary Services Plans. Municipalities or districts shall guarantee the necessary infrastructure for the care of indigent elderly persons and the development of a municipal plan for complementary services for the elderly as an integral part of the municipal or district development plan.

ARTICLE 262. Complementary Social Services for the Elderly. The State, through its authorities and entities and with the participation of the community and non-governmental organizations, shall provide social services for the elderly in accordance with the following provisions:

- a) In the area of education, the authorities in the education sector shall promote actions on the positive recognition of old age and aging;
- b) In the area of culture, recreation, and tourism, cultural, recreational, sports, and tourism entities that receive State resources shall define and implement plans for special services and discounts for senior citizens;
- c) The Ministry of Labor and Social Security shall promote the inclusion of retirement preparation in the regular social welfare programs of national public entities and the private sector.

ARTICLE 263. Authorization for Unemployment Benefits. Territorial entities are authorized to create and finance unemployment benefit plans from their own resources.

BOOK FIVE

FINAL PROVISIONS

ARTICLE 264. Budgetary Provisions. The Government shall submit to the Congress of the Republic the draft social security budget together with the draft national budget and the budget for national public institutions.

The draft budget shall be composed as follows:

- a) The annual budget of national public entities, reflecting the projected income and payments for each type of economic insurance during the period of validity;
- b) The long-term financial situation of the economic insurance schemes managed by public or private entities of any national or territorial level, reflecting the present value of the potential income and expenditure of the social security system;
- c) The sources of financing for shortfalls or the allocation of surpluses from economic insurance in accordance with the provisions of this Law.

PARAGRAPH . In the case of the Social Security Institute, a report shall be submitted to the Congress of the Republic on the provisions of paragraphs a), b) and c) of this article, applying only the provisions of the Organic Statute of the General Budget of the Nation in the budgetary process.

ARTICLE 265. Entity Budgets. The annual budget proposal for national public entities shall be submitted to Congress classified into operating and investment expenses for each economic insurance program.

The annual budget of national public social security entities shall be governed by the provisions of the Organic Statute of the Budget, without prejudice to the provisions of this Law.

ARTICLE 266. Components of Social Public Expenditure in the National Budget. The expenditures made by national public security entities shall be grouped as components of social public expenditure as referred to in Article 350 of the Constitution.

ARTICLE 267. Estimation of Pension Liabilities and Income Reassessment. The National Government shall calculate, before December 31, 1994, the pension liabilities of its public servants and those of the territorial entities with their respective servants, accrued as of December 31, 1993.

The cost of calculating these liabilities will be absorbed by the nation, for which the National Government is authorized to make the additions and

transfers required in the General Budget of the Nation.

To meet the payment of pensions and arrears owed by the National Social Security Fund, the General Budget of the Nation is increased by sixty billion pesos, with internal credit resources. In addition, the National Social Security Fund's income reinforcement resources, amounting to twenty billion pesos, shall be incorporated into its budget for the same purpose and for the payment of health services under its responsibility.

ARTICLE 268. Resources for the payment of municipal contributions. In those municipalities that have difficulties in paying the contributions required by this Law, the Social CONPES shall authorize, for this purpose, the use of a portion of the revenues provided for in paragraphs 2 and 16 of Article 21 of Law 60 of 1993.

ARTICLE 269. Transfer of contributions. The money from the contributions to the General Social Security System from state entities and public servants may be delivered to the entities that administer the System through fiduciary assignments or trusts.

ARTICLE 270. Priority of credits. Credits due for contributions and any applicable interest, both in the General Pension System and in the Social Security Health System, belong to the first class referred to in Article 2495 of the Civil Code and have the same privilege as credits for salaries, social benefits, and labor compensation.

ARTICLE 271. Penalties for the Employer. The employer, and in general any natural or legal person who prevents or infringes in any way on the worker's right to affiliation and selection of agencies and institutions of the Comprehensive Social Security System, shall be liable in each case and for each member to a fine imposed by the authorities of the Ministry of Labor and Social Security or the Ministry of Health, as applicable, which shall not be less than one minimum monthly wage in force nor exceed 50 times said wage. The value of these fines shall be allocated to the Pension Solidarity Fund or to the solidarity subaccount of the Solidarity and Guarantee Fund of the General Social Security System for Health, respectively. The respective affiliation shall be rendered null and void and may be renewed freely and spontaneously by the worker.

The National Government shall regulate the mechanisms for controlling the payment of contributions by migrant or seasonal workers with fixed-term contracts or service contracts.

ARTICLE 272. Preferential Application. The Comprehensive Social Security System established in this Law shall not, under any circumstances, apply when it undermines the freedom, human dignity, or rights of workers.

In this regard, the fundamental minimum principles enshrined in Article 53 of the Constitution shall be fully valid and effective.

ARTICLE 273. Regime Applicable to Public Servants. The National Government, subject to the objectives, criteria, and content expressed in this Law, and in particular to the provisions of Articles 11 and 36 thereof, may incorporate public servants, including members of Congress, into the General Pension System and the General Social Security System for Health, while respecting their acquired rights.

Social security shall seek to be universal for the entire Colombian population.

ARTICLE 274. Advice and choice through trade unions. Confederations, federations, and first-degree trade unions, as well as employers, may advise workers on the free choices that correspond to each of them, relating to affiliation and selection of agencies and institutions of the Comprehensive Social Security System.

Trade unions are empowered to make decisions that in principle correspond to each worker, related to membership and choice of agencies and institutions of the Comprehensive Social Security System. In such cases, the trade union shall decide by a majority vote of its affiliated workers, and the decision shall only apply to those members who vote in favor, who, under the terms of this Law, retain the right to transfer from one system to another.

ARTICLE 275. The Social Security Institute. The Social Security Institute is a national industrial and commercial enterprise of the State, with legal personality, administrative autonomy, and independent assets, linked to the Ministry of Labor and Social Security, and the regime governing its positions shall be that contemplated in Decree-Law 1651 of 1977 and may enter into the contracts referred to in paragraph 5 of Article 32 of Law 80 of 1993.

The President of the Social Security Institute shall be appointed by the President of the Republic from a shortlist of three candidates presented by the Institute's Board of Directors.

Without prejudice to the discretionary power of the President of the Republic, the Board of Directors, by an absolute majority of votes, may request the President to remove the President of the Social Security Institute for failure to meet the annual management goals previously determined by the Board of Directors.

Likewise, the Board of Directors shall establish the general guidelines for selecting the Institute's management personnel.

PARAGRAPH 1. With regard to the health services it provides, it shall act as a Health Services Promoter and Provider with national jurisdiction. The Institute's Board of Directors shall determine the rates that the Institute shall apply in the sale of health services.

PARAGRAPH 2. For tax purposes, the Social Security Institute shall be governed by the provisions applicable to public institutions.

PARAGRAPH 3. Within one year of the effective date of this Law and in accordance with the regulations issued by the Board of Directors, the Institute shall guarantee the decentralization and technical, financial, and administrative autonomy of the units it owns that provide health services.

ARTICLE 276. Sale of Assets of the Social Security Institute. The sale of assets of the Social Security Institute shall not affect its equity and shall be for the purpose of fulfilling the objectives of the Comprehensive Social Security System.

ARTICLE 277. Composition of the Board of Directors of the Social Security Institute. The Board of Directors of the Social Security Institute shall have a tripartite composition, made up of representatives of the Government, employers, one of whom shall be a representative of small or medium-sized enterprises, and workers, one of whom shall be a representative of pensioners.

The Government shall determine the number of members and regulate the manner in which they shall be appointed within six (6) months of the effective date of this Law.

This new Board of Directors shall make the final decision on the process of restructuring the Social Security Institute's workforce.

ARTICLE 278. Nature of subsidies. The subsidies referred to in this Law shall not be considered donations or aid for the purposes of Article 355 of the Constitution.

ARTICLE 279. Exceptions. The Comprehensive Social Security System contained in this Law does not apply to members of the Armed Forces and the National Police, nor to personnel governed by Decree-Law 1214 of 1990, with the exception of those who join after this Law comes into force, nor to unpaid members of Public Corporations.

Likewise, members of the National Social Benefits Fund for Teachers, created by Law 91 of 1989, are exempt, whose benefits will be compatible with pensions or any other type of remuneration. This Fund will be responsible for issuing and paying pension bonds to educators who retire from service, in accordance with the regulations issued for this purpose.

Workers of companies that, at the time this Law comes into force, are under a preventive and compulsory agreement in which special pension protection systems or procedures have been agreed upon, are also exempted for the duration of the respective agreement.

Similarly, this Social Security regime does not apply to public servants of the Colombian Petroleum Company, nor to its pensioners. Those who, after the entry into force of this Law, join the Colombian Petroleum Company, Ecopetrol, upon expiration of concession or association contracts, may benefit from its Social Security system by entering into an individual or collective agreement, in terms of costs, form of payment, and length of service, which leads to equivalence between the system that covers them on the date of their entry and the one existing at Ecopetrol.

PARAGRAPH 1. The company and the employees referred to in the previous paragraph are obliged to make the solidarity contributions provided for in this Law.

The employers referred to in this article are authorized to receive and issue the bonds corresponding to the periods of employment or contribution, in accordance with the regulations issued for this purpose.

PARAGRAPH 2. The ex gratia pension for educators referred to in Laws 114 of 1913, 116 of 1928, and 37 of 1933 shall continue to be paid by the National Social Security Fund and the National Public Pension Fund, when the latter replaces the Fund in the payment of its pension obligations.

PARAGRAPH 3. The pensions referred to in Laws 126 of 1985, supplemented by Law 71 of 1988, shall remain in force under the terms and conditions set forth therein.

PARAGRAPH 4. The exceptions set forth in this article do not imply a denial of the benefits and rights determined in Articles 14 and 142 of this law for pensioners in the sectors referred to herein.

(Paragraph 4, added by Article 1 of Law 238 of 1995)

ARTICLE 280. Contributions to solidarity funds. Contributions to solidarity funds in the health and pension schemes established in Articles 27 and 204 of this Law shall be mandatory in all cases and without exception. Their mandatory nature shall apply, as of April 1, 1994, to institutions, systems, and also to persons who, for any reason, enjoy total or partial exemptions provided for in this Law.

Consequently, as of April 1, 1994, the health contribution will increase from 7% to 8%, and when family coverage is provided, the solidarity contribution rate will be included, in all cases, in the maximum contribution rate of 12%.

ARTICLE 281. Affiliation of construction workers and public land transport companies. As of the effective date of this Law and in accordance with the regulations issued by the National Government for this purpose, construction and public land transport licenses shall be granted upon proof of the respective company's affiliation with social security agencies.

The officials responsible for granting the above permits who fail to require proof of affiliation shall be guilty of misconduct.

Entities, associations, corporations, or other private law companies that administer national or parafiscal resources shall require their affiliates to prove that their employees are affiliated with social security agencies.

Violation of the provisions of this article shall be punished in accordance with the regulations issued for this purpose, which may include fines, revocation of the administration of the resources referred to in the previous paragraph, or suspension of the respective licenses.

ARTICLE 282. Obligation of State Contractors to Enroll. No natural person may directly provide services to the State under a service contract without enrolling in the pension and health systems provided for in this Law.

ARTICLE 283. Exclusivity. The Comprehensive Social Security System, funded by the contributions provided for in this Law, shall pay exclusively for the benefits enshrined therein.

The resources allocated for the payment of benefits other than those established in this Law for the public sector shall be constituted as autonomous assets, administered by fiduciary mandate, when the reserves required for such benefits exceed the proportions of assets established for this purpose by the National Government.

Any agreements reached in the future under conditions different from those established in this Law must have the respective resources to guarantee them, as agreed upon by employers and workers.

This Law does not violate rights acquired through collective agreements in the private or public sector, without prejudice to the right of complaint available to the parties.

ARTICLE 284. Contributions by teachers in private establishments. Teachers in private educational establishments whose employment contract is understood to be for the school year shall be entitled to have their employer make contributions to the Comprehensive Social Security System for the entire calendar period corresponding to the school year for which they are hired.

ARTICLE 285. National revenue tax. Article 42 of Law 10 of 1990 shall read as follows:

ARTICLE 42. NATIONAL REVENUE TAX. Monopolistic exploitation of games of chance, other than lotteries, existing permanent betting, and minor raffles provided for herein, for the benefit of the health sector, is hereby declared a national revenue tax.

The granting of permits for the execution of raffles that are not of a permanent nature, whose prize plan does not exceed two hundred and fifty (250) minimum monthly wages, and are offered to the public exclusively in the territory of the respective municipality or district, shall be the responsibility of municipal and district mayors.

The sums collected from operating permits or taxes generated by these raffles shall be transferred directly to the local or district health fund.

PARAGRAPH . The National Government shall regulate the organization and operation of these raffles, as well as their fee schedule.

ARTICLE 286. Disposal of assets of public entities. When a public entity decides to dispose of movable or immovable property or a health or social security establishment, or to transfer it for any reason, it shall grant preferential conditions, as determined by the board of directors of the entity, to legal entities formed by its former officials or in which they are members. In addition, special credit terms and conditions shall be offered to facilitate the transaction.

Likewise, all or part of the social security entities may be transferred to the legal entities referred to in the previous paragraph, under preferential conditions.

When contracting health services in places where there is insufficient state infrastructure, the legal entities referred to in paragraph 1 shall not receive preferential treatment over other bidders.

Public entities undergoing restructuring may contract with legal entities formed by their former employees or in which they are members, who have been dismissed, paid compensation, or paid a bonus.

The persons referred to in this article who sign a contract shall not be required to meet the requirement of a period of separation from service for the purposes of legal disqualifications.

TRANSITIONAL PARAGRAPH. While comprehensive contracting is being consolidated, public entities providing health services that are undergoing restructuring and cannot suspend the provision of services may contract with former officials of the same entity, even if they are natural persons who have been dismissed, paid compensation, or paid a bonus.

They may also contract with legal entities formed by officials of the same entity who have been dismissed and have been incorporated as legal entities for this purpose.

The persons referred to in this article who sign contracts shall not be required to meet the requirement of a period of separation from service for the purposes of legal disqualifications.

ARTICLE 287. Activities specific to intermediaries in Social Security Entities. Social security entities, health promotion entities, and unemployment and/or pension fund management companies may carry out promotion and sales activities, manage relations with their members, and collect, pay, and transfer funds through financial institutions, insurance intermediaries, or other entities for the purpose of performing the activities inherent to the services they offer.

The Government shall regulate the activities of these intermediaries, governing their organization, activities, responsibilities, oversight, and penalties to which they shall be subject.

ARTICLE 288. Application of the provisions contained in this Law and in previous Laws. All private or official workers, public officials, public employees, and public servants have the right to the validity of this Law, and any provision contained therein that they deem favorable when compared with the provisions of previous Laws on the same subject shall be applicable to them, provided that they submit to all the provisions of this Law.

ARTICLE 289. Validity and repeals. This Law shall come into force on the date of its publication, safeguards acquired rights, and repeals all provisions contrary to it, in particular Article 2 of Law 4 of 1966, Article 5 of Law 33 of 1985, the paragraph of Article 7 of Law 71 of 1988, Articles 260, 268, 269, 270, 271, and 272 of the Substantive Labor Code, and other regulations that modify or add to them.

THE PRESIDENT OF THE HONORABLE SENATE OF THE REPUBLIC,

JORGE RAMÓN ELÍAS NADER

THE SECRETARY GENERAL OF THE HONORABLE SENATE OF THE REPUBLIC,

PEDRO PUMAREJO VEGA

THE PRESIDENT OF THE HONORABLE CHAMBER OF REPRESENTATIVES,

FRANCISCO JOSÉ JATTÍN SAFAR

THE SECRETARY GENERAL OF THE HONORABLE CHAMBER OF REPRESENTATIVES,

DIEGO VIVAS TAFUR

REPUBLIC OF COLOMBIA - NATIONAL GOVERNMENT

PUBLISH AND EXECUTE.

Given in Santafé de Bogotá, D.C., on the 23rd day of December 1993.

CESAR GAVIRIA TRUJILLO

THE MINISTER OF FINANCE AND PUBLIC CREDIT,

RUDOLF HOMMES RODRÍGUEZ

THE MINISTER OF LABOR AND SOCIAL SECURITY,

LUIS FERNANDO RAMÍREZ ACUÑA

THE MINISTER OF HEALTH,

JUAN LUIS LONDOÑO DE LA CUESTA

THE DIRECTOR OF THE ADMINISTRATIVE DEPARTMENT OF THE CIVIL SERVICE (E.),

JORGE ELIÉCER SABAS BEDOYA

NOTE: Published in the Official Gazette No. 41148, December 23, 1993.

Date and time of creation: 2026-02-04 21:40:02