



## Decree 19 of 2012

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DECREE 19 OF 2012

(January 10)

(See: [Decree 1081 of 2015](#).)

*"Whereby rules are issued to eliminate or reform unnecessary regulations, procedures, and formalities existing in the Public Administration."*

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

In exercise of the extraordinary powers conferred by paragraph 1 of Article 75 of Law 1474 of 2011, and CONSIDERING:

That the Public Administration is called upon to fulfill its responsibilities and duties by addressing the needs of citizens in order to guarantee the effectiveness of their rights.

That in developing the principles of good governance, efficient, transparent, and citizen-friendly institutions are required.

That Article 83 of the Constitution provides that all actions of individuals and public authorities must adhere to the principles of good faith, which shall be presumed in all proceedings brought before them.

Article 84 of the Constitution is clear in stating that when a right or activity has been regulated in a general manner, public authorities may not establish or require additional permits, licenses, or requirements for its exercise.

That both individuals in the exercise of their rights or in the fulfillment of their duties, and authorities in the performance of their functions, have a duty to act in good faith, that is, they must abide by the principles of honesty, loyalty, and sincerity.

That the application of the principle of good faith makes it an effective instrument for ensuring that the administration acts with the guiding criterion of the effectiveness of public service above merely formal behaviors that have distorted its essence.

That it is necessary for all actions of the public administration to be based on efficiency, equity, effectiveness, and economy, in order to protect public assets, transparency, and morality in all operations related to the management and use of public goods and resources, and the efficiency and effectiveness of the administration in fulfilling the purposes of the State.

That in order to facilitate the activities of individuals and legal entities before the authorities that perform administrative functions, contribute to their effectiveness and efficiency, and strengthen, among others, the principles of good faith, legitimate trust, transparency, and morality, it is necessary to streamline unnecessary formalities, procedures, and regulations contained in rules with the force of law.

That through paragraph 1 of Article 75 of Law 1474 of 2011, the Congress of the Republic vested the President of the Republic with specific extraordinary powers to eliminate or reform unnecessary regulations, procedures, and formalities existing in the Public Administration.

DECREES:

TITLE I

GENERAL REGIME

CHAPTER I

GENERAL PRINCIPLES AND RULES APPLICABLE TO ADMINISTRATIVE PROCEDURES AND FORMALITIES

ARTICLE 1. *General objective.* The purpose of administrative procedures, processes, and regulations is to protect and guarantee the effectiveness of the rights of natural and legal persons before the authorities and to facilitate the relations of individuals with them as users or recipients of their services in accordance with the principles and rules set forth in the Political Constitution and in the law.

Accordingly, the purpose of this decree is to eliminate or reform unnecessary formalities, procedures, and regulations in the Public Administration, in order to facilitate the activities of individuals and legal entities before the authorities, contribute to the efficiency and effectiveness of the latter, and develop the constitutional principles that govern it.

ARTICLE 2. *Scope of application.* This decree shall apply to all agencies and entities of the Public Administration that perform administrative functions, under the terms of Article 39 of Law 489 of 1998, and to individuals when they perform administrative functions.

ARTICLE 3. *Morality.* Administrative actions must adhere to ethical principles and be carried out with absolute transparency in the common interest. Accordingly, all individuals and public servants are required to act with integrity, loyalty, and honesty in administrative proceedings.

ARTICLE 4. *Speed in administrative proceedings.* The authorities have the informal power to initiate administrative proceedings; they must use free forms for routine proceedings, when the nature of these proceedings makes it possible and when it is within their competence, eliminating unnecessary formalities, without this relieving them of the obligation to consider and assess all the arguments of the interested parties and the means of evidence decreed and practiced; They must encourage the use of information and communications technologies so that administrative processes are carried out diligently, within the legal terms and without unjustified delays; and they must adopt administrative decisions in the shortest possible time.

ARTICLE 5. *Economy in administrative proceedings.* Administrative procedure rules must be used to expedite decisions; procedures must be carried out in the shortest possible time and with the least possible expense to those involved; administrative authorities and individuals performing administrative functions must not require more documents and copies than are strictly necessary, nor authentications or personal presentation notes, except when expressly required by law or in the case of special powers. Accordingly, authorities shall proceed with austerity and efficiency, optimize the use of time and other resources, and strive for the highest level of quality in their actions and the protection of individual rights.

ARTICLE 6. *Simplicity of procedures.* The procedures established by the authorities must be simple, eliminating all unnecessary complexity, and the requirements imposed on individuals must be reasonable and proportionate to the purposes to be achieved.

The authorities must standardize procedures, establishing similar requirements for similar procedures.

ARTICLE 7. *Prohibition of extrajudicial statements.* Article 10 of Decree 2150 of 1995, amended by Article 25 of Law 962 of 2005, shall read as follows:

"ARTICLE 10. *Prohibition of extrajudicial statements.* It is prohibited to require extrajudicial statements before an administrative or any other authority as a requirement for the processing of an administrative proceeding. A statement made by the individual before the authority, which shall be understood to have been made under oath, shall suffice."

ARTICLE 8. *Prohibition on requiring prior judicial action for administrative decisions.* It is prohibited to require, as a prerequisite for obtaining an administrative decision, the filing of a lawsuit and the submission of a copy of the ruling ordering the recognition or award of a right.

ARTICLE 9. *Prohibition on requiring documents held by the entity.* When a procedure is being carried out before the administration, it is prohibited to require administrative acts, records, certifications, or documents that are already held by the entity before which the respective action is being processed.

PARAGRAPH. As of January 1, 2013, public entities shall have mechanisms in place so that when proceedings are being conducted before the administration and the documents are held by another public entity, the applicant may indicate the entity where they are held so that it may request them directly, without prejudice to the person being able to provide them. Therefore, for the purposes of formalities and procedures, the provision of information held in the files of another public entity may not be required.

ARTICLE 10. *Prohibition on requiring proof of previous payments.* Article 34 of Decree 2150 of 1995, amended by Article 12 of Law 962 of 2005, is hereby amended to read as follows:

"ARTICLE 34: *Prohibition on requiring proof of previous payments.* In relation to payments that must be made to the Public Administration or to private individuals who perform an administrative function, it is prohibited to require proof of previous payments as a condition for accepting a new payment, except where the latter involves the settlement of debts with credit balances or excess payments, or in cases where the relevant party must provide proof the payment of periods in arrears to the Comprehensive Social Security System.

ARTICLE 11. *Errors in citations, spelling, typing, or arithmetic.* No administrative authority may return or reject applications contained in forms due to errors in citations, spelling, typing, arithmetic, or similar, unless the use of language or arithmetic results is relevant to defining the substance of the matter at hand and there is doubt about the applicant's intent. Any official may correct the error without halting the administrative action, proceeding in all cases to communicate the respective correction to the interested party by the most appropriate means.

ARTICLE 12. *Submission of requests, complaints, or claims by children and adolescents.* Children and adolescents may directly submit requests, complaints, or claims in matters related to their best interests, personal well-being, and special protection, which shall take precedence over any other.

ARTICLE 13. *Special attention to infants, pregnant women, persons with disabilities, older adults, and veterans of the armed forces.* All State entities or individuals performing administrative functions shall, for the purposes of their activities involving customer service, establish mechanisms for preferential treatment of infants, persons with disabilities, pregnant women, older adults, and veterans of the armed forces.

ARTICLE 14. *Submission of requests, complaints, recommendations, or claims outside the entity's headquarters.* Interested parties residing in a city other than that of the headquarters of the entity or agency to which they are addressing may submit their requests, complaints, recommendations, or claims through electronic means, through their regional or sectional offices. If these do not exist, they must do so through those delegated in accordance with Article 9 of Law 489 of 1998, or through agreements signed for this purpose. In any case, the respective documents must be sent to the corresponding authority within 24 hours.

ARTICLE 15. *Access to public records by authorities.* Public entities and private entities that perform public functions or provide public services may connect free of charge to the public records kept by the entities responsible for issuing certificates of existence and legal representation of legal persons, certificates of title to real estate, ships, aircraft, and vehicles, and tax certificates, under the conditions and with the safeguards required by the regulations. The reading of the information shall obviate the request for the certificate and shall serve as proof under the annotation of the official making the inquiry.

ARTICLE 16. *Extension of the application of Law 962 of 2005.* Articles 15 and 16 of Law 962 of 2005 shall also apply to individuals who perform administrative functions.

ARTICLE 17. *Elimination of fingerprinting.* The requirement to provide a fingerprint on any document, form, procedure, or action that must be completed before public entities and individuals performing administrative functions is hereby eliminated. Exceptionally, a fingerprint may be required in the following cases:

1. Financial services of public entities

2. Procedures specific to the General Social Security System for Pensions
3. Procedures before Public Registries
4. Procedures related to passports and foreigner identification cards
5. Visas and extensions of stay
6. Public deeds
7. Visits to inmates in detention centers of the National Penitentiary and Prison Institute (INPEC)
8. Citizenship card and identity card
9. Authorization for minors to leave the country
10. Transfer of rights
11. Trade in arms, ammunition, and explosives
12. Granting of powers
13. Criminal records
14. Procedures for registering victims and humanitarian aid

In all cases, the requirement for fingerprints will be replaced by their capture using electronic means in accordance with the provisions of this Decree.

ARTICLE 18. *Verification of fingerprints by electronic means.* In procedures and actions carried out before public entities and individuals exercising administrative functions in which fingerprints are required as a means of immediate identification of the person, this shall be done by electronic means. The aforementioned entities and individuals shall have the necessary technological means of interoperability to verify the identity of the fingerprint owner against the database of the National Civil Registry.

If the procedure does not require immediate identification of the person, the authority or individual responsible for administrative functions shall coordinate with the National Civil Registry Office to verify the required information.

When, for physical reasons, the person seeking to identify themselves is unable to provide a fingerprint or the fingerprint is of insufficient quality to identify them, identity verification shall be carried out by comparing their biographical information with that stored in the database of the National Civil Registry. The same procedure shall be followed to identify persons under seven (7) years of age, in which case a copy of the Civil Birth Certificate must be provided.

Verification of identity through the National Civil Registry shall be free of charge for the public entity or private individual performing administrative functions.

PARAGRAPH 1. Identification through the electronic collection of fingerprints does not exclude the presentation of an identity document. If the person does not have an identity document, the requirement will be met by presenting proof of the document being processed, issued by the National Civil Registry, which is presumed to be authentic.

PARAGRAPH 2. When necessary, and in order to obtain fingerprints at locations other than their operational headquarters, public authorities or individuals performing administrative functions may incorporate mobile mechanisms for remote electronic fingerprinting. Notaries throughout the country are required to have remote electronic fingerprinting systems.

PARAGRAPH 3. For the purposes of this article, identity documents shall be understood to be citizenship cards, foreigner cards,

identity card or passport if the national being identified is abroad.

PARAGRAPH 4. Individuals who provide public services may incorporate mechanisms for the electronic collection of fingerprints from users, customers, or consumers when it is essential to prevent impersonation or fraud, and may interoperate with the database of the National Civil Registry to verify their identity.

TRANSITIONAL PARAGRAPH. The obligations referred to in this article shall be enforceable on public authorities and individuals performing administrative functions as of the following dates:

1. For authorities or individuals performing administrative functions in districts and municipalities of special, first, and second categories, as well as for consular offices of the Republic of Colombia, as of July 1, 2012.
2. For authorities or individuals performing administrative functions located in third and fourth category districts and municipalities, as of January 1, 2013.
3. For authorities or individuals performing administrative functions located in fifth and sixth category districts and municipalities, as of July 1, 2013.
4. For the National Penitentiary and Prison Institute (INPEC), effective July 1, 2013.

ARTICLE 19. *Verification of the identity of persons over seven (7) years of age who have not reached the age of majority.* The verification of the identity of persons over seven (7) years of age who have not reached the age of majority shall be carried out by means of the presentation of an identity card and the taking of fingerprints, in accordance with the terms of the previous article. However, for procedures carried out abroad, an identity card will not be required, but rather a civil birth certificate.

ARTICLE 20. *Identification of Colombians residing abroad.* Colombians residing abroad shall identify themselves at national diplomatic and consular offices through the mechanisms indicated in this decree.

ARTICLE 21. *Prohibition on requiring personal appearances or certificates to prove proof of life (survival).*

As of July 1, 2012, verification of a person's survival shall be done by consulting only the databases of the Civil Registry of the National Civil Registry. This service is free of charge for public authorities or individuals performing administrative functions. Consequently, as of that date, certificates of proof of life (survival) may not be required.

The National Civil Registry Office will interoperate the Civil Death Registry database with the Ministry of Health and Social Protection information system and with those defined by the National Government, so that it can be consulted online by social security entities that need to verify a person's proof of life (survival) through the Ministry. The report will constitute full proof of the person's existence.

ARTICLE 22. Proof of life (survival) of compatriots outside the country. In all cases, proof of life (survival) of compatriots outside the country shall be provided to the entities that form part of the General Comprehensive Social Security System every six (6) months through one of the following options:

Before the Consulate of the district where the fellow citizen is located. The Consul, based on the means that, in his or her opinion, allow him or her to be certain of the applicant's vital status, shall issue the corresponding certificate of survival and send it to the respective social security entity through the channel established for that purpose.

By means of a document issued by the public authority of the place where the national is located, evidencing their survival. This certificate must be apostilled or legalized, as appropriate, and sent by the interested party to the address and office determined for this purpose by the respective social security entity.

PARAGRAPH. Colombian consulates abroad and Colombian pension funds may carry out remote validation of the survival and/or proof of life of pensioners residing outside the country, through the validation of the person's personal information and pension history.

TRANSITIONAL PARAGRAPH. The Ministry of Labor shall establish a remote mechanism for validating survival or certifying proof of life for the entities that make up the General Comprehensive Social Security System, implemented and developed through the

Colombian Consulates abroad and the Pension Funds, which will certify the survival of Colombian nationals outside the country. (Amended by Article 87 of Law 2136 of 2021)

ARTICLE 23. *Administration of the civil registry database of deaths.* The National Civil Registry will administer the Civil Registry database of deaths, which will be updated with information from the Single Registry of Social Protection Affiliates (RUIF-ND), administered by the Ministry of Health and Social Protection and to which notaries, consulates, civil registrars, and other authorities responsible for birth and death registrations submit information. Births and Deaths (RUIF-ND), administered by the Ministry of Health and Social Protection, and with information provided by notaries, consulates, civil registry officials, and other authorities responsible for maintaining civil registries.

Authorities or individuals providing civil registry services must implement the necessary technological mechanisms to interoperate with the National Civil Registry Office in order to report in real time the civil death records processed in their offices.

The National Civil Registry Office shall carry out the relevant verifications and shall cross-check, correct, cancel, annul, and register ex officio the Civil Death Records in order to keep the database up to date.

In order to guarantee the reliability and timeliness of the Civil Death Registry database, when technological means are not available, funeral homes and cemeteries may only bury or cremate deceased persons when accompanied by a physical medical death certificate, the ruling of the Institute of Legal Medicine and Forensic Sciences, or the order of the competent authority.

The National Civil Registry, in conjunction with the Ministry of Health and Social Protection and the National Statistics Department DANE will define the standard format to be used by doctors, the Institute of Legal Medicine and Forensic Sciences, including its regional and sectional offices, and the competent authorities when certifying a person's death.

The National Institute of Legal Medicine and Forensic Sciences will use the deceased's fingerprints, dental information, or genetic profile as means of identification.

(Amended by Article 20 of Decree 2106 of 2019)

TRANSITIONAL PARAGRAPH. Within six (6) months of the entry into force of this Decree, notaries must process, update, and deliver to the National Civil Registry the information relating to death records held in their archives. Failure to comply with this obligation shall be punished in accordance with the provisions of Law 734 of 2002.

ARTICLE 24. *Special functions of notaries.* Notaries providing services in municipalities or districts up to the second category are required to issue civil birth and death records in hospitals and clinics, using electronic fingerprinting mechanisms, if possible.

For this purpose, the Superintendency of Notaries and Registries shall identify the notaries who must provide the service, the clinics and hospitals, and the hours of operation.

The parents or legal representative of the newborn have the option of registering the child with the notary public who attends the hospital or clinic.

ARTICLE 25. *Elimination of authentications and recognitions.* All acts of competent public officials are presumed to be authentic. Therefore, authentication by administrative or notarial authorities is not required. Documents produced by public authorities or private individuals performing administrative functions in their various activities, provided that they are kept in their archives, also do not require authentication or recognition.

No administrative authority may require the presentation, provision, or delivery of authenticated original documents or authenticated copies or photocopies, without prejudice to the controls or verifications that such entities must carry out, except for the recognition or payment of pensions.

Private documents, whether or not they are intended to serve as evidence in administrative proceedings, including those originating from third parties, are presumed to be authentic unless proven otherwise by means of a challenge of falsity, with the exception of special powers of attorney and the minutes of general shareholders' meetings, partners' meetings, and other acts of legal entities that must be registered with the Chambers of Commerce, which must be presented in person by their grantors to the secretary of the respective Chamber.

Simple copies issued by notaries of documents held in the respective protocols shall not be authenticated, unless requested by the interested party.

Note: (*Underlined expression declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-634 of 2012*)

ARTICLE 26. *Disclosure and free provision of official forms for filing returns and making payments.* Article 4 of Law 962 of 2005 shall read as follows:

"ARTICLE 4. *Dissemination and free provision of official forms for filing returns and making payments.* Where applicable, the recipients to whom this Decree-Law applies shall enable the necessary mechanisms to make the officially defined format for the respective period in which the legal duty or obligation must be fulfilled available to interested parties free of charge and in a timely manner, using printed, magnetic, or electronic forms for this purpose.

Public entities and individuals performing administrative functions must make all forms required by law available to individuals in electronic format. In any case, for a form to be enforceable on citizens, the respective entity must publish it on the Colombian Government Portal. The authorities will have a period of three months from the publication of this decree to publish the forms that currently exist.

For all legal purposes, copies of forms obtained from electronic media shall be considered official forms.

ARTICLE 27. *Payment of obligations to the State or to private individuals who collect public funds by virtue of the law.* Article 4 of Decree 2150 of 1995 shall read as follows:

"ARTICLE 4. *Payment of obligations to the State or to individuals who collect public resources by virtue of the law.* The payment of monetary obligations related, among other things, to taxes, stamps, duties, royalties, and fines in favor of authorities or individuals who collect public resources by virtue of the law may be made through any means of payment, including electronic funds transfers, account deposits, and credit systems using cards.

To this end, such authorities and individuals must publish the tables and rates that, based on the law, allow debtors to settle and pay such obligations. If the entity fails to comply with this obligation, the individual may cancel it in the month following its expiration.

Public entities and agencies and private individuals that perform administrative functions shall take the necessary steps to enable payments by electronic means.

ARTICLE 28. *Proof of discounts and deductions.* Public and private entities that perform administrative functions or provide public services that pay or credit an obligation on behalf of any person must certify the discounts or deductions that have been made to the beneficiary, with a precise indication of the legal provision under which they have been made. To this end, they may send the certification to the email address registered by the beneficiary and implement a mechanism on their website so that only beneficiaries can consult and download the payment receipts with a breakdown of the discounts and deductions that were applied.

ARTICLE 29. *Certifications of economic indicators.* Entities legally obligated to do so shall carry out the certification process for the current bank interest rate, the representative market exchange rate, the price of gold, and other macroeconomic indicators required in administrative or judicial proceedings, by publishing them on their respective websites once the respective certifications have been issued. This information, as well as historical data, at least for the last ten (10) years, must be made available to the public on the website for permanent consultation.

No authority may require the presentation of these certifications to carry out proceedings or actions before their offices, for which consultation of the website of the certifying entity shall suffice.

ARTICLE 30. *Report of loss of documents.* No administrative authority may require the submission of a report of loss of documents in order to process the issuance of the corresponding duplicate or replacement, for which the petitioner's affirmation of such circumstance shall suffice, which shall be understood to be made under oath.

The provisions of this article shall not apply to identification documents of members of the armed forces and state security forces.

ARTICLE 31. *Registration of legal acts, legal facts, and judicial decisions in the civil registry.* All legal acts, legal facts, and judicial decisions that constitute a source of the civil registry or that affect it may be registered at any office within the national territory or at Colombian consulates abroad.

ARTICLE 32. *Remote meetings of boards and executive committees.* Provided that it can be proven, meetings of the boards or executive committees of entities that are part of the public administration or of individuals who perform public functions or collect and administer public resources may be held when all their members can deliberate or decide by simultaneous or successive communication by any means. In the latter case, the succession of communications must occur immediately in accordance with the means employed. In any case, at least forty percent of the meetings held within the same calendar year must be in person.

ARTICLE 33. *Minutes of public entities.* The decisions of the higher councils or collegiate bodies of the public administration shall be recorded in minutes approved by them, or by the persons designated at the meeting for that purpose, and signed by the person presiding and by the person serving as secretary, which shall also indicate the votes cast in each case.

When decisions are recorded in minutes, a copy of these minutes, authorized by the secretary general or by the representative of the entity, shall be sufficient proof of the facts contained therein, unless the falsity of the copy or the minutes is proven. With regard to decisions that must be recorded in minutes, officials shall not be allowed to use any other evidence to establish the facts that must be recorded therein.

ARTICLE 34. *Administrative proceedings.* Except in the case of the filing of appeals, no other administrative proceedings or formalities shall require the representation of a lawyer.

ARTICLE 35. *Application for renewal of permits, licenses, or authorizations.* When the legal system allows for the renewal of a permit, license, or authorization, and the individual requests it within the time limits established in the current regulations, with all the requirements for that purpose fulfilled, the validity of the permit, license, or authorization shall be understood to be extended until the competent entity makes a final decision on said renewal.

If there is no legal deadline for requesting the renewal or extension of the permit, license, or authorization, the request must be submitted five days before the expiration of the permit, license, or authorization, with the effects indicated in the previous paragraph.

ARTICLE 36. *Presumption of validity of signatures.* Article 24 of Law 962 of 2005 shall read as follows:

"ARTICLE 24. *Presumption of validity of signatures.* Signatures of individuals affixed to private documents that must be submitted to public authorities for processing shall not require authentication. Such signatures shall be presumed to be those of the person to whom they are attributed. This presumption shall be rebutted if the person to whom the signature is attributed challenges its authenticity, or if its falsity is determined by means of duly tested technological methods.

Documents involving transactions, withdrawals, and, in general, the disposal of rights must be submitted and provided to administrative processes and procedures in accordance with the applicable special rules. Similarly, documents related to the comprehensive social security system and those related to the teaching profession are exempt.

ARTICLE 37. *Instructions from the superintendencies to those they supervise.* In exercising their inspection, surveillance, and control functions, the Superintendencies and other entities that perform administrative police functions shall issue instructions to those they supervise so that they do not require more requirements, formalities, or procedures than are strictly necessary, and shall guide them toward achieving objectives of efficiency, economy, speed, and rationalization of procedures that benefit citizens.

To this end, they shall recommend, among other things, the use of information technology and e-commerce; the implementation of a shift system; the facilitation of procedures through remote systems; the standardization of forms, procedures, and processes; the use of mechanisms for comparing products, prices, quality, and services in order to highlight the strengths and weaknesses of the products and services offered on the market; regulate telephone and mail marketing hours and collection schedules and methods; determine that anyone making an offer to the public must include all conditions and restrictions of access in a clear and comprehensive manner; and promote the strengthening of consumer and user associations.

Likewise, in order to guarantee the principle of equality of persons before public service providers, they shall issue instructions to those under their supervision to extend to them the principles and rules of rationalization of procedures and formalities referred to in this Decree.

referred to in this Decree.

ARTICLE 38. *Formulation of public policy on the streamlining of procedures.* The formulation of the policy on the streamlining of procedures shall be the responsibility of the Administrative Department of the Civil Service, which shall ensure that it is applied in the Colombian State, with the support of the Administrative Department of the Presidency of the Republic and the Ministry of Information and Communications Technologies (TICS).

To this end, the public policy shall adhere to the following principles, among others:

1. To streamline administrative procedures and processes through simplification, standardization, elimination, optimization, and automation, and to improve citizen participation and transparency in administrative actions, with the appropriate legal guarantees.
2. Facilitate access to information and the execution of administrative procedures and processes by electronic means, creating conditions of trust in their use.
3. Contribute to improving the internal functioning of public entities that perform an administrative function, increasing their effectiveness and efficiency through the use of information technologies, complying with the legal security attributes of electronic communication.

ARTICLE 39. *Procedure for establishing the procedures authorized by law.* The second paragraph of Article 1 of Law 962 of 2005 shall read as follows:

"2. Procedure for establishing procedures authorized by law. Public entities and individuals who exercise an administrative function expressly authorized by law to establish a procedure must first submit it for consideration by the Administrative Department of the Civil Service, attaching a regulatory impact statement that demonstrates its justification, effectiveness, efficiency, and implementation costs for those required to comply with it. They must also demonstrate the existence of the budgetary and administrative resources necessary for its application. If it is found to be reasonable and consistent with the policy of simplification, rationalization, and standardization of procedures, the Administrative Department of the Civil Service shall authorize its adoption and implementation.

To fulfill this function, the Administrative Department of Public Service will have the support of the sectoral and intersectoral committees created for this purpose. It may also establish mechanisms for citizen participation so that interested parties can express their observations.

At the beginning of each regular session, the Director of the Administrative Department of the Civil Service shall report to the First Committees of each Chamber on the issuance of any new procedures that have been adopted.

PARAGRAPH 1. The procedure provided for in this article shall not apply in the case of adopting procedures authorized by decrees issued during states of emergency, due to the declaration of a state of catastrophe or natural emergency, or when the immediate adoption of health measures is required to preserve human or agricultural health.

PARAGRAPH 2. Departmental Assemblies and District or Municipal Councils may only adopt, by ordinance or agreement, the measures required for the implementation or application of the procedures created or authorized by law.

ARTICLE 40. *Information and publicity.* Without prejudice to the general requirements for publicity of administrative acts, for a procedure or requirement to be enforceable and binding on individuals, it must be registered in the Single System of Information on Procedures and Processes (SUIT) of the Administrative Department of the Civil Service, which will verify that it has the respective legal basis.

The content of the information published in the SUIT is the responsibility of each of the public entities, which shall be required to update it within three (3) days of any change.

PARAGRAPH. The Administrative Department of Public Service, with the support of the Ministry of Information and Communications Technology, especially the Online Government Program, shall strengthen the SUIT and refine the information contained therein, in such a way as to allow clear and agile access and updating by the user, reflecting the chains of procedures. To this end, entities shall provide the necessary support and information.

Within six months of the effective date of this Decree, the Administrative Department of Public Service shall organize and refine the information contained in said system.

(Repealed by Article 158 of Decree 2106 of 2019)

ARTICLE 41. *Unification jurisdiction.* The Administrative Department of Public Service shall ensure the ongoing standardization of procedures in the Public Administration and shall verify compliance when they are registered in the Single System of Information on Procedures. SUIT.

Standardization shall be achieved through single forms and model or standard procedures, which shall be mandatory for the authorities responsible for executing the procedures. Procedures that do not comply with this condition shall be returned for the necessary adjustments to be made.

The authorities responsible for regulating procedures created or authorized by law must ensure that the regulations are uniform, so that the authorities applying them do not require additional requirements, documents, or conditions beyond those established by law or regulation.

(Amended by Article 5 of Decree 2106 of 2019)

## CHAPTER II

### PUBLIC SERVICES

#### CUSTOMER SERVICE FOR PUBLIC UTILITY COMPANIES

ARTICLE 42. *Reconnection of residential public services.* Once a request for reconnection of a public service to a user has been approved, or the cause that led to the suspension of the service has disappeared, the reconnection must take place within 24 hours.

ARTICLE 43. *Notifications.* The Superintendency of Residential Public Utilities and residential public utility providers shall notify users of decisions on appeals filed by users in accordance with the uniform terms and conditions contract, by means of communications sent by certified mail or email in accordance with the Code of Administrative Procedure and Administrative Litigation. This shall be recorded in the respective file.

ARTICLE 44. *Prior authorization from the landlord.* Potential subscribers to a residential public utility service who request to receive the service at a specific property must obtain prior authorization from the landlord. Public utility companies may not provide the respective service without the prior express authorization of the landlord.

## TITLE II

### SPECIAL REGIME

#### CHAPTER I

#### PROCEDURES, PROCESSES, AND REGULATIONS OF THE PRESIDENCY OF THE REPUBLIC

ARTICLE 45. *Delegation of presidential functions.* Article 13 of Law 489 of 1998 shall read as follows:

"ARTICLE 13. *Delegation of the exercise of presidential functions.* Without prejudice to the provisions of Law 142 of 1994 and other special provisions, the President of the Republic may delegate to ministers, directors of administrative departments, legal representatives of decentralized entities, superintendents, governors, mayors, and State agencies the exercise of the functions referred to in Article 129 and paragraphs 13, 18, 20, 21, 22, 23, 24, 26, 27, and 28 of Article 189 of the Political Constitution."

#### CHAPTER II

PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF THE INTERIOR

ARTICLE 46. *Elimination of the license for the translation of foreign works.* The procedure for obtaining a license for the translation of foreign works from the National Copyright Office, referred to in Articles 45 to 57 of Law 23 of 1982, is hereby eliminated.

ARTICLE 47. *Single window for the unified obtaining of licenses and the integrated payment of copyright and related rights.* For the purposes of paragraph c) of Article 2 of Law 232 of 1995, and in order to reduce the procedures that owners or managers of establishments open to the public must carry out to prove that they meet the operating requirements when they digitally store musical works, phonograms, and music videos, and perform or communicate to the public musical works, phonograms, audiovisual works, and/or artistic performances, the unified obtaining of licenses and the integrated payment of copyright and related rights shall be carried out through a single window to be established by collective management societies, through which the collection of copyright and related rights shall be carried out in a unified manner.

Holders of copyright or related rights who are not affiliated with collective management societies, as well as the associations that represent them, may be part of the aforementioned single collection window.

For the purposes of this article, a company may be established whose organization, administration, and operation shall be agreed upon by its members in the articles of association. The election, composition, and operation of the management and administrative bodies, the voting system, and decision-making shall observe the principle of proportionality in relation to the participation of its members in the collection.

If a company is established to manage the single window, it shall commence operations no later than January 1, 2013.

(1) January 2013.

Failure to establish the single window will prevent collective management societies from collecting royalties for the administration of their members' rights in commercial establishments.

PARAGRAPH 1. Until the single collection window becomes operational, licenses and payments shall be obtained and made through the collection entities established in accordance with Article 27 of Law 44 of 1993, the Collective Management Societies, the Associations of Rights Holders, and the Individual Rights Holders, as applicable.

PARAGRAPH 2. In the event that a company is established to manage the single collection window, it shall be subject to inspection and supervision by the National Copyright Directorate in accordance with Articles 53 to 63 of Decree 3942 of 2010.

PARAGRAPH 3. Payment to the single collection window referred to in this article shall presume that the user has fully complied with the obligation set forth in paragraph c) of Article 2 of Law 232 of 1995.

[\(Repealed by Article 158 of Decree 2106 of 2019\)](#)

[\(See Constitutional Court ruling C-784 of 2012\)](#)

ARTICLE 48. *List of fees.* The company established to manage the single collection window shall agree on the list of fees for annual terms with the trade associations, legally constituted user associations, or individuals.

PARAGRAPH. The collection entity shall publish the list of annual fees in a newspaper with wide national circulation and on its website no later than February 1 of each year.

[\(Repealed by Art. 158 of Decree 2106 of 2019\)](#)

[\(See Constitutional Court ruling C-784 of 2012\)](#)

ARTICLE 49. *Consultation of census information on indigenous communities and authorities.* For the purposes of paragraph 8 of Article 13 of Decree 2893 of 2011, the Directorate of Indigenous, Roma, and Minority Affairs of the Ministry of the Interior no later than January 1, 2013, shall upload the census information on the population of indigenous communities and reserves and recognized communities, on traditional indigenous authorities recognized by the respective community, and on associations of traditional authorities or indigenous councils, as well as any updates thereto, to a program or database that can be consulted by all authorities that perform functions with respect to the aforementioned indigenous communities and authorities.

The Ministry of Information and Communications Technology, through the Online Government Program, shall support the technological development of the program or database referred to in this article.

ARTICLE 50. *Representation of foreign legal entities and non-profit non-governmental organizations.* Article 48 of the Code of Civil Procedure shall read as follows:

ARTICLE 48. *Representation of foreign legal entities and non-profit non-governmental organizations.* Foreign legal entities governed by private law and foreign non-profit non-governmental organizations domiciled abroad that establish permanent businesses or wish to carry out their corporate purpose in Colombia must appoint representatives with the capacity to represent them in court in the place where they have such businesses or in the place of their principal domicile in the country. To this end, suitable proof of the existence and representation of such legal entities and the corresponding power of attorney shall be recorded at the notary's office of the respective circuit. An extract of the recorded documents shall be registered in the registry of the respective chamber of commerce of the place.

Foreign legal entities that do not have permanent businesses in Colombia shall be represented in proceedings by the representative they appoint in accordance with the formalities prescribed in this Code.

### CHAPTER III

#### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF FOREIGN RELATIONS

ARTICLE 51. *Demonstration of the treatment of Colombian goods and services abroad.* The paragraph of Article 1 of Law 816 of 2003 shall read as follows:

"PARAGRAPH . National goods and services treatment shall be granted to those goods and services originating in countries with which Colombia has negotiated national treatment in matters of government procurement and those countries in which offers of Colombian goods and services are granted the same treatment as their national goods and services. The accreditation or demonstration of such circumstance shall be made in accordance with the terms set forth in the regulations."

ARTICLE 52. *Apostille.* No later than July 1, 2012, apostille procedures, within the national territory and abroad, may be requested by mail, without requiring the applicant to appear in person. The National Government shall regulate the procedure and the use of electronic means.

ARTICLE 53. *Registration of foreigners.* All foreign citizens who hold a visa, except for holders of preferential and visitor visas, may register in the Foreigners Registry through the National Foreigners Registry System included on the website of the Special Administrative Unit of Migration Colombia; Registration must be completed within 15 calendar days from the date of entry into the country or the date of issuance of the visa, if it was obtained within the national territory.

Foreigners with visas valid for more than three months who are over 18 years of age must appear before Migración Colombia after completing their electronic registration to claim their identity document in Colombia.

TRANSITIONAL PARAGRAPH: The obligation set forth in this article shall be fulfilled as of July 2, 2012.

ARTICLE 54. *Information on immigration status.* Any national or foreign citizen who requires information on their immigration status in Colombia may request it through the website of the Special Administrative Unit of Migration Colombia. The technological platform established must have security protocols in accordance with the law governing this matter, taking into account the confidentiality of information and the right to privacy of each citizen.

TRANSITIONAL PARAGRAPH: The power provided for in this article may be exercised as of July 2, 2012.

ARTICLE 55. **ENTRY AND STAY PERMITS.** Based on the administrative act issued by the Ministry of Foreign Affairs indicating the countries exempt from visas, the Special Administrative Unit of Migration Colombia may grant entry and stay permits to foreign visitors who are not required to have a visa to enter the country for up to ninety (90) calendar days.

Only foreigners entering the country on a technical basis may be exempted from this permit.

Foreigners entering the country to provide technical assistance will be granted a permit for thirty (30) calendar days, subject to

compliance with the established requirements; during which time they must carry out the planned activity.

If the activity requires additional time, they must apply for a technical assistance visa from the Ministry of Foreign Affairs.

"By virtue of the principle of reciprocity, the Special Administrative Unit of Migration Colombia, in its capacity as the immigration control authority, may reserve the right to grant an entry and stay permit for a period of less than ninety (90) calendar days, in view of the activities to be carried out and the immigration profile of the foreign citizen, without prejudice to the provisions of international agreements on visa exemptions signed by the Colombian State.

(Article AMENDED by Art. 85 of Law 2136 of 2021)

ARTICLE 56. TEMPORARY RESIDENCE PERMIT. A temporary residence permit shall be created, which shall be issued by the Special Administrative Unit of Migration Colombia, based on the administrative act issued by the Ministry of Foreign Affairs indicating the countries exempt from visa requirements and covering two situations: i) for foreigners entering the country as visitors and ii) for foreigners who must clarify an administrative or judicial situation within Colombian territory. The presence of a foreigner in the national territory must always be preceded by an entry and residence authorization issued by the Ministry of Foreign Affairs or be due to their nationality being included in the administrative act on visa exemptions. In the cases indicated in this regulation where this is not the case, a Temporary Stay Permit shall be issued, but under no circumstances may such a permit be understood, assimilated, or equated with the issuance of a visa.

In the aforementioned cases, a legal period of stay in the country of up to ninety (90) calendar days shall be granted, which may only be extended for the second condition of this article in accordance with the established rules.

By virtue of the principle of reciprocity, the immigration control authority may reserve the right to grant a permit to enter and remain in the country for a period of less than ninety (90) calendar days, without prejudice to the provisions of international agreements on visa exemptions signed by the Colombian State.

(Article AMENDED by Art. 86 of Law 2136 of 2021)

#### CHAPTER IV

##### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF FINANCE AND PUBLIC CREDIT

ARTICLE 57. *Effectiveness of withholding tax returns filed without full payment.* Add the following paragraph to Article 580-1 of the Tax Statute:

"A withholding tax return that has been filed without full payment before the deadline for filing shall have legal effect, provided that the withholding payment is made or has been made within the period established for that purpose in the legal system."

ARTICLE 58. *Notifications returned by mail.* Article 568 of the Tax Statute, amended by Article 47 of Law 1111 of 2006, shall read as follows:

"ARTICLE 568. *Notifications returned by mail.* Administrative acts sent by mail that are returned for any reason shall be notified by means of a notice, with a transcript of the operative part of the administrative act, on the DIAN website, which includes search mechanisms by personal identification number and, in any case, in a place accessible to the public within the same entity. The notification shall be deemed to have been served for the purposes of the administration on the first date of posting, but for the taxpayer, the period for responding or challenging shall be counted from the business day following the publication of the notice on the website or the correction of the notification. The foregoing shall not apply when the return is made by notification to an address other than that reported in the RUT, in which case the correct address must be notified within the legal term.

(See Constitutional Court ruling C-012 of 2013)

ARTICLE 59. *Address for notifications.* Article 563 of the Tax Statute shall read as follows:

"ARTICLE 563. *Address for notifications.* Notification of the actions of the Tax Administration shall be made to the address provided by the taxpayer, responsible party, withholding agent, or declarant in their latest income or income and wealth tax return,

as applicable, or by means of an official change of address form; the old address shall remain valid for the following three (3) months, without prejudice to the validity of the new address provided.

When the taxpayer, responsible party, withholding agent, or declarant has not provided an address to the Tax Administration, the corresponding administrative action may be notified to the address established by the Administration through direct verification or through the use of telephone directories, directories, and, in general, official, commercial, or banking information.

When it has not been possible to establish the address of the taxpayer, responsible party, withholding agent, or declarant by any of the means indicated in the previous paragraph, the Administration's actions shall be notified by means of publication on the DIAN website, which shall include search mechanisms by personal identification number.

*(See Constitutional Court ruling C-016 of 2013)*

ARTICLE 60. *Notifications by means of notice.* The third paragraph of Article 562 of Decree 2685 of 1999 is hereby amended to read as follows:

"When it is not possible to establish the address of the responsible party by any of the means indicated above, administrative acts must be notified by means of a notice on the DIAN website, which must include search mechanisms by personal identification number."

*(See Constitutional Court ruling C-016 of 2013)*

ARTICLE 61. *Notifications by mail.* Amend the third paragraph of Article 567 of Decree 2685 of 1999, amended by Article 56 of Decree 1232 of 2001, which shall read as follows:

"Any actions notified by mail that are returned for any reason will be notified via a notice on the DIAN website, which must include search mechanisms by personal identification number; the notification shall be deemed to have been served for the purposes of the administration on the first date of posting, but for the person responsible, the period for responding or challenging shall be counted from the business day following publication on the portal or correction of the notification. The foregoing shall not apply when the return is made by notification to an address other than that reported in the RUT, in which case the correct address must be notified within the legal term.

When it has not been possible to establish the address of the person under investigation by any of the means indicated above, administrative acts must be notified by means of a notice on the DIAN website, which must include search mechanisms by personal identification number.

*(See Constitutional Court ruling C-016 of 2013)*

ARTICLE 62. *Notifications returned by mail.* The first paragraph of Article 18 of Decree 2245 of 2011 is hereby amended to read as follows:

Administrative actions and acts sent by mail for notification that are returned for any reason will be notified via a notice on the DIAN website. The notification will be deemed to have been served for administrative purposes on the first date of mailing, but for the responsible party, the deadline for responding or challenging will be counted from the business day following publication on the website.

PARAGRAPH. The second paragraph of Article 13 of Decree 2245 of 2011 shall read as follows: "When it has not been possible to establish the address of the person under investigation by any of the means indicated above, administrative acts shall be notified by means of a notice on the DIAN website."

*(See Constitutional Court ruling C-016 of 2013)*

ARTICLE 63. *Basic identification and tax location information.* For national and territorial tax purposes, the basic identification, classification, and location information of customers shall be that used by the Single Tax Registry Electronic Computer System administered by the National Tax and Customs Directorate, maintaining the same structure and data validation. Chambers of Commerce shall do the same for commercial registry purposes.

For the exercise of public functions, the information contained in the Single Tax Registry may be shared with public entities and individuals who exercise public functions.

TRANSITIONAL PARAGRAPH: The provisions of this article shall enter into force on January 1, 2013.

ARTICLE 64. *Financial information reports.* The Ministry of Finance and Public Credit shall coordinate the design and implementation of a form for financial information reports, which individuals must submit to the various public entities that request such information.

Entities requesting financial information are required to use the form or forms adopted for this purpose.

As of January 1, 2013, financial information reports will only be accepted on the forms determined by the Ministry of Finance and Public Credit in compliance with this article.

ARTICLE 65. *Directors of institutions supervised by the Colombian Financial Superintendency.* Amend paragraph 3 of Article 73 of the Organic Statute of the Financial System, which shall read as follows:

"ARTICLE 73. *Board of Directors. 3 Obligations.* The directors of institutions supervised by the Financial Superintendency of Colombia, once appointed or elected, shall take office and swear an oath whereby they undertake, while in office, to diligently manage the business of the entity and not to knowingly violate or allow any violation of the legal provisions applicable to it.

The directors of supervised institutions whose appointment corresponds to the President of the Republic or his delegate are not required to take office before the Superintendent.

ARTICLE 66. *Legal representative of institutions supervised by the Financial Superintendency of Colombia.* Amend paragraph 4 of Article 74 of the Organic Statute of the Financial System, which shall read as follows:

"ARTICLE 74. *Legal representation 4 Swearing-in.* Those who are the legal representatives of supervised institutions, branch managers, once appointed or elected and before performing said function, shall be sworn in and take an oath whereby they undertake, while in office, to diligently manage the business of the entity, to comply with the legal obligations incumbent upon them in the performance of their duties, and to comply with the rules, orders, and instructions issued by the Financial Superintendency of Colombia in the exercise of its powers.

The legal representatives of supervised institutions whose appointment corresponds to the President of the Republic or his delegate are not required to take office before the Superintendent.

ARTICLE 67. *Declarations filed virtually not submitted to banks.* The following paragraphs and sections shall be added to Article 580-1 of the Tax Statute:

"Returns filed through the electronic services of the National Tax and Customs Directorate (DIAN) that were not submitted to the entities authorized to collect taxes shall be considered as having been submitted provided that an official payment receipt attributable to the taxable items and periods contained in such returns has been entered into the tax administration system.

In order to comply with the provisions of this article, the National Tax and Customs Directorate (DIAN) shall verify that the number assigned to the return filed virtually corresponds to the form number included in the official payment receipt.

The foregoing is without prejudice to the application of paragraphs b) and c) and Article 580 of the Tax Statute.

PARAGRAPH 1. This provision applies to virtual returns filed for the taxable years 2006 to 2011.

PARAGRAPH 2. The effects of this article shall not apply if the taxpayer, responsible party, or withholding agent filed a lithographic return for the concept and taxable period corresponding to the return filed virtually but not submitted to the banks. Similarly, if the amounts recorded on the official payment receipt were refunded or offset at the request of the taxpayer or responsible party.

ARTICLE 68. *No attorney is required to act before the tax authorities, except for the filing of appeals.* Actions before the tax authorities may be carried out directly by natural or legal persons, the latter through their

legal representative, without the need for a power of attorney. Except for the filing of appeals, in any other procedure or action before the tax authorities, the attorney-in-fact is not required to be a lawyer.

ARTICLE 69. *Address for tax purposes.* The National Government shall establish, no later than March 30, 2012, additional means of proof to the receipt of residential public services, to prove the address in the registration and/or update of the Single Tax Registry -RUT-.

ARTICLE 70. *Tax obligations for persons under the simplified VAT regime.* As of July 2012, persons under the simplified VAT regime may formalize their registration and update their RUT through the DIAN portal, subject to verification of information by the system. The foregoing shall apply provided that the VAT regime to which they belong is not modified, no obligations as an importer are included, and the natural person does not become the legal representative of a company.

Starting in 2013, the DIAN must allow individuals under the simplified regime to file returns and submit external information through digital mechanisms.

ARTICLE 71. *Tax obligations for persons under the common regime.* As of July 2012, natural and legal persons under the common regime may, through digital mechanisms, file returns and exogenous information electronically and update the RUT information determined by the DIAN, by electronic means. The DIAN shall establish the criteria for granting the digital mechanisms referred to in this article.

ARTICLE 72. *Telephone service and appointment scheduling.* Without prejudice to cases in which electronic means are used, as of March 1, 2012, requests for copies of the RUT must be received through the DIAN's telephone service and sent to the email address that the user has registered in the RUT. In addition to the above, the DIAN shall implement an appointment scheduling system for those procedures that require the user's presence at the DIAN offices.

ARTICLE 73. *Inspection and surveillance for battery operators.* Article 31 of Law 1393 of 2010 shall read as follows:

The activities of the Information Operator of the Integrated Contribution Settlement Form (PILA) will be subject to inspection and oversight by the Financial Superintendency of Colombia, based on the legal powers provided for in the Organic Statute of the Financial System and other provisions that modify it, and under the technical criteria applied to other supervised entities in terms of operational risk, security, and information quality.

The penalty regime applicable to the Information Operators of the Integrated Contribution Settlement Form (PILA) shall be that provided for in the Organic Statute of the Financial System, in accordance with the provisions of Article 5 of Decree 1465 of 2005 and other provisions that modify or replace them.

Inspection and supervision shall be exercised by the Financial Superintendency of Colombia, solely over the activity of the Information Operator of the Integrated Contribution Settlement Form (PILA) defined in Article 2 of Decree 1465 of 2005 and other provisions that modify or replace it.

TRANSITIONAL PARAGRAPH. The Financial Superintendency of Colombia shall assume the function indicated in this article six (6) months after this decree enters into force. The National Government shall adopt the necessary measures to adapt the structure of the aforementioned Superintendency, providing it with the budgetary and technical capacity necessary to fulfill said function.

*(See Constitutional Court ruling C-097 of 2013)*

ARTICLE 74. *Prior authorization regime.* Persons who intend to carry out the activity of Operator of Information for the Integrated Contribution Settlement Form (PILA) must prove to the Financial Superintendency of Colombia that they have the technical and operational infrastructure necessary to operate under conditions of security, quality, and efficiency.

*(See Constitutional Court ruling C-097 of 2013)*

ARTICLE 75. *Transitional regime for current operators of the integrated contribution settlement form (PILA).* Persons who, on the date of entry into force of this decree, carry out the activities of an Integrated Contribution Settlement Form (PILA) Information Operator, previously authorized by the Ministry of Health and Social Protection, and who are not currently under the inspection and supervision of the Financial Superintendency of Colombia, must prove to this Agency, within six (6) months

following the date on which the Superintendency assumes jurisdiction over the supervision of PILA operators, that they comply with the requirements set forth in the previous article in order to continue operating.

PARAGRAPH: Entities that currently carry out the activity of operating information for the Integrated Contribution Settlement Form (PILA) that do not comply with the requirements established by the Financial Superintendency of Colombia may not continue to carry out this activity after the expiration of the period specified in this article and must make the necessary arrangements for the delivery of information and completion of their activities as PILA operators.

*(See Constitutional Court ruling C-097 of 2013)*

ARTICLE 76. *Other powers of the Financial Superintendency.* If the Financial Superintendency of Colombia, in the exercise of its inspection and surveillance functions, determines that the information operators of the Integrated Contribution Settlement Form (PILA) do not comply with the conditions set forth in this decree, it may issue the necessary orders and instructions for their adjustment, and may even order the suspension and dismantling of the authorized activities, if necessary.

Information operators may resume authorized activities when they demonstrate that the conditions established by the Financial Superintendency for compliance with said activity have been restored.

*(See Constitutional Court ruling C-097 of 2013)*

ARTICLE 77. *Investments in real estate.* Paragraph 6 of Article 110 of the Organic Statute of the Financial System shall read as follows:

"6. Investments in real estate. Credit institutions and financial services companies, subject to the restrictions and limitations imposed by law, may acquire and own real estate subject to the following rules:

- a. Those necessary for the accommodation of the entity's business; exceptionally, subject to the instructions issued by the Superintendency of Banking in this regard, it may use the reasonable part not necessary for its own use to obtain income;
- b. Those transferred to it in payment of debts previously incurred in the course of its business, when there is no other reasonable procedure for their cancellation, and
- c. Those awarded to it at public auction, due to mortgages constituted in its favor.

Any real estate purchased or acquired by one of these entities, in accordance with letters b. and c. of this section, shall be sold by the entity within two (2) years of the date of purchase or acquisition, except where the board of directors has extended the deadline for executing the sale. Such extension may not exceed two years in any case.

## CHAPTER V

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF JUSTICE AND LAW

ARTICLE 78. *Lack of reports for drug trafficking for aeronautical purposes.* The Special Administrative Unit of Civil Aviation shall directly verify the absence of reports of drug trafficking related to behavior involving drug trafficking and related crimes, money laundering, fronting, and illicit enrichment, as well as in relation to processes of extinction of ownership rights, with respect to persons who request the following procedures before that entity:

1. Importation, change of operator, or acquisition of ownership of aircraft;
2. Granting of operating permits for runways, aerodromes, and heliports;
3. Granting or renewal of operating permits for commercial air service companies, flying clubs, aircraft maintenance facilities, schools, or airport service companies, as well as in the event of the transfer of shares or interests or the admission of new partners into such legal entities;
4. Granting of licenses to aeronautical personnel;

In the case of legal entities, the verification of the absence of reports of drug trafficking shall cover legal representatives, members of the board of directors, and partners with a stake equal to or greater than twenty percent (20%) of the subscribed capital.

Verification of the absence of reports of drug trafficking may not be requested by public entities, agencies, or departments, or by anyone doing so without a specific purpose.

PARAGRAPH 1. Within three (3) months of the entry into force of this Decree, the National Government shall adapt the regulations relating to the procedures and requirements for compliance with the provisions of this article.

During this period, the Ministry of Justice and Law shall continue to issue Certificates of Absence of Reports of Drug Trafficking for applications submitted before the entry into force of this decree and during the three months referred to in the previous paragraph. Within this period, it shall resolve all applications that have been submitted to it.

PARAGRAPH 2. The Ministry of Justice and Law shall guarantee the Air Force access to the databases and information system that enable it to perform the function provided for in this article.

ARTICLE 79. *Lack of reports on drug trafficking for maritime purposes.* The General Maritime Directorate (DIMAR) shall verify the absence of reports of drug trafficking related to behavior involving drug trafficking and related crimes, money laundering, fronting, and illicit enrichment, as well as in cases of forfeiture of ownership rights, when requested by persons who carry out the following procedures before that entity:

1. Granting of maritime personnel licenses;
2. Issuance of navigation licenses;
3. Acquisition or registration of vessels;
4. Use and enjoyment of public property owned by the Nation;
5. Granting of maritime transport routes and services;
6. Ownership, exploitation, or operation of land-based tanks located in commercial free zones.

In the case of legal entities, verification of the absence of reports of drug trafficking shall cover legal representatives, members of the board of directors, and partners with a stake equal to or greater than twenty percent (20%) of the subscribed capital.

Verification of the absence of reports of drug trafficking may not be requested by public entities, agencies, or departments, or by anyone doing so without a specific purpose.

PARAGRAPH 1. Within three (3) months of the entry into force of this Decree, the National Government shall adapt the regulations relating to the procedures and requirements for compliance with the provisions of this article.

During this period, the Ministry of Justice and Law shall continue to issue Certificates of Absence of Reports of Drug Trafficking for applications submitted before the entry into force of this decree and during the three months referred to in the previous paragraph. Within this period, it shall resolve all applications that have been submitted to it.

PARAGRAPH 2. The Ministry of Justice and Law shall guarantee DIMAR access to the databases and information system that enable it to perform the function provided for in this article.

ARTICLE 80. *Validity of verification of absence of reports for drug trafficking.* The verification of the absence of reports for drug trafficking carried out by the Special Administrative Unit of Civil Aeronautics and the General Maritime Directorate (DIMAR) shall be done for each natural or legal person and shall be valid for five (5) years. Verification of the absence of reports of narcotics trafficking shall authorize the respective person to carry out any of the procedures referred to in the preceding articles.

To renew the verification of the absence of reports of drug trafficking, only the applicant's data held by the respective entities will need to be updated.

However, verification of the absence of reports of drug trafficking may be reviewed unilaterally at any time, both by the Special Administrative Unit of Civil Aviation and by the General Maritime Directorate (DIMAR), respectively within their areas of competence, based on reports from the competent authorities and agencies.

PARAGRAPH 1. As of the effective date of this Decree, neither the Special Administrative Unit of Civil Aeronautics nor the General Maritime Directorate (DIMAR) may charge any fee for verifying the absence of reports of drug trafficking.

PARAGRAPH 2. Certificates of Absence of Reports of Drug Trafficking issued by the National Narcotics Directorate, in Liquidation, and by the Ministry of Justice and Law, addressed to the Special Administrative Unit of Civil Aeronautics or the General Maritime Directorate (DIMAR), which are valid at the time of entry into force of this Decree, shall remain valid.

ARTICLE 81. *Certificate of absence of reports for drug trafficking for the handling of controlled chemicals.* The Ministry of Justice and Law shall continue to issue the Certificate of Absence of Reports for Drug Trafficking for the import, purchase, distribution, consumption, production, or storage of chemicals controlled by the National Narcotics Council.

The certificate shall be issued for each natural or legal person and may include all substances and quotas required by the interested party, including those subject to national or special control in certain areas of the national territory, in accordance with the provisions of the National Narcotics Council. To this end, risk profiles and other circumstances relevant to the exercise of the control function shall be taken into account, in accordance with the parameters established in each case by the National Narcotics Council, relating to the requirements, inspection visits, validity of the Certificate, and other characteristics that must be contained in said document, without prejudice to the provisions of Article 5 of Legislative Decree 2894 of 1990, adopted as permanent legislation by Article 7 of Decree 2272 of 1991.

For the purposes of controlling the handling of chemical substances, the competent authorities may not require the transport form.

Records of the movements of substances may be kept electronically, provided that the tool used for this purpose complies with the minimum requirements established in the current regulations on the matter and in accordance with the parameters determined by the National Narcotics Council.

PARAGRAPH 1. Within six (6) months of the entry into force of this decree, the National Government and the National Narcotics Council, in exercise of their respective powers, shall adapt the regulations relating to the procedures and requirements for compliance with the provisions of this article.

PARAGRAPH 2. Without prejudice to the provisions of Article 87 of Decree 2150 of 1995, the Ministry of Justice and Law may issue the Certificate of No Record of Drug Trafficking to public entities, agencies, or departments when requested by them, for which an express written request from their legal representative or the person to whom this responsibility has been delegated shall suffice.

(See: Decree 585 of 2018)

ARTICLE 82. *Validity and renewal of the certificate of no record of trafficking in controlled substances.* The validity of the Certificate of No Record of Trafficking in Narcotic Drugs may be up to five (5) years, depending on the risk profile in accordance with the parameters established by the National Narcotics Council, in accordance with the provisions of the previous article. To renew the certificate, the individual must only update the information held by the Ministry of Justice and Law.

However, the Certificate may be unilaterally revoked at any time by the Ministry of Justice and Law, based on reports submitted by the competent authorities and agencies. Such revocation, as well as the decision not to grant the certificate, shall be reported to the corresponding authorities and may only be appealed through a motion for reconsideration.

The validity of the Certificate of No Record of Drug Trafficking shall be deemed extended until the Ministry of Justice and Law officially rules on the renewal application, provided that it has been submitted at least three (3) months before the expiration of the certificate, together with all the required documentation.

(See Articles 2.2.2.6.5.1 and 2.2.2.6.5.2 of Decree 585 of 2018)

ARTICLE 83. *Fees for the certificate of no record of trafficking in controlled substances.* The National Narcotics Council shall continue to set the fees for the issuance of Certificates of No Record of Trafficking in Narcotic Drugs for the handling of controlled chemical substances, in accordance with current regulations. The funds shall be collected by the Ministry of Justice and Law for the development of administrative control.

ARTICLE 84. *Voluntary substitution and cancellation of unattachable family assets.* Without prejudice to judicial jurisdiction, notaries may substitute or cancel family assets constituted on real estate by means of a public deed.

*(See Concept 2013-00252 of the Consultation and Civil Service Chamber of the Council of State)*

ARTICLE 85. *Content of the request for substitution and cancellation of unattachable family assets.* The request for substitution and cancellation of unattachable family assets, which is understood to be submitted under oath, shall state:

- a. The name of the notary to whom it is addressed;
- b. The identification, nationality, and address of the applicant;
- c. What is being requested;
- d. A statement of the facts on which the applications are based;
- e. The identification, nationality, and address of the minor beneficiary's parents and of the minor beneficiary;
- f. The address of the property, location, cadastral certificate or registration, real estate registration number, and history of the property for which the assets are to be canceled or replaced;
- g. The address or name of the property, location, cadastral identification number or registration, real estate registration number, and history of the property to be substituted for the assets;
- h. That the new asset on which the family estate is constituted or replaced is owned by the settlor and is not jointly owned with another person;
- i. That the cadastral value of the new property does not exceed 500 times the current legal minimum monthly wage;
- j. That the property is not encumbered by a census or antichresis, nor by a mortgage, unless the latter is to be constituted for the acquisition of the property;
- k. That the property is free of seizure;
- l. The reasons for which it is intended to cancel or replace the family assets;
- m. The relationship on which the request is based.

*(See Concept 2013-00252 of the Consultation and Civil Service Chamber of the Council of State)*

ARTICLE 86. *Attachments to the request for substitution and cancellation of the family's unattachable assets.* The following must be attached to the request for substitution and cancellation of the family's unattachable assets:

- a. A copy of the civil registry of the minor beneficiary;
- b. Copy of the public deed by which it was constituted;
- c. Certificate of title and encumbrances for the real estate subject to the proceeding; and

d. Cadastral appraisal of the property.

(See Concept 2013-00252 of the Consultation and Civil Service Chamber of the Council of State)

ARTICLE 87. *Intervention of the family defender in the process of substitution and cancellation of the unattachable family patrimony.* Upon receipt of the request for substitution and cancellation of the unattachable family patrimony, the notary shall notify the Family Defender so that within fifteen (15) business days from the third business day following the sending of the notification by certified mail, the Family Advocate shall issue a ruling accepting, denying, or imposing conditions on the cancellation or substitution of the family assets on the property or properties to be affected, with their respective arguments.

If, after this period has elapsed, the Family Ombudsman has not issued a ruling, the notary shall continue with the procedure for the granting of the public deed, in which he shall record what has occurred.

The competent Family Advocate shall be that of the location of the real estate property.

(See Concept 2013-00252 of the Consultation and Civil Service Chamber of the Council of State)

ARTICLE 88. *The public deed of substitution and cancellation of the unattachable family patrimony.* The public deed of substitution or voluntary cancellation of the unattachable family patrimony shall include, in addition to the legal formalities, the following:

- a. The general provisions of the law governing the granting parties;
- b. Identification of the property by its address, real estate registration number, cadastral identification number or registration number, if applicable, by the area or locality where it is located, by the name by which it is known, and by its boundaries.
- c. Reasons for canceling or replacing the family estate.
- d. In the case of replacement of family property, a complete description of the new property or properties that replace the replaced property.

The application and its annexes, as well as all proceedings, shall be recorded in a public deed.

(See Concept 2013-00252 of the Consultation and Civil Service Chamber of the Council of State)

ARTICLE 89. *Powers of attorney.* When a power of attorney granted by public deed is revoked at a notary's office other than the one where it was granted, the notary who authorizes the revocation shall send a certificate by secure means to the notary whose records contain the canceled deed so that the latter may make the appropriate note. This certificate does not require registration by public deed, but it shall be filed.

In the case of acts of disposal, encumbrance, or limitation of ownership of real estate, only a general power of attorney by public deed or special deed shall be valid, containing only the precise identification of the property or properties, their location, address, real estate registration number, and cadastral identification number. Powers of attorney shall not require boundaries.

The aforementioned powers shall be digitized at Notary Offices and Consulates and recorded in a special repository created for this purpose at the Single Window for Real Estate Registration (VUR), once the public deed or the certification of content and signature has been authorized by the Notary or Consul, as the case may be, in order to facilitate consultation by the recipient notaries, comparison with the physical copy in their possession, and verification thereof.

ARTICLE 90. *Conciliation agreements.* Conciliation agreements do not need to be recorded in a public deed. When the parties to the extrajudicial Conciliation Agreement referred to in Law 640 of 2001 agree to transfer, encumber, limit, affect, or release property rights or real rights over real estate, compliance with the agreement shall be effected by means of a public document signed by the conciliator and the conciliating parties. The same shall apply if the property is movable and the law requires the execution of a public deed for the aforementioned purposes. The notary shall ensure that the tax documents required by law and other legal requirements are submitted.

ARTICLE 91. *Mortgage cancellations.* When the public deed of cancellation of a mortgage is authorized in a notary's office other than the one in which it was constituted, the notary who authorizes the cancellation shall send by secure means a certificate addressed to the notary in whose protocol the mortgage deed is registered so that the latter may impose the respective cancellation note.

This certificate shall not require registration, but shall form part of the notary's file. Except for the certificate recording the mortgage to be canceled by the interested party, the registration of the cancellation note shall be free of charge to the user.

ARTICLE 92. *Repeals.* Articles 82, 83, and 88 of Decree 2150 of 1995 are hereby repealed.

CHAPTER VI

PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF NATIONAL DEFENSE

ARTICLE 93. *Elimination of the judicial certificate.* As of the effective date of this Decree-Law, the judicial certificate document shall be eliminated. Consequently, no person shall be required to present a document certifying their criminal record for procedures with public or private entities.

ARTICLE 94. *Online consultation of criminal records.* Public entities or individuals who need to know the criminal records of any national or foreign person may consult them online in the databases referred to in the following article.

To this end, the Ministry of National Defense-National Police, responsible for the custody of citizens' judicial information, shall implement an online consultation mechanism that guarantees the right of access to the information on criminal records stored therein, under the conditions and with the safeguards required by the regulations.

In any case, the administration of criminal records shall be subject to the rules contained in the General Statutory Law on Personal Data Protection.

TRANSITIONAL PARAGRAPH. In accordance with the provisions of Decree Law 4057 of 2011, the Administrative Department of Security (DAS), which is in the process of being abolished, shall provide the service referred to in this article until January 30, 2012.

ARTICLE 95. *Maintenance and updating of criminal records.* The Ministry of National Defense-National Police shall maintain and update criminal records in accordance with the reports and notices that the judicial and police authorities shall submit to it for this purpose, in accordance with the Political Constitution and the law.

TRANSITIONAL PARAGRAPH. In accordance with the provisions of Decree Law 4057 of 2011, the Administrative Department of Security (DAS), which is in the process of being abolished, shall continue to perform the function indicated in this article until January 30, 2012, in accordance with the reports and notices submitted to it for this purpose by the judicial authorities, in accordance with the Political Constitution and the law.

ARTICLE 96. *Permissibility of transferring the use of firearms.* Article 45 of Decree 2535 of 1993 shall read as follows: "ARTICLE 45.

*Permissibility of transfer.* The transfer of the use of firearms may be authorized in the following cases:

- a. Between natural persons or between legal entities, with prior authorization from the competent authority;
- b. From a natural person to a legal entity of which they are a partner or owner of a share, or from a legal entity to a natural person who is a partner or owner of a share, with prior authorization from the competent authority;
- c. Between members of clubs affiliated with the Colombian Shooting and Hunting Federation, and from one club to another;
- d. Collectible weapons may be transferred between collectors, and between collectors and individuals. Upon the death of the owner, they may be transferred to another collector, or to their heirs or to an individual; otherwise, they must be returned to the State. This transfer procedure must be preceded by a written request for authorization from the Department of Arms and Ammunition Control of the General Command of the Armed Forces.

PARAGRAPH 1. When a transfer is made between a collector and a private individual, the latter must apply for a permit to carry or possess the weapon in accordance with Decree 2535 of 1993, in terms of the quantities and classification of the weapons.

ARTICLE 97. *Updating of firearms records and expired permits.* Article 1 of Law 1119 of 2006 shall read as follows:

"ARTICLE 1. Updating of firearms records and expired permits. Natural and legal persons who, upon entry into force of this Decree Law, have in their possession firearms duly registered in the National Systematized Weapons Archive of the Department of Arms, Ammunition, and Explosives Control and Trade of the General Command of the Armed Forces, with an expired safe-conduct or permit to carry or possess, may choose to:

1. Apply for the issuance of the respective permit for carrying or possession before the Department of Arms, Ammunition, and Explosives Control and Trade (DCCA), subject to compliance with the following requirements, without prejudice to the others provided for in the law and regulatory decrees in force:
  - a. Submitting the application between March 1, 2012, and February 28, 2013, during which time a minimum fine equivalent to one-quarter (1/4) of the current legal monthly minimum wage will be applied for each weapon, and also paying the corresponding fee for the requested weapon use permit. This payment must be made to the bank account established for this purpose by the General Command of the Armed Forces.
  - b. Submit the Single National Form for Procedures, provided by the competent military authority, duly completed;
  - c. Submit a photocopy of the last safe-conduct pass or permit for carrying or possessing the weapon. If you do not have the safe-conduct pass or permit, or a photocopy thereof, you may submit a photocopy of the invoice for use or sale issued by the Military Industry. In the case of assigned weapons, you must submit the assignment invoice issued by the General Command of the Armed Forces;
  - d. Attach a photocopy of the applicant's citizenship card or that of the legal representative as a legal entity, also attaching the current certificate from the Chamber of Commerce;
  - e. Submit a receipt for payment of the equivalent fine.
2. Return the weapon no later than February 28, 2013, to the General Command of the Armed Forces-Department of Arms, Ammunition, and Explosives Control, through the Army Brigade or Tactical Unit Commands, or their equivalents in the Navy or Air Force, who will draw up the receipt, pay the owner the respective value of each weapon according to the appraisal table defined for this purpose by the General Command of the Armed Forces, and make the respective entries in the National Systematized Weapons Registry.

3. Individuals and legal entities that have weapons registered in the National Systematized Weapons Registry of the Department for the Control of Arms, Ammunition, and Explosives, with an expired carry permit, after ninety (90) calendar days following its expiration, or in the case of a possession permit, after one hundred eighty (180) calendar days following its expiration, may update their records at any time by paying one (1) current legal monthly minimum wage, a process that shall be carried out provided that they meet the other requirements indicated and that no criminal proceedings or administrative action are pending before the competent authority in which the respective weapon is involved.

In any case, a weapon in this situation may not be carried by the holder of the expired permit, under penalty of confiscation by the competent authority, without prejudice to any applicable criminal penalties.

PARAGRAPH 1. The process of updating the registration and issuing the permit for the possession or carrying of weapons does not confer the right to possess, carry, or use the weapon, nor does it confer the right to the issuance of the permit. It is at the discretion of the authority, once the requirements indicated and those established in the law and regulations in force have been met, to decide whether or not to grant the respective permit.

PARAGRAPH 2. Upon entry into force of this decree-law and within the time period established in this article, citizens may surrender any type of firearm they possess illegally, either because they do not have a safe-conduct pass or permit issued by the competent Military Authority, or because they do not have the allocation invoice issued by the General Command of the Military Forces, or because they have not been able to prove the legality of their origin or provenance. For this, they will receive monetary compensation for each weapon surrendered, in accordance with the firearms appraisal table of the General Command of the Military Forces.

PARAGRAPH 3. Citizens who have weapons registered in the National Systematized Weapons Registry for which they have been unable to prove their legal origin must surrender them within the same time frame established in this article, for which they will receive monetary compensation for each weapon surrendered, in accordance with the appraisal table established by the Military Forces Command, and they will be removed from the system.

PARAGRAPH 4. Once the deadline of February 28, 2013 has passed, if the holders of permits to carry or possess firearms do not comply with the above, they may apply for their revalidation at any time, paying one (1) current minimum monthly wage for each firearm. In

any case, a weapon in this situation may not be carried by the holder of the expired permit or safe-conduct, under penalty of confiscation by the competent authority, without prejudice to any applicable criminal penalties.

PARAGRAPH 5. Transfers due to the death of a natural person that have not been carried out in accordance with the terms established in this paragraph 1. Literal a) of Article 40 of Decree 2535 of 1993 may be carried out at any time, complying with the requirements for transfer due to death and demonstrating the status of heir. The process may be carried out by obtaining permission to possess the deceased's weapons, in accordance with the provisions of Decree 2535 of 1993 regarding the quantities and classification of weapons, with prior written authorization from the competent authority referred to in Article 32 of Decree 2535 of 1993, and complying with the provisions of paragraph g) of numeral 1 of Article 2 of Law 1119 of 2006 regarding the respective fine.

ARTICLE 98. *Departure and certificate of seaworthiness.* Article 97 of Decree Law 2324 of 1984 shall read as follows:

"ARTICLE 97. *Departure and seaworthiness certificate.* All vessels operating in the service for which they are registered must obtain a departure document, which shall be issued by the respective Port Captain, when they meet the requirements and conditions determined by the National Maritime Authority.

Vessels with a valid operating permit and smaller vessels sailing within the jurisdiction of a Port Authority or Port are exempt from this requirement, provided that they are covered by maritime traffic control to which they must report.

The owner of an unregistered vessel may obtain authorization from the Port Captain for a period not exceeding one (1) month to travel in restricted maritime areas for the sole purpose of testing engines and other systems for sale or within one month of purchase.

PARAGRAPH 1. Marinas, yacht clubs, and transport companies must submit a daily consolidated report of the movements of the vessels under their control to the Port Authority.

PARAGRAPH 2. The National Maritime Authority shall establish the respective procedures for the control of maritime traffic within a period not exceeding six (6) months.

ARTICLE 99. *Requirements for registering and granting commercial operating licenses for the provision of maritime services.* Article 140 of Decree 2324 of 1984 shall read as follows:

"ARTICLE 140. General Requirements. The National Maritime Authority shall require the following requirements for the registration and granting of commercial operating licenses for the provision of maritime services:

- a. Application addressed to the Director General of Maritime Affairs.
- b. Deed of incorporation of the company or commercial registry, as applicable.
- c. List of technical personnel and description of the equipment available.
- d. Favorable opinion of the establishment for the planned activity, issued by the Maritime Authority after inspection.
- e. Copy of an insurance policy covering compliance with legal provisions and non-contractual civil liability.
- f. Receipt of payment for the amount corresponding to the requested license.

ARTICLE 100. *Scope of application of the law on the registration and flagging of ships and naval vessels.* Article 2 of Law 730 of 2001 shall read as follows:

"ARTICLE 2. This law shall apply to natural or legal persons who, as owners and/or operators, register ships and naval vessels under the Colombian flag. The provisions of this law shall not apply to warships."

ARTICLE 101. *Provisional registration of ships and naval vessels.* Paragraph h) of Article 18 of Law 730 of 2001 shall read as follows:

"(h) Certification of initiation of proceedings for the issuance of the License for access to the frequency bands allocated to the maritime mobile service and the assignment of call letters, issued by the Ministry of Communications."

(Repealed by Article 158 of Decree 2106 of 2019)

ARTICLE 102. *Establishment of private security and surveillance companies.* Article 9 of Decree 356 of 1994 shall read as follows:

"ARTICLE 9. *Establishment of a private security and surveillance company.* In order to establish a private security and surveillance company, a document must be attached to the license application and its requirements, stating the promise of partnership in accordance with current private security and surveillance legislation, providing the names of the partners and legal representatives, attaching the corresponding academic and employment certificates, and photocopies of the citizenship card.

PARAGRAPH: To establish a CTA associated work cooperative in private security and surveillance, a document must be attached to the license application and its requirements stating the future promise of its associates, reporting the names of the associates and legal representatives, attaching the résumés with the corresponding academic and work certifications, and photocopies of the citizenship card.

ARTICLE 103. *Identification card.* Article 87 of Decree Law 356 of 1994 shall read as follows:

"ARTICLE 87. *Identification badge.* Operational personnel of private security and surveillance services shall carry a badge issued by the holder of the operating license for identification purposes, in compliance with the requirements for training and education in private security and surveillance, according to the type of work they perform and their suitability for the use and handling of weapons in accordance with the law.

The Superintendency of Private Security and Surveillance shall require the holder of the operating license to implement security and validation measures in the process of preparing and accrediting the respective credentials.

PARAGRAPH 1. Companies shall be required to register all their personnel, using technological tools that allow for the verification of such information at any time, including photographic records and fingerprinting, which shall be made available to the Superintendency of Surveillance and Private Security.

In order to carry out such verification, based on the information provided by the companies, the Superintendency of Surveillance and Private Security shall maintain an updated register of the operational personnel of the surveillance and private security services.

PARAGRAPH 2. The holder of the operating license must have a personnel selection process in place that guarantees the contractor and user of private security and surveillance services that the operational personnel have the appropriate training and education for the service provided, are qualified in the handling and use of firearms, and are reliable for the activities under their responsibility.

It shall be the responsibility of the license holder to strictly apply the established selection processes and to keep their personnel trained and educated at a training school for private security and surveillance that is licensed to operate under the terms of current regulations. These situations may be verified on an ongoing basis by the Superintendency of Private Security and Surveillance.

Failure to comply with the provisions of this article shall result in the applicable penalties, which shall be applied in accordance with the established process and due process.

ARTICLE 104. *Elimination of authorization for vehicle armoring.* The procedure for prior authorization from the Superintendency of Surveillance and Private Security for the armoring of level I and II vehicles, as well as for their dismantling, is hereby eliminated. The owner of the motor vehicle must apply to the RUNT for registration of the armoring or removal, providing a certificate from the armoring company duly registered with the Superintendency of Surveillance and Private Security. The Traffic Authority shall issue the new traffic license, which shall record the armoring or note its removal.

ARTICLE 105. *Military service record book.* The Ministry of National Defense, through the National Army, shall, within a maximum period of two (2) years from the effective date of this decree, launch an online service that allows citizens to check their military status at any time, as well as to register, pay the military compensation fee, and obtain a certificate attesting that their military status has been determined.

TRANSITIONAL PARAGRAPH. The recruitment service will schedule special calls for 2012, with the aim of definitively resolving the military status of high school graduates and non-high school graduates of legal age who were registered as of December 31, 2011.

Eleventh-grade high school students, after completing the registration process, selection exams, and lottery, in coordination with the school, will be summoned to assemble only during the course of the following year from the date of their graduation. At the end of that year, if they have not been incorporated, their situation will be resolved definitively, provided they meet the requirements established in the current recruitment regulations.

ARTICLE 106. *Repeals.* Article 1 of Law 1119 of 2006, Article 140 of Decree 2324 of 1984, and Article 109 of Decree Law 356 of 1994 are hereby repealed.

## CHAPTER VII

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF AGRICULTURE AND RURAL DEVELOPMENT

ARTICLE 107. *Allocation of land to displaced persons.* The following paragraph shall be added to Article 69 of Law 160 of 1994:

"PARAGRAPH: In the event that the applicant for the allocation is a displaced family that is in the Single Victims Registry, they may prove prior occupation of no less than five (5) years in order to be entitled to the allocation, with the respective certification of the declaration of abandonment of the property. Occupancy shall be verified by INCODER, recognizing current exploitation without the need to comply with exploitation on two-thirds of the area for which allocation is requested.

In any case, the applicant for the award must comply with the requirements set forth in this article related to the suitability of the property, non-accumulation or transfer of occupations, conservation of protected environmental areas, maximum extensions of awards of islands, beaches, and dried-up riverbanks of rivers, lakes, and swamps owned by the state, and special areas in which land acquisition programs will not be carried out, and other requirements that are not exempted by law for applicants in a state of displacement.

ARTICLE 108. *Mechanisms for carrying out inspection, surveillance, and control functions.* In order to carry out their inspection, surveillance, and control functions with respect to the same natural or legal person, within six months of the issuance of this decree-law, the ICA and INVIMA shall adopt mechanisms for conducting joint inspections or visits with respect to the same subject under surveillance, decree and carry out the necessary tests, and exchange the information necessary for the performance of their respective duties.

ARTICLE 109. *Repeals.* Article 11 of Law 37 of 1990 and paragraph 3 of Article 5 of Law 16 of 1990, added by Article 13 of Law 69 of 1993, are hereby repealed.

*Note: (Underlined expression declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-562 of 2015)*

## CHAPTER VIII

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF HEALTH AND SOCIAL PROTECTION

ARTICLE 110. *Medical records.* Paragraph 3 of Article 13 of Law 23 of 1981 shall read as follows:

"PARAGRAPH 3. In the event of the liquidation of an entity belonging to the General Social Security System for Health, responsible for the custody and preservation of medical records, this entity shall deliver the corresponding medical record to the user or their legal representative, for which purpose it shall publish at least two (2) notices in a newspaper with wide national circulation at intervals of eight (8) days, indicating the deadline and conditions for users to collect their medical records, which deadline may be extended for up to two (2) additional months from the date of publication of the last notice.

If it is impossible to deliver the documents to the user or their legal representative, the company's liquidator will draw up a report with the details of those who did not collect the documents, and shall forward it in each case to the last Health Promotion Entity with which the user is affiliated, with a copy to the competent sectional, district, or local health authority, which shall keep a record of these communications in order to inform the user or the competent authority under whose custody the medical records are held.

The Health Promotion Entity that receives the medical record shall keep it for the period provided for by law.

ARTICLE 111. *Term for making any type of charge or claim against FOSYGA resources.* Article 13 of Decree 1281 of 2002 shall read as follows:

ARTICLE 13. *Deadline for making any type of collection or claim charged to FOSYGA resources.* Claims or any type of collection that must be addressed using resources from the various FOSYGA subaccounts must be submitted to FOSYGA within a maximum period of one (1) year from the date on which the payment obligation arose or was established, or from the date on which the event occurred, as applicable.

PARAGRAPH 1. On a one-time basis, FOSYGA shall recognize and pay all recoveries and/or claims whose sole grounds for rejection in the audit process were untimeliness and for which the result was notified to the claimant and/or recovering entity prior to the entry into force of this provision, provided that the expiration provided for in paragraph 8 of Article 136 of the C.C.A., or in the rule that replaces it, has not occurred, following a new comprehensive audit, which shall be paid for by the claimant or recovering entity, as the case may be, under the terms and conditions established for this purpose by the Ministry of Health and Social Protection.

PARAGRAPH 2. Uncompensated contributions, including those glossed over without compensation at the time of issuance of this Decree, shall be compensated by the Health Promotion Entities (EPS) and entities required to compensate, within one year of the effective date of this Decree Law, after complying with the procedures established in Decrees 2280 of 2004 and 4023 of 2011 or the regulations that modify, add to, or replace them.

ARTICLE 112. *Specific aspects relating to the policy.* Paragraph 1 of Article 193 of Decree-Law 663 of 1993 shall read as follows: "1.

Coverage and amounts. The policy shall include the following coverage:

- a. Medical, surgical, pharmaceutical, and hospital expenses for injuries, in accordance with the coverage defined by the National Government. In determining coverage, the National Government shall take into account the amount of resources available;
- b. Permanent disability, as defined in Articles 209 and 211 of the Substantive Labor Code, with maximum compensation of one hundred and eighty (180) times the legal minimum daily wage in effect at the time of the accident, to which the percentages contained in the respective tables shall apply;
- c. Death and funeral expenses of the victim as a result of the accident, provided that it occurs within one year of the date of the accident, in an amount equivalent to seven hundred and fifty (750) times the legal minimum daily wage in force at the time of the accident;
- d. Transportation and mobilization expenses for victims to hospitals or clinics and security and social security entities in the public and private subsectors of the health sector, in an amount equivalent to ten (10) times the legal minimum daily wage in force at the time of the accident;

PARAGRAPH. The value of this coverage is understood to be fixed for each victim; therefore, it shall apply regardless of the number of victims resulting from the same accident.

TRANSITIONAL PARAGRAPH. Until the National Government determines the coverage referred to in paragraph a) of this article, coverage of five hundred (500) current legal daily minimum wages shall be applied by the insurer issuing the policy, and three hundred (300) current legal daily wages shall be applied by FOSYGA.

ARTICLE 113. *Resources for the payment of compensation for traffic accidents.* To cover the payment of compensation for medical, surgical, pharmaceutical, and hospital expenses and the total costs associated with the process of recognizing compensation whose amount exceeds five hundred (500) SMLDV and up to the coverage defined by the National Government, insurers must allocate a percentage of the SOAT premium resources referred to in paragraph 1, subparagraph a) of Article 199 of Decree Law 663 of 1993 and subparagraph a) of Article 223 of Law 100 of 1993, consisting of 20% of the value of the premiums issued in the immediately preceding two-month period.

The difference between the total value of the 20% resources referred to above and the percentage that the insurer must allocate to finance the coverage established by the National Government shall be transferred to FOSYGA in accordance with current regulations.

PARAGRAPH 1. The Ministry of Health and Social Protection shall annually define the percentage of the SOAT premium, which shall be sufficient to cover all expenses associated with the recognition of the compensation referred to in this article.

PARAGRAPH 2. This provision shall enter into force once the coverage limit for surgical, pharmaceutical, and hospital medical expenses and the percentage referred to in the previous paragraph have been defined, and shall apply to the payment of compensation for traffic accidents occurring from that moment onwards. FOSYGA will only process the services and benefits of victims or beneficiaries when uninsured or unidentified vehicles are involved in the traffic accident.

ARTICLE 114. *Health services, transportation to the healthcare center, and compensation for traffic accidents caused by vehicles not insured by Compulsory Traffic Accident Insurance (SOAT) or unidentified vehicles.* The EPS will assume the risk derived from the provision of health services and transportation to the healthcare center provided to victims of traffic accidents caused by vehicles not insured by SOAT or unidentified vehicles, who are affiliated with the general social security health system.

These services will be provided within the network defined by the EPS at the agreed rates, without prejudice to the fact that initial emergency care must be provided by all health service providers, within the framework of the provisions of Article 14 of Law 1751 of 2015. The billing of services will be carried out without being subject to the SOAT tariff regime, coverage, and amounts.

Within four (4) months of the entry into force of this decree-law, the Ministry of Health and Social Protection, with the support of ADRES, shall establish the methodology for defining the value of the premium and form of payment to be recognized to the EPS so that they assume the risk derived from guaranteeing health care and transportation to the health care center for victims of traffic accidents caused by vehicles not insured by SOAT or unidentified, and the mechanism for such payment.

ADRES shall continue to recognize compensation for permanent disability, death, and funeral expenses for traffic accidents caused by vehicles not insured by SOAT or unidentified vehicles, as well as health services and transportation for victims not affiliated with the General Social Security System for Health and those affiliated with the Special and Exception regimes, in accordance with the coverage established in Article 193 of the Organic Statute of the Financial System, as amended by Article 112 of Decree Law 019 of 2012. It may also seek recourse against the owner of the vehicle who has failed to comply with the obligation to have Compulsory Traffic Accident Insurance (SOAT) in order to obtain payment for the compensation paid and the health services provided to the victims of the accident. In the latter case, the EPS must report the necessary information to ADRES on a regular and timely basis.

Within two (2) years of the payment of compensation or the payment by the EPS for health and transportation services, ADRES must issue an administrative act ordering the owner and/or driver of the vehicle not insured by SOAT to pay, and may enforce this through coercive jurisdiction, advancing the administrative procedure for coercive collection. Only an appeal for reconsideration may be filed against this administrative act.

PARAGRAPH 1. The assumption by the EPS of the risk derived from guaranteeing health care and transportation to the health care center for victims of traffic accidents caused by vehicles not insured by SOAT or unidentified vehicles shall not give rise to an adjustment in the percentage of administrative expenses, as this shall be included in the premium amount defined by the Ministry.

PARAGRAPH 2. When the victim is the owner of the vehicle without SOAT insurance, ADRES shall not recognize compensation for permanent disability, death, or funeral expenses.

[\(Amended by Article 106 of Decree 2106 of 2019\)](#)

ARTICLE 115. *Claiming resources recognized by the FOSYGA ecat subaccount.* The FOSYGA's recognition of compensation for disability, death, or funeral assistance to victims of traffic accidents, terrorist events, or natural disasters, or to their beneficiaries, must be communicated in writing to the address reported at the time of the claim. If thirty (30) days have elapsed from the date of dispatch of the aforementioned communication and in cases where electronic transfer has not been authorized, the information shall be published once in the mass media. If, after six (6) months from the day following publication, the victim or beneficiary has not come forward to receive the amount awarded, no payment shall be made.

ARTICLE 116. *Services not provided for in the benefits plan.* Article 27 of Law 1438 of 2011 is hereby amended to read as follows:

ARTICLE 27. *Request for services not covered by the benefits plan and creation of the technical-scientific peer review board.* The provision of services not covered by the Benefits Plan, which are necessary and relevant in the particular case according to the prescription of the treating health professional, must be submitted by the Health Promotion Entity to the Technical-Scientific Committee or to the

Technical-Scientific Peer Board of the National Health Superintendency, in accordance with the provisions of the regulations.

Both the Technical Scientific Committees and the Technical-Scientific Peer Boards of the National Health Superintendency, with autonomy of their members, shall rule on the insufficiency of the explicit benefits, the necessity and relevance of the provision of extraordinary services, within a period not exceeding seven (7) calendar days from the complete request for the concept, which shall be established by the regulations and in accordance with the patient's medical conditions.

The National Health Superintendency shall have a list of medical specialists and other specialized professionals to form the Technical-Scientific Board.

The composition of the Technical Scientific Board must ensure interdisciplinarity among the specialized peers of the treating health professional and full professional autonomy in their decisions.

In cases where the National Government determines that the provision of services not covered by the benefits plan shall be decided by the Technical Scientific Board, the Health Promotion Entity shall send the request to the Technical Scientific Board no later than the day after receiving the prescription from the health professional.

The technical scientific committees must be composed of medical specialists and other specialized professionals. Under no circumstances may the administrative staff of the Health Promotion Entities be members of these committees, even if they are physicians.

The composition of the technical-scientific committees must guarantee interdisciplinarity among the specialized peers of the treating health professional and full professional autonomy in their decisions.

TRANSITIONAL PARAGRAPH. The National Government shall issue the regulations within six (6) months following the effective date of this decree-law.

Article 26 of Law 1438 of 2011 shall remain in force until the regulations ordered by this article come into force. ARTICLE 117. *Codification of medical supplies and devices*. Article 91 of Law 1438 of 2011 shall read as follows:

"ARTICLE 91. *Codification of medical supplies and devices*. The Ministry of Health and Social Protection shall issue, within a maximum period of six (6) months, the regulation allowing the coding of medical supplies and devices for which INVIMA has granted health registration and those it authorizes in the future, and whose use and destination is the General Social Security System for Health (SGSSS)."

ARTICLE 118. *Authorization of health service providers*. The [paragraph](#) of Article 58 of Law 1438 of 2011 shall read as follows:

"PARAGRAPH . All new healthcare providers must obtain verification of their eligibility from the competent authority in order to begin operations and, therefore, to contract healthcare services. The authority will have six (6) months from the date of submission of the application to carry out the verification. Verification must be carried out in advance in the case of emergency services and highly complex services. Oncology services must be previously authorized and verified by the Ministry of Health and Social Protection, which may enter into inter-administrative agreements to perform these functions."

ARTICLE 119. *Accreditation of beneficiaries of a contributor, over 18 and under 25 years of age who are students*. As of January 1, 2013, the accreditation of beneficiaries of a contributor, over 18 and under 25 years of age, who are students dedicated exclusively to this activity, will be verified by the Health Promotion Entity through available databases indicated for this purpose by the Ministry of Health and Social Protection, without requiring the accreditation of the respective study certificates from each educational institution.

ARTICLE 120. *Authorization procedure for the provision of health services*. In the case of outpatient care, hospitalization, home care, emergency care, and initial emergency care, the authorization procedure for the provision of health services shall be carried out directly by the health service provider institution (IPS) before the health promotion entity (EPS). Consequently, no procedure for obtaining authorization may be transferred to the user.

The Ministry of Health and Social Protection shall adopt, within a period not exceeding six (6) months following the entry into force of this decree-law, the Single Service Authorization Form to be completed by the IPS and shall regulate the authorization of other health services, in accordance with the provisions of this article, taking into account the nature of the service, the connectivity conditions, and the area in which it is provided.

Failure to comply with this provision shall give rise to the penalties provided for by law.

ARTICLE 121. *Procedure for recognizing disabilities and maternity and paternity leave.* The procedure for the recognition of general sick leave and maternity or paternity leave covered by the General Social Security System for Health must be carried out directly by the employer before the health promotion entities (EPS). Consequently, under no circumstances may the procedure for obtaining such recognition be transferred to the member.

For employment purposes, it shall be the obligation of members to inform their employer of the issuance of a disability or leave.

ARTICLE 122. *Procedure for settling accounts for recoveries.* Without prejudice to the alternative dispute resolution mechanisms established by law, when recurring discrepancies arise due to the adjustments applied in the audit of recoveries before FOSYGA, for any reason, the Ministry of Health and Social Protection shall establish guidelines or procedures aimed at resolving them, provided that the expiration period established for direct redress action in the Administrative Litigation Code has not elapsed. In such cases, the cost of the new comprehensive audit shall be borne by the recovering entity.

When the disallowance originates from the inclusion in the POS of health technologies recovered from FOSYGA, the concept issued for this purpose by the Health Regulation Commission (CRES) shall apply, which shall be competent to determine definitively whether or not they are included, both for the content of the regulations issued by that Commission and for the provisions of previous regulations. Once the CRES has issued its opinion and the comprehensive audit has been carried out, if the results are favorable, the payment process will proceed.

For recoveries that, upon entry into force of this Decree-Law, have already undergone a comprehensive audit and whose disallowance was applied on the grounds that the technology was included in the POS, it shall be applied once only, within the following year from the effective date of this provision, provided that the expiration period established for direct redress action in the Administrative Litigation Code has not elapsed.

[\(Repealed by Art. 158 of Decree 2106 of 2019\)](#)

ARTICLE 123. *Scheduling general consultation appointments.* Health Promotion Entities (EPS) must guarantee the allocation of general medicine or general dentistry appointments, without the need to make the request in person and without imposing requirements not provided for by law. These appointments must be scheduled within three (3) business days of the request. Similarly, EPSs must have systems in place to evaluate and monitor appointment scheduling times, which must be reported to the National Health Superintendency and published periodically in the mass media.

Failure to comply with this provision will result in the penalties provided for by law.

PARAGRAPH. The Ministry of Health and Social Protection may determine exceptions to the provisions of this article for geographical areas with restricted health care provision and access conditions.

ARTICLE 124. *Assignment of medical appointments with specialists.* The assignment of medical appointments with specialists shall be granted by the Health Promotion Companies within the term specified by the Ministry of Health and Social Protection, which shall be adopted gradually, taking into account the availability of specialists in each region of the country, the burden of disease on the population, the medical condition of the patient, epidemiological profiles, and other factors that affect the demand for health services by the Colombian population. To this end, the Ministry of Health and Social Protection shall issue the corresponding regulations within three months of the entry into force of this decree.

ARTICLE 125. *Authorization of elective services.* If authorization is required for the provision of elective, outpatient, or hospital health services, the procedure shall be carried out directly by the health service provider before the entity responsible for payment, without the intermediation of the member, within a period not exceeding five (5) calendar days. In the case of specially protected populations, including persons with disabilities, older adults, and pregnant women, this period shall be reduced to a maximum of two (2) business days.

The result of the procedure shall be communicated by any electronic means if authorized by the user [\(Amended by Article](#)

[105 of Decree 2106 of 2019\)](#).

ARTICLE 126. *Health notification, health permit, or health registration.* Food products that are manufactured, packaged, or imported for sale within the national territory shall require health notification, health permit, or health registration, depending on the risk posed by these

products to public health, in accordance with the regulations issued by the Ministry of Health and Social Protection, within six (6) months of the entry into force of this decree.

PARAGRAPH 1. While the aforementioned regulations are being issued, food products manufactured, processed, marketed, imported, and packaged in the national territory shall be governed by current regulations.

PARAGRAPH 2. All domestic and/or foreign food manufacturing establishments must register with the National Institute for Food and Drug Surveillance (INVIMA).

PARAGRAPH 3. INVIMA shall have an information system that strengthens the inspection, surveillance, and control actions jointly exercised by the competent health authorities, which shall also allow applicants to file, advance, and follow up on their procedures through electronic means within six (6) months following the effective date of this decree.

ARTICLE 127. *Procedure for applying for drug health registrations.* Applications for health registrations of drugs included in pharmacological standards will be evaluated by INVIMA in a single procedure, for which the interested party will submit the information and documentation provided for in the regulations. Once the registration application has been submitted and all requirements have been met, if INVIMA considers that the information is insufficient, it shall request the interested party to submit additional information on a one-time basis. Once the additional information has been received, INVIMA shall decide whether or not to grant the health registration within a period of three (3) months.

ARTICLE 128. *Procedure for applying for health registrations for new drugs.* To obtain health registration for new drugs, the following procedure must be followed:

1. Pharmacological, pharmaceutical, and legal evaluations shall be processed in a single file and simultaneously, complying with the requirements and conditions established in current health regulations.

2. INVIMA shall evaluate applications within a period not exceeding that specified in Article 28 of Decree 677 of 1995 or in the regulations that modify or replace it. In the event that the information provided is insufficient, the National Institute for Food and Drug Surveillance (INVIMA) shall request the interested party to supplement it on a one-time basis, under the terms and conditions set forth in Article 17 of Law 1755 of 2015.

[\(Amended by Article 94 of Decree 2106 of 2019\)](#)

ARTICLE 129. *Methodology for analyzing finished drug products.* In the pharmaceutical evaluation, it shall be understood that the pharmacopoeias officially accepted in the country always correspond to the latest edition of the respective pharmacopoeia.

The term of the pharmacopoeia shall be that established therein. however, in cases where changes in the new version of the pharmacopoeia cannot be implemented within the initially specified term, the National Institute for Food and Drug Surveillance (INVIMA) shall evaluate the possibility of granting an additional implementation period in accordance with the supporting documentation presented by the interested party, which may not exceed six (6) months beyond the term specified in the respective pharmacopoeia.

In any case, the deadlines specified in the pharmacopoeias that impact the quality, safety, and efficacy of a drug may not be extended.

PARAGRAPH. The National Institute for Food and Drug Surveillance (INVIMA) may accept analytical techniques other than those contained in the pharmacopoeias officially accepted in the country, provided that the interested party submits the respective validation demonstrating equivalence to the pharmacopoeial method and that it is approved by said Institute. However, if a difference arises, or in the event of a dispute, only the result obtained using the procedure and/or method given in the pharmacopoeia shall be conclusive.

[\(Amended by Article 95 of Decree 2106 of 2019\)](#)

ARTICLE 130. *QUALITY CONTROL OF MEDICINES IN POST-MARKETING.* For the control and surveillance of medicines marketed in the country, the competent health authority shall use the pharmacopoeia with which the health registration was granted, always in its latest current edition.

PARAGRAPH. In the case of validation of analytical techniques, the conclusive results shall correspond to those that comply with the specifications of the pharmacopoeias officially adopted in the country in their current edition.

ARTICLE 131. *Supply of medicines.* Health Promotion Entities shall be required to establish a procedure for supplying medicines covered by the Mandatory Health Plan to their members, through which the complete and immediate delivery of such medicines is ensured.

In the exceptional event that this delivery cannot be made in full at the time the medicines are requested, the EPS shall have a mechanism in place to coordinate and guarantee their delivery to the place of residence or work within a period not exceeding 48 hours, if the member so authorizes.

The provisions of this article shall be applied progressively in accordance with the regulations issued by the Ministry of Health and Social Protection, within six (6) months of the entry into force of this decree, beginning with patients who must consume medications on a permanent basis.

ARTICLE 132. *Advertising of alcoholic beverages.* Advertising of alcoholic beverages shall not require prior authorization from INVIMA. In any case, advertising must comply with the requirements established in current health regulations.

The competent health authorities shall exercise control over such advertising and, in the event of non-compliance, the appropriate measures and sanctions shall be applied.

ARTICLE 133. *Model for inspection, surveillance, and health control.* The Ministry of Health and Social Protection shall, within six (6) months of the entry into force of this decree, establish the model for inspection, surveillance, and health control of the products covered by the National Institute for Food and Drug Surveillance (INVIMA).

ARTICLE 134. *Health control of donated goods.* When there are international treaties whose main purpose is to obtain various types of aid or donated goods to prevent or remedy health problems or the vulnerability of the poorest, displaced, or natural disaster-affected populations in Colombia, without prejudice to the legal rules for importation, health control shall be carried out by INVIMA through a simplified mechanism that guarantees compliance with the health requirements established by the World Health Organization in the document Guidelines on Donations of Medicines (WHO/EDM/PAR/99.4) and national regulations.

ARTICLE 135. *Possession of the statutory auditor in health promotion entities and health care institutions.* The appointment of the Statutory Auditor of Health Promotion Entities and Health Care Providers referred to in Articles 228 and 232 of Law 100 of 1993 and paragraph 21 of Article 14 of Decree 1018 of 2007 is the responsibility of the General Shareholders' Meeting or the highest administrative body that appoints it in each entity or institution. It is the responsibility of this body to ensure that the entity always has a Principal and Alternate Statutory Auditor, under the terms established in the Commercial Code.

The reports of the Statutory Auditor must be submitted to the National Health Superintendency, with the frequency and in the formats established for this purpose.

PARAGRAPH: Authorizations for the appointment of Statutory Auditors that have not been issued at the time of entry into force of this decree-law shall be issued in accordance with the provisions of this article.

ARTICLE 136. *Repeals:* Paragraph 3 of Article 10 of Law 23 of 1962, as amended by paragraph 2 of Article 1 of Law 8 of 1971, and Article 72 of Law 23 of 1981 are hereby repealed.

## CHAPTER IX

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF LABOR

ARTICLE 137. *Non-discrimination against persons with disabilities.* UNCONSTITUTIONAL Article 26 of Law 361 of 1997 shall read as follows:

Note (*Declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-744 of 2012*)

"ARTICLE 26. *Non-discrimination against persons with disabilities.* Under no circumstances may a person's disability be grounds for preventing them from being hired, unless said disability is clearly demonstrated to be incompatible and insurmountable in the position to be performed. Likewise, no person with a disability may be dismissed or have their contract terminated on the grounds of their disability, unless authorized by the Ministry of Labor.

Notwithstanding the provisions of the preceding paragraph, authorization from the Ministry of Labor shall not be required when the disabled worker incurs any of the causes established by law as just causes for terminating the contract. The right to due process shall always be guaranteed.

However, those who are dismissed or whose contract is terminated due to their disability, without complying with the requirement set forth in the first paragraph of this article, shall be entitled to compensation equivalent to one hundred and eighty (180) days' salary, without prejudice to any other benefits and compensation that may be applicable in accordance with the Substantive Labor Code and other regulations that modify, add to, complement, or clarify it.

ARTICLE 138. *Applications to family compensation funds.* In all proceedings or formalities before the Family Compensation Funds, extrajudicial statements before a judge or authority of any kind shall be eliminated as a requirement. For these purposes, a statement made by the individual before the Family Compensation Fund shall suffice, which shall be understood to have been made under oath, in accordance with the formats defined by the Ministry of Labor.

ARTICLE 139. *Affiliation with family compensation funds.* Article 57 of Law 21 of 1982 shall read as follows:

"ARTICLE 57. *Affiliation with Family Compensation Funds.* Family Compensation Funds are required to affiliate all employers, self-employed workers, and pensioners, who must submit the following documents:

a. In the case of employers:

1. Written communication stating: name of the employer, address, identification, place where wages are paid, and a statement as to whether or not the employer was affiliated with any Family Compensation Fund prior to the application.
2. If the employer is a legal entity, the certificate of legal representation issued by the Chamber of Commerce of the registered office, which may be consulted by the Fund through electronic means under the terms provided for in this Decree; if the employer is a natural person, a photocopy of their identity card.
3. Certificate of good standing, in the case of previous affiliation with another fund, and
4. List of employees and salaries, in the case of employers.

b. In the case of self-employed workers and pensioners:

1. Application letter with the applicant's full name, address, identification, place of residence, monthly income, and declaration of the source of income, and statement of whether or not they were affiliated with any Family Compensation Fund prior to the application.
2. Copy of identification document.
3. Certificate of good standing, in the case of previous affiliation with another fund, and
4. In the case of pensioners, the latest pension payment report.

Family Compensation Funds must communicate in writing any rejection or approval of membership within a period not exceeding three (3) days from the date of submission of the respective application.

In the event of rejection, the response shall specify the reasons for the rejection. A copy of the communication shall be sent within the same period to the Family Subsidy Superintendency, which may overturn the decision and order the Family Compensation Fund to enroll the applicant, in order to protect the rights of the beneficiaries.

ARTICLE 140. *Notification of the occurrence of a work accident.* The notification referred to in Article 220 of the Substantive Labor Code shall be made to the Occupational Risk Management Company with which the employer is affiliated, under the terms and conditions established in the regulations governing the General Occupational Risk System.

ARTICLE 141. *Joint payment of pension contributions.* National public entities which, in accordance with

established in current regulations, are obliged to contribute to the payment of pension contributions, calculated as provided for in Law 1066 of 2006, may pay the entire actuarial value of the debt in advance. Likewise, when there are obligations for the payment of pension contributions by territorial entities, these may pay the entire actuarial value of the debt in advance.

When there are reciprocal obligations between national and territorial entities, the latter may pay the value of the debt resulting from the applicable compensation with the resources available in the National Pension Fund for Territorial Entities (FONPET), under the same terms defined for compensation between territorial entities.

ARTICLE 142. *Classification of disability status.* Article 41 of Law 100 of 1993, amended by Article 52 of Law 962 of 2005, shall read as follows:

The assessment shall be made on the basis of the single manual for the assessment of disability, issued by the National Government, in force on the date of assessment, which shall contain the technical and scientific criteria for the evaluation and assessment of the percentage loss of working capacity by systems in the event of a deficiency, disability, or handicap that has caused sequelae as a result of an illness or accident.

(Paragraph added by Article 18 of Law 1562 of 2012) (See

Constitutional Court Ruling C-120 of 2020)

"ARTICLE 41. *Classification of Disability Status.* Disability status shall be determined in accordance with the provisions of the following articles and based on the single manual for the classification of disability in force on the date of classification. This manual shall be issued by the National Government and shall include the technical evaluation criteria for classifying 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

call for applications shall be published in a widely circulated national media outlet.

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.

ARTICLE 143. *Consultation of publicly available data.* In cases of pension proceedings before social security entities, the petitioner may expressly authorize the administrator to consult the databases available at the National Civil Registry regarding the date of birth, place, and other aspects that may influence the recognition and quantification of benefits and services.

ARTICLE 144. *Willingness to be affiliated with the ISS.* It is understood that persons who were affiliated with regional pension funds and, pursuant to the provisions of Law 100 of 1993, have been contributing to the ISS for a minimum of one year, have expressed their willingness to be affiliated with that entity and, therefore, it is not necessary to prove such affiliation by completing the form when initiating the pension recognition process.

ARTICLE 145. *No obligation to maintain a balance in pensioners' savings accounts.* Pensioners whose monthly pension does not exceed two times the current legal minimum monthly wage, and who receive their pension in a savings account, are not required to maintain any balance in that account.

ARTICLE 146. *Registration for solidarity economy entities.* Article 63 of Law 454 of 1998 shall read as follows:

"ARTICLE 63. *Registration and enrollment.* The registration and enrollment of solidarity economy entities referred to in this law shall be carried out before the chamber of commerce of their principal place of business, in accordance with the rules of the commercial registry. For the registration of the act of incorporation, the presentation of the certificate of accreditation in solidarity education, issued by the Special Administrative Unit for Solidarity Entities, shall be a prerequisite.

Entities in the solidarity economy sector that manage, use, or invest resources belonging to members or third parties, or that carry out any activity requiring special authorization or recognition, must obtain and submit these in advance in order to proceed with the respective registration or enrollment. Such authorization or recognition shall be issued by the entity responsible for its supervision or by the corresponding entity, in accordance with the procedure established in the regulations in force for each case. In any case, acts approving mergers, spin-offs, transformations, incorporations, and conversions shall be subject to registration and shall take effect to that extent.

Chambers of commerce shall refrain from registering an entity in the solidarity economy sector with the same name as another commercial or non-profit entity already registered, unless this registration is canceled by order of the competent authority or at the request of the respective legal representative. Likewise, chambers of commerce shall establish mechanisms that allow for the effective exchange of information with the Superintendency or entity exercising control."

PARAGRAPH . Chambers of commerce shall maintain the register of solidarity economy entities established in Article 6 of Law 454 of 1998 under the same terms and with the same fees as those provided for commercial registration.

## CHAPTER X

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF MINES AND ENERGY

ARTICLE 147. *Delimitation of areas in which new proposals for all or some minerals will not be accepted on a temporary basis.* The first paragraph of Article 31 of Law 685 of 2001 shall read as follows:

"The Mining Authority or whoever acts on its behalf, for social or economic reasons, determined in each case, ex officio or at the express request of the mining community, in those areas where there are traditional informal mining operations, shall delimit areas in which new proposals for all or some minerals will not be accepted temporarily. The purpose of this shall be to carry out geological and mining studies and develop strategic mining projects for the country and their implementation. In any case, these geological-mining studies and the initiation of the respective projects may not take more than two (2) years. The concession shall only be granted to the same communities that have carried out traditional mining operations, even if there are requests from third parties. All of the above is without prejudice to existing mining titles.

CHAPTER XI

PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF COMMERCE, INDUSTRY, AND TOURISM

ARTICLE 148. *Remote meetings*. The paragraph of Article 19 of Law 222 of 2005 is hereby deleted. Consequently, the article shall read as follows:

"ARTICLE 19. *Remote meetings*. Provided that it can be proven, a meeting of the board of partners, general shareholders' meeting, or board of directors shall be held when all partners or members can deliberate and decide by simultaneous or successive communication by any means. In the latter case, the succession of communications must occur immediately in accordance with the means used."

ARTICLE 149. *Supervision*. Paragraph 11 of Article 84 of Law 222 of 1995 is hereby deleted and paragraph 8 of the same article is amended to read as follows:

"8. To convene extraordinary meetings of the highest corporate body in the cases provided for by law. In cases where it convenes informally, the Superintendency shall chair the meeting."

ARTICLE 150. *Publication of financial statements*. Add a paragraph to Article 41 of Law 222 of 1995, as follows:

"When financial statements are filed with the Superintendency of Companies, they shall not have to be filed with the chambers of commerce. The Superintendency of Companies shall ensure the necessary mechanisms to guarantee access to information that is not confidential. The Chamber of Commerce shall keep, by any means, the documents mentioned in this article for a period of five years."

ARTICLE 151. *Other functions*. Amend paragraph 7 of Article 86 of Law 222 of 1995, which shall read as follows:

"7. Authorize the reduction of capital in any company, when the operation involves a cash refund of contributions. The authorization may be granted by means of a general authorization under the terms established by the Superintendency of Companies."

ARTICLE 152. *Administrative measures*. Article 87 of Law 222 of 1995 is hereby amended to read as follows:

"ARTICLE 87. *Administrative measures*. In any case, in any company not subject to the supervision of the Financial Superintendency, one or more partners representing not less than ten percent of the capital stock or any of its administrators, provided that they are companies, sole proprietorships, or branches of foreign companies that, as of December 31 of the immediately preceding year, have assets equal to or greater than five thousand (5,000) times the current legal monthly minimum wage or income equal to or greater than three thousand (3,000) times the current legal monthly minimum wage, may request that the Superintendency of Companies adopt the following measures:

1. The convening of the Shareholders' Meeting or Board of Directors, whenever these have not met on the occasions provided for in the bylaws or by law. To this end, a certification from the statutory auditor indicating this fact must be attached to the corresponding document.

The letter containing the request shall be forwarded to the respective company for a period of ten days so that it may contest the facts on which the request is based. Once this period has expired, and if appropriate, the evidence requested by the interested parties and deemed relevant by the Superintendent shall be examined. Within twenty days after the expiration of the evidentiary period, the relevant decision shall be made.

2. The order to amend the clauses or provisions of the articles of association that violate legal regulations. The respective request shall contain a list of the regulations considered to have been violated and the concept of the violation. The corresponding document shall be forwarded to the company for up to ten days, after which the respective decision shall be made. To this end, the Superintendency may convene

the assembly or meeting of members or order its convening.

3. Conducting administrative investigations when irregularities or legal or statutory violations occur. To this end, interested parties must provide a list of the facts that violate the law or the statutes and the evidence that tends to prove them. The Superintendency shall conduct the respective investigation and, based on the results, shall decree the appropriate measures in accordance with the powers assigned in this law.

PARAGRAPH 1. The recognition of budgets of inefficiency in the cases indicated in Book Two of the Commercial Code shall be the responsibility of the Superintendency of Companies, acting *ex officio* in the exercise of its administrative functions, in companies not subject to the supervision or control of another Superintendency. At the request of a party, it shall only proceed under the terms of Article 133 of Law 446 of 1998.

PARAGRAPH 2. Companies, branches of foreign companies, or sole proprietorships not subject to the supervision of the Financial Superintendency that do not meet the requirements established in this article may use conciliation before the Superintendency of Companies to resolve conflicts arising between partners or between partners and the company. Without prejudice to resorting to legal action under the terms of Article 252 of Law 1450 of 2011.

ARTICLE 153. *Electronic media*. Article 40 of Law 1429 of 2010 shall read as follows:

"ARTICLE 40. *Electronic media*. The use of electronic media shall be permitted in the processing of insolvency proceedings in accordance with the provisions of Law 527 of 1999 and for the fulfillment of formalities before the Commercial Registry, non-profit entities, and before the Single Registry of Bidders delegated to the Chambers of Commerce."

ARTICLE 154. *Statutory amendment due to change of company domicile*. Article 165 of the Commercial Code shall read as follows:

"ARTICLE 165. *Statutory amendment due to change of company domicile*. When the purpose of an amendment to the contract is to change the company's domicile and this corresponds to a place within the jurisdiction of a chamber of commerce other than the one in which the deed of incorporation was registered, only the amendment containing the change of registered office shall be registered with the chamber of commerce of origin, which shall proceed to transfer the relevant entries in its files to the chamber of commerce of the new registered office.

The provisions of this article shall also apply in cases where, due to changes in the territorial jurisdiction of the chambers of commerce, the place of the principal domicile of a company corresponds to the jurisdiction of a different chamber.

ARTICLE 155. *Procedure for infringement of competition rules and restrictive commercial practices*. Article 52 of Decree 2153 of 1992, amended by Articles 16 and 19 of Law 1340 of 2009, shall read as follows:

"ARTICLE 52. *Procedure*. To determine whether there has been a violation of the rules on the promotion of competition and restrictive commercial practices referred to in this decree, the Superintendency of Industry and Commerce shall initiate proceedings *ex officio* or at the request of a third party and, if it considers the case admissible and a priority, shall conduct a preliminary investigation, the results of which shall determine the need for a full investigation.

When an investigation is ordered, the person under investigation shall be notified in person so that within the following twenty (20) business days they may request or provide the evidence they intend to present. During the investigation, the evidence requested and any evidence deemed appropriate by the Deputy Superintendent for Competition Protection shall be examined.

Once the investigation has been conducted, the Deputy Superintendent for Competition Protection shall summon, on a single occasion, a hearing where the persons under investigation and third parties recognized in the proceedings shall present orally the arguments they intend to assert with respect to the investigation. Failure to attend such hearing shall not be considered any indication of liability.

Once the oral hearing has been held, the Deputy Superintendent shall submit a reasoned report to the Superintendent of Industry and Commerce as to whether there has been an infringement. This report shall be forwarded within twenty (20) working days to the party under investigation and to the interested third parties recognized during the proceedings.

If the recommendation in the reasoned report is that no violation was committed, the Superintendent of Industry and Commerce may fully accept the arguments in the reasoned report by means of a summary administrative act.

During the course of the investigation, the Superintendent of Industry and Commerce may order the closure of the investigation when, in his or her opinion,

the alleged offender provides sufficient guarantees that they will suspend or modify the conduct under investigation.

In matters not covered by this article, the Administrative Litigation Code shall apply.

PARAGRAPH 1. In order for an investigation into a violation of the rules on restrictive trade practices to be terminated early by the provision of guarantees, the person under investigation shall be required to submit their offer before the expiry of the period granted by the Superintendency of Industry and Commerce to request or provide evidence. Before accepting or rejecting such a request, the Superintendency of Industry and Commerce may request clarification on the offer of guarantees. If the guarantees are accepted, in the same administrative act ordering the closure of the investigation, the Superintendency of Industry and Commerce shall indicate the conditions under which it will verify the continued compliance with the obligations acquired by those under investigation.

Failure to comply with the obligations arising from the acceptance of the guarantees referred to in this article shall be considered a violation of the rules on competition protection and shall give rise to the penalties provided for by law, upon request for the explanations required by the Superintendency of Industry and Commerce.

ARTICLE 156. *Publication of administrative proceedings.* Article 17 of Law 1340 of 2009 shall read as follows:

"ARTICLE 17. *Publication of administrative proceedings.* The Superintendency of Industry and Commerce shall publish on its website the administrative proceedings listed below and shall also order the publication of a notice in a regional or national newspaper, depending on the circumstances, at the expense of those under investigation or the interested parties, as applicable, informing them of:

1. The initiation of a procedure for the authorization of a merger, as well as the conditions imposed on a business merger process. In the latter case, once the corresponding administrative act has become final.
2. The opening of an investigation into infringements of competition protection rules, as well as the decision to impose a sanction, once the corresponding administrative acts have become final.
3. The guarantees accepted, when their publication is considered necessary by the authority to support compliance with the commitments made by the interested parties.

ARTICLE 157. *Intervention by third parties.* The first paragraph of Article 19 of Law 1340 of 2009 shall read as follows:

"ARTICLE 19. *Intervention by third parties.* Competitors, consumers or, in general, anyone who can prove a direct and individual interest in investigations into commercial practices that restrict competition shall be considered interested third parties and may also, within fifteen (15) business days after the publication of the opening of the investigation on the website of the Superintendency of Industry and Commerce, intervene by providing the considerations and evidence they intend to assert so that the Superintendency of Industry and Commerce may rule one way or the other."

ARTICLE 158. *Notifications and communications.* Article 23 of Law 1340 of 2009 shall read as follows:

"ARTICLE 23. *Notifications and communications.* Resolutions to open an investigation, to terminate proceedings, and to decide on administrative appeals shall be notified in person.

If personal notification cannot be made within five (5) days of sending the summons, it shall be made by means of a notice sent to the address, fax number, or email address appearing in the file or obtainable from the commercial register, accompanied by a complete copy of the administrative act. The notice shall indicate the date and the act being notified, the authority that issued it, the legal remedies available, the authorities before whom they must be filed, the respective time limits, and a warning that the notification shall be deemed to have been served at the end of the day following the delivery of the notice at its destination.

When information about the recipient is unknown, the notice, with a full copy of the administrative act, shall be published on the website and, in any case, in a place accessible to the public at the Superintendency of Industry and Commerce for a period of five (5) days, with the warning that the notification shall be considered served at the end of the day following the removal of the notice.

The file shall contain a record of the referral or publication of the notice and the date on which personal notification shall be deemed to have been effected by this means.

Other administrative acts issued in the course of the procedures provided for in the competition protection regime shall be communicated to the address provided for this purpose by the person under investigation or their representative and, in the absence thereof, to the physical or email address appearing in the commercial register of the person under investigation.

Electronic notifications shall be subject to the provisions of the Code of Administrative Procedure and Administrative Litigation.

ARTICLE 159. *Confidentiality of documents.* The [second](#) paragraph of Article 15 of Law 1340 of 2009 is hereby amended to read as follows:

"PARAGRAPH 2. The Superintendency of Industry and Commerce may, at the request of the complainant or the applicant for benefits for collaboration, keep confidential the identity of those who report practices that restrict competition, when, in the opinion of the Single Competition Authority, there is a risk that the complainant may suffer commercial reprisals as a result of the complaints made."

ARTICLE 160. *Characteristics and requirements of certification entities.* Amends Article [29](#) of Law 527 of 1999. Article 29 of Law 527 of 1999 shall read as follows:

"ARTICLE 29. Characteristics and requirements of certification bodies. Certification bodies may be legal entities, both public and private, of national or foreign origin, and chambers of commerce, which comply with the requirements and are accredited by the National Accreditation Body in accordance with the regulations issued by the National Government. The National Accreditation Body of Colombia shall suspend or withdraw accreditation at any time when it is established that the respective certification body is not complying with the regulations issued by the National Government, based on the following conditions:

- a. Have sufficient economic and financial capacity to provide the services authorized as a certification entity;
- b. Have the necessary capacity and technical elements to generate digital signatures, issue certificates of authenticity, and preserve data messages in accordance with the terms established in this law;
- c. Legal representatives and administrators may not be persons who have been sentenced to imprisonment, except for political or culpable crimes; or who have been suspended from the practice of their profession for serious ethical violations or have been excluded from it. This disqualification shall remain in effect for the same period as that specified by criminal or administrative law for this purpose."

*(See Constitutional Court ruling [C-219](#) of 2015)*

ARTICLE 161. *Activities of certification bodies.* Amends Article 30 of Law 527 of 1999. Article [30](#) of Law 527 of 1999 shall read as follows:

"ARTICLE 30. *Activities of certification entities.* Certification entities accredited by the National Accreditation Body of Colombia to provide their services in the country may carry out, among others, the following activities:

1. Issue certificates in relation to the electronic or digital signatures of natural or legal persons.
2. Issue certificates regarding verification of alterations between the sending and receiving of data messages and transferable electronic documents.
3. Issue certificates in relation to the person who has a right or obligation with respect to the documents set forth in paragraphs f) and g) of Article 26 of Law 527 of 1999.
4. Offer or facilitate services for the generation of data for the creation of certified digital signatures.
5. Offer or facilitate registration and time-stamping services in the generation, transmission, and reception of data messages.
6. Offer or facilitate services for generating data for the creation of electronic signatures.
7. Offer services for the registration, custody, and annotation of transferable electronic documents.

8. Offer services for the archiving and storage of data messages and transferable electronic documents.

9. Any other activity related to the creation, use, or utilization of digital and electronic signatures.

(See Constitutional Court ruling C-219 of 2015)

ARTICLE 162. *Duties of certification bodies.* Paragraph h) of Article 32 of Law 527 of 1999 shall read as follows:

"(h) Allow and facilitate audits by the National Accreditation Body of Colombia. The certification body is responsible for paying the costs of accreditation and surveillance audits, in accordance with the fees set by the National Accreditation Body of Colombia."

(See Constitutional Court ruling C-219 of 2015)

ARTICLE 163. *Cessation of activities by certification bodies.* Article 34 of Law 527 of 1999 shall read as follows:

"ARTICLE 34. *Cessation of activities by certification bodies.* Certification bodies accredited by ONAC may cease to operate, provided that they guarantee the continuity of service to those who have already contracted it, directly or through third parties, without additional costs to the services already paid for."

(See Constitutional Court ruling C-219 of 2015)

ARTICLE 164. *Updating of the national tourism registry.* The updating of the registration in the National Tourism Registry must be carried out by tourism service providers within the legally established deadlines for this purpose, under penalty of the provider not being able to carry out the activity.

The Ministry of Commerce, Industry, and Tourism will request that district and municipal mayors temporarily close tourist establishments until service providers can prove that they are up to date with the National Tourism Registry. In order to lift the measure provided for in this paragraph, district and municipal authorities must verify with the Ministry that the tourism service provider has fulfilled its obligation to update the National Tourism Registry. As a result of the provisions of this article, administrative investigations for failure to update the National Tourism Registry annually are hereby eliminated.

TRANSITIONAL PARAGRAPH. Administrative investigations in progress at the time of entry into force of this Decree, initiated due to failure to update the National Tourism Registry in previous years, shall be archived, and tourism service providers may reactivate their registration by complying with the requirements established by law, which must be done no later than five (5) months after the entry into force of this Decree. Otherwise, the registration will be automatically canceled.

ARTICLE 165. *Obligations of those responsible or liable.* Paragraph c) of Article 194 of Law 223 of 1995 shall read as follows:

"(c) Set retail prices and communicate them to the Departmental Finance Secretariats and the Capital District of Bogotá within ten (10) days of their adoption or modification."

ARTICLE 166. *The Single Business and Corporate Registry.* The Single Business Registry (RUE) referred to in Article 11 of Law 590 of 2000, which integrated the Commercial Registry and the Single Registry of Bidders, shall incorporate and integrate the operations of the Registry of Non-Profit Entities created by Decree 2150 of 1995, the National Public Registry of natural and legal persons engaged in the activity of sellers of games of chance referred to in Law 643 of 2001, the Public Registry of Citizen Oversight Committees referred to in Law 850 of 2003, the National Tourism Registry referred to in Law 1101 of 2006, the Registry of Foreign Non-Profit Private Law Entities domiciled abroad that establish permanent businesses in Colombia referred to in Decree 2893 of 2011, and the Registry of the Solidarity Economy referred to in Law 454 of 1998, hereinafter referred to as the Single Business and Social Registry -RUES-, which shall be administered by the Chambers of Commerce in accordance with criteria of efficiency, economy, and good faith, in order to provide the State, society in general, entrepreneurs, contractors, solidarity economy entities, and non-profit entities with a reliable tool for unified information at both the national and international levels.

In order to keep the registry up to date and ensure its effectiveness, registration in the registries that make up the Single Business and Social Registry, and the holder of the registry, shall be renewed annually within the first three months of each year. The body that exercises control and supervision of the chambers of commerce shall establish the formats and information required for registration in the registry and its

renewal thereof. The commercial and bidder registries shall continue to be renewed in accordance with the rules in force.

The body that exercises control and supervision over the chambers of commerce shall regulate the integration and implementation of the Single Business and Social Registry, ensuring, specifically, that the procedures, requirements, and information required of all users of public registries are reduced and that all procedures can also be carried out online and by other electronic means. The regulations issued by the competent authority must, in all cases, be in harmony with the statutory provisions and those contained in codes, with respect to the registries referred to in this article.

The fees for the provision of registration services shall be those provided for by law for the commercial register, the single register of bidders, and the register of non-profit entities, as applicable. Chambers of Commerce may not charge registration and renewal fees for the registers transferred to them under this decree-law and which, at the time of its entry into force, do not give rise to such fees.

Revenues from public registries and assets acquired with them shall continue to be subject to the functions assigned to Chambers of Commerce by law or by the National Government in application of paragraph 12 of Article 86 of the Commercial Code. Under no circumstances may public resources be used to cover private operations or expenses of Chambers of Commerce. The public records transferred to the Chambers of Commerce shall be assumed by them as of March 1, 2012.

*(See Constitutional Court ruling C-235 of 2014)*

ARTICLE 167. *Administrative procedures related to industrial property.* In administrative procedures related to industrial property, the following provisions shall be taken into account:

a. The documents to be attached shall be exempt from certification, authentication, legalization, or any other certification of a signature or other means of personal identification, except in cases of waiver of rights. The foregoing is without prejudice to the application of the criminal provisions established in current legislation on procedural fraud and document falsification.

b. Proof of existence and/or legal representation shall not be required from the applicant, unless there is reasonable doubt as to the veracity of any indication or element contained in the application, in which case it shall be required in accordance with the legally established procedure for this purpose.

c. Powers of attorney shall not require personal presentation, may be granted by private document, and may refer to one or more applications identified in the power of attorney, or to all existing or future applications and/or registrations of the holder granting the power of attorney. In any case, the power to withdraw the application in process or to waive the right granted must be expressly stated in the power of attorney.

The Superintendency of Industry and Commerce shall issue the necessary instructions to comply with the above provisions.

ARTICLE 168. *Multi-class system of trademark applications and registration.* The registration of a trademark may be requested in a single administrative file to distinguish products and/or services falling within different classes of the Nice International Classification.

The registration of one or more transfers or assignments of rights in relation to trademarks that have been granted or are pending may be submitted in a single application, provided that the assignor and assignee are the same in all proceedings and the corresponding file or certificate numbers are indicated.

Likewise, a single application may also request the registration of one or more name changes, changes of domicile or address, and any other act affecting the ownership of the right, in relation to several applications in process or several rights granted, provided that it concerns the same owner or applicant and the numbers of the corresponding files or certificates are indicated.

The Superintendency of Industry and Commerce shall provide guidance on the special requirements and procedures to be established for the adoption of the system described.

ARTICLE 169. *Division of applications and registrations.* Applications for trademark registration that include several products and/or services may be divided, at the request of the owner, into two or more fractional applications in which the products and/or services initially included are distributed, at any time during the process, except within the period of publication of the initial application in the Industrial Property Gazette.

The divisional applications shall retain the filing date of the initial application, as well as the benefit of the priority right

established in Article 4 of the Paris Convention and, in any case, that granted upon filing the application with the Superintendency of Industry and Commerce, in accordance with Articles 4 and 9 of Decision 486 of the Andean Community of Nations.

Likewise, the registration of a trademark may be divided into one or more registrations, at the request of the owner or as a result of a cancellation or nullity or judicial decision. In the latter case, the division of the registrations shall be admissible provided that the products and/or services included in the registrations resulting from the division are specified, to which a new certificate number shall be assigned.

The Superintendency of Industry and Commerce shall provide guidance on the special requirements and procedures to be established for the adoption of the system described.

ARTICLE 170. *Date of filing of the trademark registration application.* In accordance with the provisions of paragraph g) of Article 1 of Decision 689 of the Andean Community of Nations, if, at the time of filing the trademark registration application, it turns out that it does not contain all the requirements referred to in Article 140 of Decision 486 of the Andean Community of Nations, the Superintendency shall grant the applicant a period of two months, counted from the day following the date of notification by the Entity, to complete said requirements.

If, upon expiration of said period, the applicant does not complete or correct the indicated requirements, the provisions of the last paragraph of Article 140 of Decision 486 shall apply.

ARTICLE 171. *Deadline for Resolving Applications at the Single Window for Foreign Trade "VUCE".* As of January 2, 2020, the authorities participating in the Single Window for Foreign Trade "VUCE" must resolve applications for imports under the free regime within a period not exceeding one (1) business day from the date of filing with the respective entity, provided that the applicant has complied with all requirements.

As of January 2, 2020, the authorities participating in the VUCE, or the technological tool that acts on their behalf, must inform the applicant through the aforementioned Window, within a period not exceeding one (1) day from the date of filing, if the applications for the free regime or prior license are incomplete.

The Ministry of Commerce, Industry, and Tourism, once it has received the approvals of all the authorities participating in the VUCE, must approve the free regime import applications within a period not exceeding one (1) business day.

As of January 2, 2020, the authorities participating in the VUCE must resolve import applications under the prior license regime within a period not exceeding two (2) business days from the date of filing with the respective entity through the VUCE, provided that the applicant has complied with all requirements.

The Ministry of Commerce, Industry, and Tourism, once it has received the approvals of all the authorities participating in the VUCE, must approve import applications under the prior license regime within a period not exceeding one (1) business day.

*(Amended by Article 139 of Decree 2106 of 2019)*

ARTICLE 172. *Information on the website of the Single Business and Social Registry (RUES).* As of April 2012, for informational purposes, Chambers of Commerce shall provide free access through the RUES website to at least the following basic information on the persons included in their registry: Chamber of Commerce where the person is registered, company name, tax identification number, renewal date, registration date, effective date, type of organization, registration category, registration status, economic activity, establishments, agencies or branches, principal and alternate legal representatives, and limitations on their capacity to contract.

ARTICLE 173. *Merchant's books.* Article 56 of the Commercial Code shall read as follows:

"ARTICLE 56. The books may be removable sheets or consist of continuous series of cards, provided that both are numbered, can be kept filed in order, and appear authenticated in accordance with government regulations.

The books may be kept in electronic files, which guarantee in an orderly manner the inalterability, integrity, and security of the information, as well as its preservation. The registration of electronic books shall be carried out in accordance with the regulations issued by the National Government."

ARTICLE 174. *Alteration.* Modify paragraph 5 of Article 57 of the Commercial Code:

"5. Tearing out pages, altering their order, or mutilating books, or altering electronic files."

ARTICLE 175. *Registration of commercial books.* Paragraph 7 of Article 28 of the Commercial Code shall read as

follows: "7. The books of record of partners or shareholders, and those of the minutes of meetings and shareholders' meetings."

ARTICLE 176. *Repeals:* Articles 41 and 42 of Law 527 of 1999 are hereby repealed.

## CHAPTER XII

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF NATIONAL EDUCATION

ARTICLE 177. *Rationalization of the participation of the Minister of Education or his representative or delegate in meetings.* The participation of the Minister of National Education, his representative or delegate, in the following boards is hereby abolished: Commission for the Professional Practice of Nutrition and Dietetics, National Board of the Secretariat, National Board of Handicrafts, Board of Titles and Laboratory Control, and Professional Association of Geographers.

ARTICLE 178. *Procedure for the validation of degrees.* The Ministry of National Education shall have two (2) months to resolve applications for the validation of degrees when the institution that awarded the degree submitted for validation or the academic program leading to the issuance of the degree to be validated are accredited or have equivalent recognition by a high-quality certifying or evaluating entity recognized in the country of origin of the degree or internationally.

Similarly, it will have two (2) months when the degree submitted for validation corresponds to an academic program that has been previously evaluated by the Ministry of National Education or the ICFES, and in these cases, it will decide in the same way as the case that serves as a reference, provided that it is the same academic program, offered by the same institution, and with a difference between the dates of award of the degrees of no more than eight (8) years.

If the degree submitted for validation does not fall within the parameters set forth in the previous paragraph, or there is uncertainty about the academic level of the studies being validated, or their name, the Ministry of National Education shall submit the documentation to an academic evaluation process and, in these cases, shall have four (4) months to decide on the validation request.

The terms established in this article shall be counted from the date of receipt of the required documentation in due form.

PARAGRAPH. If, upon expiration of the terms established in this article, the Ministry of National Education has not issued a substantive decision on the application for validation, the Ministry shall have five (5) business days to decide.

## CHAPTER XIII

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

ARTICLE 179. *Scientific and technological research activities.* Higher education institutions or technological research and development centers that are conducting scientific and technological research activities requiring the acquisition, use, transport, and maintenance of genetic resources or derived products may continue such activities, provided that within one year of the entry into force of this decree-law, it enters into the respective contract with the Ministry of Environment and Sustainable Development for access to genetic resources or derivative products for scientific research without commercial interest and obtains the corresponding authorization.

## CHAPTER XIV

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF HOUSING, CITIES, AND TERRITORY

ARTICLE 180. *Procedure for partial plans.* Article 27 of Law 388 of 1997 shall read as follows:

"ARTICLE 27. *Procedure for partial plans.* For the approval and adoption of the partial plans referred to in this Law, the following procedure shall be taken into account:

1. Draft partial plans shall be prepared by municipal or district planning authorities, by communities, or by interested individuals, in accordance with the parameters determined in this regard by the land use plan or the Macroproject of National Social Interest, when the latter so provides.
  2. The municipal or district planning office, or the agency acting on its behalf, shall review the draft partial plan in order to verify compliance with the regulations taken into account for the formulation of the plan. For the approval of the draft partial plan, the planning office shall have a period of thirty (30) business days from the date of filing of the project, extendable for thirty (30) business days on a one-time basis, failing which it shall be deemed approved under the terms in which it was submitted through the application of positive administrative silence.
  3. Once the municipal or district planning office, or the agency acting on its behalf, approves the partial plan project by means of an administrative act or administrative silence occurs under the terms of paragraph 2, it shall be submitted for consideration by the competent environmental authority, when required under the regulations of the National Government, so that, together with the municipality or district, they may agree on matters exclusively related to the environment, for which they shall have fifteen (15) business days, extendable for an equal period.
- When agreement cannot be reached between the municipality or district and the competent environmental authority, the municipal or district planning office shall proceed to file the partial plan project, without prejudice to the interested party's right to make any adjustments they deem appropriate and restart the environmental agreement process.
- In the case of partial plans that develop Macroprojects of National Social Interest, if the environmental authority does not issue a final decision within the period specified in this article, the Ministry of Environment and Sustainable Development shall be responsible for deciding on environmental matters, for which it shall have a maximum and non-extendable period of fifteen (15) business days from receipt of the respective file.
4. During the review period of the partial plan project, there shall be a public information phase, convening the owners and neighbors so that they may express their recommendations and observations.
  5. Once the previous stages have been completed and within fifteen (15) business days following the approval of the partial plan project, by means of an express or implied administrative act or environmental agreement, where applicable, the municipal or district mayor shall adopt it by decree.

PARAGRAPH 1. Failure by the competent authorities to comply with the terms set forth in this article shall constitute serious misconduct on the part of the director and officials responsible for the respective entity.

PARAGRAPH 2. The authorities before which urban planning procedures must be carried out after the adoption of the partial plan shall be obliged to issue their opinions or permits based on what has been approved in the partial plan and its supporting technical document. In any case, once the partial plan has been approved, all the impacts of the operation must be defined and resolved without the need for the approval of complementary planning instruments for its execution or development.

PARAGRAPH 3. The validity of the partial plan shall be indicated in the decree adopting it and shall not be altered by any modification of the Land Use Plan, unless the owners of the properties agree in writing to the new regulations.

PARAGRAPH 4. The adjustment of partial plans, if required, shall be carried out taking into account only the instances or authorities responsible for the matters subject to the adjustment necessary for the development of the respective plan. The request for determinants may only be limited to those aspects for which the modification is expressly requested in writing, and shall be based on the same regulations under which the partial plan was approved, unless the interested parties state otherwise.

ARTICLE 181. *Enforceability and collection of the share in the capital gain.* Article 83 of Law 388 of 1997 shall read as follows:

"ARTICLE 83. *Enforceability and collection of the share.* The share in the capital gain shall only be enforceable against the owner or possessor of the property in respect of which a capital gain has been calculated and recorded in the respective property registration folio, at the time when any of the following situations arise:

1. Application for a development or construction license, as applicable, for the collection of the share of the capital gains generated by any of the triggering events referred to in Article 74 of Law 388 of 1997.

2. Effective change in the use of the property, applicable for the collection of the share of the capital gains generated by the modification of the land regime or zoning.
3. Acts involving the transfer of ownership of the property, applicable to the collection of the share of the capital gain referred to in paragraphs 1 and 3 of the aforementioned Article 74.
4. Acquisition of securities representing additional construction and development rights, under the terms established in Article 88 et seq. of this Law.

PARAGRAPH 1. In the event provided for in paragraph 1, the amount of the share in capital gains for the respective property may be recalculated by applying the capital gains effect calculated per square meter to the total number of additional square meters covered by the corresponding license.

PARAGRAPH 2. For the issuance of building permits, as well as for the granting of deeds of transfer of ownership, in relation to properties for which the capital gains effect has been calculated and registered in the respective property registry, proof of payment shall be required.

PARAGRAPH 3. If, for any reason, payment of the share is not made in the situations provided for in this article, collection of the same shall become enforceable when any of the other situations provided for herein occur. In any case, if the cause is the failure to settle and register the capital gains, the municipal or district mayor shall carry out the procedure provided for in Article 81 of this law. The possessor and the owner shall be jointly and severally liable, where applicable.

PARAGRAPH 4. Municipalities may exempt properties intended for social housing from the collection of capital gains tax.

ARTICLE 182. *Urban planning licenses.* Paragraphs 1 and 7 of Article 99 of Law 388 of 1997 shall read as follows:

"1. In order to carry out construction, expansion, modification, adaptation, structural reinforcement, restoration, reconstruction, enclosure, and demolition of buildings, as well as urbanization, parceling, subdivision, or subdivision of properties located on urban, urban expansion, and rural land, the corresponding urban planning license must be obtained prior to execution. A license will also be required for the occupation of public space with any kind of furniture.

The urban planning license is a specific administrative act issued by the urban curator or the competent municipal or district authority, which specifically authorizes the urbanization and subdivision of land, the construction, expansion, modification, adaptation, structural reinforcement, restoration, reconstruction, enclosure, and demolition of buildings, the intervention and occupation of public space, and the subdivision of land.

The granting of the urban planning license implies the acquisition of development and construction rights under the terms and conditions contained in the respective administrative act, as well as certification of compliance with the rules and other regulations on which it is based, and entails specific authorization for the use and exploitation of the land as long as it is in force or when all the obligations established therein have been fulfilled.

Modifications to existing licenses shall be resolved on the basis of the urban planning regulations and other regulations that served as the basis for their issuance."

(...)

"7. The National Government shall establish the documents that must accompany license applications and the validity of licenses, according to their type. In any case, urban planning licenses shall be resolved exclusively in accordance with the requirements established by the national regulations governing their processing, and municipalities and districts may not establish or require additional requirements to those indicated therein."

ARTICLE 183. *Compliance with technical standards.* Article 2 of Law 400 of 1997 shall read as follows:

"ARTICLE 2. *Scope.* Construction carried out in the territory of the Republic shall be subject to the regulations established in this Law and in the provisions that regulate it.

The district or municipal offices or agencies responsible for granting building permits shall be responsible for enforcing and monitoring compliance. They shall refrain from approving construction projects or plans that do not comply with the standards set forth in this Law or its regulations.

Construction must strictly adhere to the corresponding approved project or plans.

PARAGRAPH. In any case, unless otherwise provided by law, municipal and district authorities may not issue or enforce technical or construction standards other than those set forth in this law and its implementing regulations.

ARTICLE 184. *Uses and treatments.* In order to expedite the development of developable land, partial plans for urban or urban expansion land shall assign land uses and treatments within their planning area, in accordance with the general classification of uses and treatments provided for in the Agreement or Decree adopting the respective land use plan. In any case, the process of approval and adoption of partial plans shall be subject to the procedure provided for in Article 27 of Law 388 of 1997. In no case shall they require any additional approval by the council or other municipal or district planning authority.

ARTICLE 185. *Filing of documents to carry out construction and sale of real estate intended for housing.* Article 71 of Law 962 of 2005 shall read as follows:

"ARTICLE 71. *Filing of documents to carry out construction and sale of real estate intended for housing.* Those interested in carrying out housing plans must file only the following documents with the municipal or district administration body responsible for supervising and controlling the construction and sale of real estate covered by Law 66 of 1968 and Decree 2610 of 1979:

- a. Property registration document for the property or properties covered by the application, issued no more than three (3) months prior to the date of application;
- b. Copies of the contract templates to be used in the sale of real estate to buyers, in order to verify the consistency and validity of the clauses with compliance with the civil and commercial regulations governing the contract;
- c. The financial budget for the project;
- d. The relevant urban planning license, except in the case of the pre-sale system;
- e. When the property on which the plan or program is to be developed is encumbered by a mortgage, proof must be provided that the mortgagee undertakes to release the lots or buildings that are being sold, through the proportional payment of the lien affecting each lot or building.

PARAGRAPH 1. These documents shall be available to buyers of housing plans at all times so that they may carry out the necessary studies to determine the advisability of the purchase.

PARAGRAPH 2. The National Government shall regulate the manner of filing the documents and the terms and procedures for reviewing the information required in this article.

PARAGRAPH 3. Under no circumstances may the partial or total execution of urbanization or construction works, as the case may be, be required as a precondition for the filing of the documents referred to in this article; however, the provisions of paragraph 5 of Article 5 of Law 9 of 1989 must be complied with. In the event that new documents are required to be filed or any condition of those already filed is changed, the municipal or district authority may not request permission, authorization, or additional procedures other than the simple filing of the new document.

ARTICLE 186. *Resolution of applications based on the rules that formed the basis for the issuance of the license.* In urban planning procedures that must be carried out after the issuance of an urban planning license, the competent authority shall be obliged to resolve applications solely on the basis of the rules that formed the basis for the issuance of the respective license.

ARTICLE 187. *Ethnic, social, economic, and cultural integrity of indigenous peoples and ethnic communities of African descent.* Paragraph 3 of Article 4 of Law 1469 of 2011 shall read as follows:

"PARAGRAPH 3. In order to preserve the ethnic, social, economic, and cultural integrity of indigenous peoples and ethnic communities of African descent and to guarantee their participation in decisions that affect them, when macro-projects are carried out, in whole or in part, on

land where these communities are settled, the specific prior consultation required by ILO Convention 169, Article 6, paragraph 1, subparagraph a), must be carried out during the formulation stage prior to the adoption of the respective macro-project."

ARTICLE 188. *Public services in the processing of urban planning licenses.* In the processing of urban planning licenses with the concept of immediate availability of public utilities, the competent authority shall approve temporary water and sewer services.

ARTICLE 189. *Incorporation of risk management in the review of land use plans.* In order to promote measures for the environmental sustainability of the territory, the review of the medium- and long-term contents of the land use plan or the issuance of a new land use plan shall only proceed when the delimitation and zoning of threatened areas and the delimitation and zoning of areas with risk conditions are guaranteed, in addition to the determination of specific measures for their mitigation, which shall be included in the corresponding cartography.

The National Government shall regulate the conditions and scales of detail, taking into account the designation of land use plans established in Article 9 of Law 388 of 1997.

PARAGRAPH. The provisions of this article shall not be enforceable in the review of land use plans carried out pursuant to the adoption of a Macroproject of National Social Interest or a Comprehensive Urban Development Project.

ARTICLE 190. *How to resolve inconsistencies between the provisions of the agreement adopting the land use plan and its official cartography.* Add the following third paragraph to Article 12 of Law 388 of 1997:

"PARAGRAPH 3. When there are inconsistencies between the provisions of the agreement adopting the land use plan and its official cartography, the provisions of the agreement shall prevail, and the municipal or district mayor, or the entity delegated for that purpose, shall be responsible for correcting the cartographic inconsistencies, provided that they do not involve modifications to the provisions of the Land Use Plan.

The administrative act that makes the cartographic correction shall define, based on the provisions of the Land Use Plan and its regulations, the urban planning rules applicable to the area subject to the correction. Once the administrative act has been issued, it must be recorded in all the official cartographic plans of the corresponding plan and its regulatory and complementary instruments. This provision shall also apply to the correction of official cartography when detailed studies allow for a more accurate determination of the legal, physical, geological, and morphological conditions of the land."

ARTICLE 191. *Requirements for applying for a license.* In order to apply for a license for urbanization, parcelling, and subdivision, municipal and district entities may not require additional requirements or documents beyond those established in the Law and its regulations.

ARTICLE 192. *Special regime for urban planning licenses.* For the processing and issuance of urban planning licenses, the following shall be taken into account:

1. No urban planning license for development, subdivision, construction, or subdivision in any of its forms shall be required for:
  - a. The construction, expansion, adaptation, modification, restoration, remodeling, reinforcement, demolition, and enclosure of national and international airports and their facilities, such as control towers, hangars, workshops, terminals, platforms, runways, taxiways, radio aids, and other temporary and permanent buildings, whose authorization corresponds exclusively to the Civil Aviation Authority, in accordance with Decree-Law 2724 of 1993 or the regulations that add to, modify, or replace it.
  - b. The construction of infrastructure projects for the national, regional, departmental, and/or municipal road and rail networks; sea and river ports; infrastructure for the exploration, exploitation, and distribution of non-renewable natural resources, such as hydrocarbons, minerals, and hydroelectric power.
  - c. The construction of buildings necessary for military and police infrastructure for national defense and security.
2. No building permit of any kind shall be required for the construction of special structures such as bridges, transmission towers, industrial towers and equipment, docks, hydraulic structures, and all other structures whose dynamic behavior differs from that of conventional buildings.

When these types of structures are included in the processing of a building, urbanization, or subdivision permit, they will not be counted

within the occupancy and construction indices and shall not be subject to compliance with Law 400 of 1997 and its regulatory decrees, or the regulations that add to, modify, or replace them.

3. Only conventional permanent buildings developed within the area of the project, work, or activity referred to in paragraphs b) and e) of the first section of this article will require a building permit in any of its forms, for the sole purpose of verifying compliance with earthquake resistance standards and other technical regulations that may be applicable to the matter.

Such licenses shall be granted by the urban curator or the competent municipal authority based on Law 400 of 1997 and its regulatory decrees, or the regulations that add to, modify, or replace them; and on all special provisions that regulate this type of project. In none of the cases referred to in this section shall a license for urban development, parceling, or subdivision be required.

PARAGRAPH. The provisions of this article do not exclude the obligation to apply for the respective license for intervention and occupation of public space, when applicable, in accordance with the regulations issued by the National Government.

ARTICLE 193. *Transfer of severance pay.* Article 6 of Law 432 of 1998 shall read as follows:

"ARTICLE 6. *Transfer of severance pay.* During the month of February, employers must transfer the amount calculated for severance pay to the National Savings Fund, taking into account the last two digits of the Tax Identification Number (NIT) to set payment dates.

Each month, public employers shall send the National Savings Fund a certification containing the total value of the salary factors that constitute the basis for calculating severance pay accrued in the immediately preceding month.

Competent officials of public employers who, without just cause, fail to make timely monthly contributions or send duly completed annual severance pay reports will be subject to disciplinary action in accordance with the disciplinary regime in force.

All public entities shall be required to include in their budgets the necessary items to cover severance pay for the respective term, as an essential requirement for their submission, processing, and approval by the corresponding authority.

PARAGRAPH. The dates stipulated in this article for compliance with the transfer obligation shall not apply to public employers at the departmental and municipal levels, the regime established in Article 99 of Law 50 of 1990, in relation to the dates of transfer of severance pay, and other regulations that regulate, modify, or replace it.

ARTICLE 194. *The sole paragraph of Article 3 of Decree 78 of 1987 is hereby repealed.*

## CHAPTER XV

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE TRANSPORT ADMINISTRATIVE SECTOR

ARTICLE 195. *Authority of the holder.* Article 18 of Law 769 of 2002, amended by Article 2 of Law 1397 of 2010, shall read as follows:

"ARTICLE 18. *Authority of the holder.* The driver's license shall authorize its holder to drive motor vehicles in accordance with the categories established for each type by the regulations adopted by the Ministry of Transportation, clearly stipulating whether the driver is a public or private driver."

ARTICLE 196. *Driver's license requirements.* Article 19 of Law 769 of 2002, amended by Article 5 of Law 1383 of 2010, amended by Article 3 of Law 1397 of 2010, shall read as follows:

"ARTICLE 19. *Requirements.* A driver's license for motor vehicles may be obtained by anyone who can prove that they meet the following requirements:

For private vehicles:

- a. Be able to read and write.
- b. Be at least sixteen (16) years of age.
- c. Pass theoretical and practical driving tests for private vehicles before public or private authorities that are duly authorized to do so and registered with the RUNT, in accordance with the regulations issued by the Ministry of Transportation.
- d. Obtain a certificate of driving proficiency issued by a driving school authorized by the Ministry of Transportation and registered with the RUNT.
- e. Submit a certificate of physical, mental, and motor coordination fitness to drive issued by a health care provider or a driver examination center, in accordance with the regulations issued by the Ministry.

For public service vehicles:

The requirements set forth in paragraphs 1, 4, and 5 above shall apply. In addition, drivers must be at least eighteen (18) years of age and pass a theoretical and practical driving test for public transport vehicles in accordance with the regulations issued by the Ministry of Transport.

Public service drivers must receive training and obtain certification in the subjects determined by the Ministry of Transportation.

PARAGRAPH. To obtain a driver's license for the first time, or to reclassify or renew it, physical, mental, and motor coordination abilities must be demonstrated to the traffic authorities, using the required systematized and digitized technological means for assessment, which allow for measurement and evaluation within the ranges established by the Ministry of Transportation according to international parameters and limits, including: vision and auditory orientation abilities, visual acuity and campimetry, reaction and recovery times to glare, coordination between acceleration and braking, overall motor coordination, color discrimination, and horizontal and vertical phoria.

ARTICLE 197. *Validity of the driver's license.* Article 22 of Law 769 of 2002, amended by Article 6 of Law 1383 of 2010, shall read as follows:

"ARTICLE 22. *Validity of the Driver's License.* Driver's licenses for private service vehicles shall be valid for ten (10) years for drivers under sixty (60) years of age, five (5) years for persons between sixty (60) and eighty (80) years of age, and one (1) year for persons over eighty (80) years of age.

Driver's licenses for public service vehicles shall be valid for three (3) years for drivers under sixty (60) years of age and for one (1) year for those over sixty (60) years of age.

Driver's licenses shall be renewed by taking a new physical, mental, and motor coordination aptitude test and upon validation in the RUNT system that the person is up to date with the payment of fines for traffic violations, duly enforced."

*(See Constitutional Court ruling C-969 of 2012)*

ARTICLE 198. *License renewal.* Article 23 of Law 769 of 2002 shall read as follows:

"ARTICLE 23. *License renewal.* Renewal shall be requested from any traffic agency or public or private entity authorized to do so, and the process shall not take more than 24 hours once the documentation has been accepted.

The driver's license shall not be renewed or reclassified while a penalty against its possession remains in force or if the holder of the license is not in good standing with regard to duly enforced fines for traffic violations.

For traffic procedures that require it, the person shall be deemed to be in good standing when they have no traffic violations or when any of the following conditions have been met:

1. When the penalty imposed has been fulfilled;
2. when three (3) years have elapsed since the occurrence of the event that led to the imposition of the penalty, without the traffic authority having notified the payment order;
3. When, having entered into an agreement or arrangement for the payment of fines for traffic violations, the person is up to date with the payments agreed upon in the agreement on the date of application for the respective procedure.

ARTICLE 199. *Registration and account transfers.* A second paragraph shall be added to Article 39 of Law 769 of 2002, which shall read as follows:

"ARTICLE 39. All vehicles shall be registered with a traffic authority, to which they shall pay the registration fees and subsequently pay the vehicle taxes.

In order to carry out this procedure, the respective traffic authorities may not request the presentation of documents that fall under the jurisdiction of other public authorities or private individuals exercising administrative functions.

The Ministry of Transportation shall be responsible for making the necessary adjustments to the RUNT before July 31, 2012, to comply with this mandate.

The entities involved, such as the DIAN, the Ministry of Foreign Affairs, and transportation entities, must provide support and strengthen their technological infrastructure to enable the exchange of the required information.

The owner of a vehicle may request the transfer of documents from one traffic agency to another at no cost, which must be processed within a period not exceeding ten (10) days and will be before the new traffic agency where the vehicle taxes will be paid from then on.

PARAGRAPH . The address of the traffic agency where a vehicle's papers are registered shall be the vehicle's tax address.

ARTICLE 200. *Location of license plates.* Article 45 of Law 769 of 2002 shall read as follows:

"ARTICLE 45. *Location.* Motor vehicles shall carry two (2) identical license plates: one at the front and one at the rear. Trailers, semi-trailers, and similar cargo transport vehicles shall have a license plate in accordance with the characteristics determined by the Ministry of Transportation. Motorcycles, mopeds, and motor tricycles shall bear a single reflective license plate at the rear, based on the same characteristics and serialization as the license plates of other vehicles.

No motor vehicle registered in Colombia may display, in the space designated for license plates, any insignia similar to or imitating these plates, or corresponding to plates from other countries, under penalty of incurring the sanction provided for in this Code for those who drive without license plates; these must be free of any obstacles that hinder their full identification.

PARAGRAPH . In the event of theft or loss of the license plate, a duplicate with the same number shall be issued.

ARTICLE 201. *Periodic inspection of vehicles.* Article 51 of Law 769 of 2002, amended by Article 11 of Law 1383 of 2010, shall read as follows:

"ARTICLE 51. *Periodic inspection of vehicles.* Except as provided in the following article, all motor vehicles must undergo an annual technical-mechanical and pollutant emissions inspection.

The inspection will be intended to verify:

- f. The adequate condition of the bodywork.
- g. Gas emission levels and pollutants in accordance with current legislation on the matter.
- h. The proper functioning of the mechanical system.

- i. The proper functioning of the electrical system and headlights.
- j. The efficiency of the internal combustion system.
- k. Safety features.
- l. Good condition of the brake system, verifying, especially in the case of air brakes, that they do not emit acoustic signals above the permitted levels.
- m. The vehicle's tires.
- n. Operation of emergency systems and components.
- o. The proper functioning of devices used for charging for public services.

ARTICLE 202. *First inspection of motor vehicles.* Article 52 of Law 769 of 2002, amended by Article 12 of Law 1383 of 2010, shall read as follows:

*(See rulings C-502 and C-745 of 2012 of the Constitutional Court)*

"ARTICLE 52. *First inspection of motor vehicles.* New private service vehicles other than motorcycles and similar vehicles shall undergo their first technical-mechanical and pollutant emissions inspection after six (6) years from the date of registration. New public service vehicles, as well as motorcycles and similar vehicles, shall undergo their first technical-mechanical and pollutant emissions inspection after two (2) years from the date of registration.

PARAGRAPH: Motor vehicles with foreign license plates that enter the country temporarily for up to three (3) months will not be required to undergo technical-mechanical and pollutant emissions inspections.

*(See Constitutional Court rulings C-502 and C-745 of 2012)*

ARTICLE 203. *Automotive diagnostic centers.* Article 53 of Law 769 of 2002, amended by Article 13 of Law 1383 of 2010, shall read as follows:

"ARTICLE 53. *Automotive Diagnostic Centers.* Technical-mechanical and pollutant emission inspections shall be carried out at legally established automotive diagnostic centers that meet the conditions set forth in the regulations issued by the Ministry of Transportation and the Ministry of Environment and Sustainable Development, within their respective jurisdictions. The Ministry of Transport shall authorize such centers in accordance with the regulations issued for that purpose.

The results of the technical-mechanical and pollutant emissions inspection shall be recorded in a standard document whose characteristics shall be determined by the Ministry of Transport. For the inspection of the motor vehicle, only the presentation of the traffic license and the corresponding compulsory insurance shall be required.

PARAGRAPH . Anyone who does not carry this document shall be subject to the penalties provided for by law. For all legal purposes, this shall be considered a public document."

ARTICLE 204. *Control of driver violations.* Article 93 of Law 769 of 2002, amended by Article 17 of Law 1383 of 2010, shall read as follows:

"ARTICLE 93. *Control of driver violations.* Traffic agencies shall report daily to the National Traffic Registry (RUNT) any violations imposed for traffic violations.

PARAGRAPH 1. The RUNT infractions module shall become operational no later than six (6) months after this Decree Law enters into force. Until the aforementioned registry becomes operational, infractions shall continue to be reported daily to the systems developed or used by each Transit Agency for this purpose.

PARAGRAPH 2. The Superintendency of Ports and Transportation shall impose a fine equivalent to one hundred times the current legal monthly minimum wage (100 smmlv) on public land transportation companies that employ drivers with suspended or canceled driver's licenses.

PARAGRAPH 3. Public land transport companies must establish programs to control and monitor traffic violations by drivers in their service. Such programs must be sent monthly by public land transport companies to the Superintendency of Ports and Transportation. Companies that do not comply with the above will be penalized by said entity with a fine equivalent to one hundred times the current legal monthly minimum wage (100 smmlv)."

ARTICLE 205. *Reduction of the fine.* The content of Article 136 of Law 769 of 2002 is hereby amended, with the exception of paragraphs 1 and 2, which shall remain in force, as follows:

"ARTICLE 136. *Reduction of the Fine.* Once the summons has been served, if the accused accepts the commission of the offense, he or she may, without the need for further administrative action:

1. Cancel fifty percent (50%) of the fine within five (5) days of the summons, provided that you attend a mandatory traffic rules course at a Traffic Agency or Comprehensive Service Center. If the course is taken at a Comprehensive Service Center or a traffic agency in a different jurisdiction from where the violation was committed, twenty-five percent (25%) of the amount payable will be paid to that agency, and the remainder will be paid to the traffic agency in the jurisdiction where the violation was committed; or
2. Cancel seventy-five percent (75%) of the fine if you pay within twenty days of the summons and provided that you attend a mandatory course on traffic regulations at a traffic agency or Comprehensive Service Center. If the course is taken at a Comprehensive Service Center or a traffic agency in a different jurisdiction from where the violation was committed, twenty-five percent (25%) of the amount payable will be canceled and the remainder will be paid to the traffic agency in the jurisdiction where the violation was committed; or
3. If the offense is accepted and not paid within the aforementioned time frame, the accused must pay one hundred percent (100%) of the fine plus the corresponding late payment interest.

If the defendant denies committing the infraction, they must appear before the official in a public hearing so that the official may order the relevant evidence requested and any other evidence deemed useful.

If the offender fails to appear without just cause within five (5) business days of notification of the hearing, the traffic authority, after thirty (30) calendar days from the date of the alleged violation, shall continue the proceedings, on the understanding that the offender is bound by them, ruling in a public hearing and notifying the parties in court.

At the same hearing, if possible, evidence shall be presented and the accused shall be punished or acquitted. If found guilty, the offender shall be imposed one hundred percent (100%) of the penalty provided for by law.

Traffic agencies may enter into agreements for the collection of fines free of charge and may establish agreements with banks for this purpose. Payment of the fine to the traffic agency that imposes it and appearance in court may be made anywhere in the country.

ARTICLE 206. *COMPLIANCE.* Article 159 of Law 769 of 2002, amended by Article 26 of Law 1383 of 2010, shall read as follows:

"ARTICLE 159. *Enforcement.* The enforcement of penalties imposed for traffic violations shall be the responsibility of the traffic authorities of the jurisdiction where the offense was committed, who shall have coercive jurisdiction for collection, when necessary.

Penalties imposed for traffic violations shall expire three (3) years after the occurrence of the offense; the expiration shall be declared ex officio and shall be interrupted upon notification of the payment order. The traffic authority may not initiate coercive collection of penalties for which the necessary conditions for declaring their expiration have been met.

Traffic authorities shall publicly establish, no later than January of each year, plans and programs for the collection of such penalties and, within the same period, shall render public accounts on their implementation.

PARAGRAPH 1. Traffic authorities may contract out the collection of fines imposed for traffic violations.

PARAGRAPH 2. Fines shall be the exclusive property of the traffic agencies where the offense was committed, in accordance with their jurisdiction. Fifty percent (50%) of the amount of fines imposed on national roads by personnel of the Colombian National Police assigned to the Traffic and Transportation Directorate shall be distributed to the municipality where the corresponding citation is issued, and the other fifty percent (50%) shall be distributed to the Traffic and Transportation Directorate of the National Police, to be used for the training of its assigned personnel, education and road safety plans carried out by this specialty throughout the national road network, locations that meet the needs of the service, and the construction of the National Police Road Safety School.

ARTICLE 207. Registration of agricultural, industrial, and self-propelled construction machinery. Paragraph 7 of section A and section B of article 10 of Law 1005 of 2006 shall read as follows:

"7. All agricultural, industrial, and self-propelled construction machinery. The Ministry of Transportation shall be responsible for its registration and shall issue the respective registration card."

"B. They are required to report the information to the National Traffic Registry (RUNT) within 24 hours of the incident occurring:

1. Traffic agencies must report all traffic violations that occur in Colombia, in accordance with the provisions of Article 93 of Law 769 of 2002 and the regulations that modify it.
2. Traffic agencies and the Highway Police must report traffic accidents that occur in Colombia.
3. Insurance companies must report all compulsory insurance policies issued in Colombia.
4. Traffic agencies must report the information indicated in paragraphs 2 and 4 of section A of this article.

Those who are required to report information to the RUNT shall not pay any fees.

ARTICLE 208. *Registration of agricultural, industrial, and self-propelled construction machinery.* Article 11 of Law 1005 of 2006 shall read as follows:

"ARTICLE 11. The National Registry of Agricultural, Industrial, and Self-Propelled Construction Machinery that is acquired, imported, or assembled in the country shall be incorporated into the Single National Traffic Registry (RUNT) as of the enactment of this law.

The National Registry of Agricultural, Industrial, and Self-Propelled Construction Machinery shall be maintained by the Ministry of Transportation or its delegate, and its purpose shall be to provide a database of equipment existing in the country for statistical purposes.

The registration of agricultural, industrial, and self-propelled construction machinery existing prior to the effective date of this law shall be voluntary.

PARAGRAPH . The Ministry of Transport shall regulate the procedure to be followed by owners and/or possessors of agricultural, industrial, and self-propelled construction machinery in order to complete the registration process.

ARTICLE 209. *Removal of immobilized vehicles from impound lots.* The removal of vehicles that have been immobilized by the administrative authority from impound lots may be carried out by the owner or by an authorized representative, who does not have to be a lawyer.

ARTICLE 210. *Migration of information to the RUNT.* The Secretary or Director of the Traffic Agency shall, within six (6) months of the issuance of this Decree Law, migrate the information to the National Traffic Registry for the records it is required to keep in accordance with the law. The Ministry of Transportation shall adopt complementary administrative measures for the purpose of enabling the completion of the information migration process.

## CHAPTER XVI

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF CULTURE

ARTICLE 211. *Stamp duty collection.* Article 38.4 of Law 397 of 1997, added by Article 2 of Law 666 of 2001, shall read as follows:

"ARTICLE 2. *Responsibility.* The obligation to collect the stamp duty referred to in this Law shall be the responsibility of the departmental, district, and municipal officials involved in the acts or events subject to the tax determined by the departmental ordinance or by the municipal or district agreements issued in accordance with this Law.

Failure to comply with this obligation shall be punished by the corresponding disciplinary authority. For the collection of the stamp duty, local authorities may determine the mechanism that allows them greater control and administrative ease, with the possibility of using virtual payments."

ARTICLE 212. *Special regime for assets of cultural interest.* Paragraph 2 of Article 11 of Law 397 of 1997, amended by Article 7 of Law 1185 of 2008, shall read as follows:

"2. *Intervention.* Intervention is understood to mean any act that causes changes to the property of cultural interest or affects its condition. It includes, but is not limited to, acts of conservation, restoration, recovery, removal, demolition, dismemberment, displacement, or subdivision, and must be carried out in accordance with the Special Management and Protection Plan, if required.

Intervention in a cultural asset of national interest must be authorized by the Ministry of Culture or the General Archive of the Nation, as appropriate. For archaeological heritage, this authorization is the responsibility of the Colombian Institute of Anthropology and History in accordance with the Archaeological Management Plan.

Likewise, any intervention on a cultural asset of territorial interest must be authorized by the territorial entity that made the declaration.

The intervention may only be carried out under the direction of professionals who are qualified in the field. The authorization for intervention to be issued by the competent authority may not be replaced, in the case of real estate, by any other type of authorization or license that may be issued by other public authorities in the field of urban planning.

Anyone intending to carry out work on properties located in the area of influence or adjacent to a property declared to be of cultural interest must first notify the authority that made the respective declaration. Depending on the nature of the work and the impact it may have on the property of cultural interest, the relevant authority will approve its execution or, if necessary, may request that it comply with the Special Management and Protection Plan that has been approved for said property.

The granting of any type of license by environmental or territorial authorities, curators, or any other entity that involves carrying out material actions on properties declared to be of cultural interest must guarantee compliance with the Special Management and Protection Plan, if it has been approved.

ARTICLE 213. *Deposit for exchange of publications.* Article 1 of Decree Law 2937 of 1948 shall read as follows:

"ARTICLE 1. Official entities that order the publication of works of any nature, as well as directors or managers of official advertising companies, such as printing companies and typographical establishments, are required to send to the National Library of Colombia, in Bogotá, within thirty days of the publication of books, brochures, magazines, engravings, audiovisuals, DVDs, CDs, and other electronic publication mechanisms, sixty (60) copies for exchange with national or foreign entities linked to the Library and for cultural dissemination among public libraries and other national or foreign institutions related to the cultural sector.

The National Library shall have the power, subject to prior agreement with the relevant official entity, to receive and distribute a greater number of copies.

PARAGRAPH . In contracts entered into between the Government and private individuals for the publication of works at the Government's expense, and in which ownership of the edition remains with the author, a clause shall be included stating that the Government shall have at its disposal the sixty (60) copies referred to in this Decree.

ARTICLE 214. *Official departmental publications.* Article 2 of Decree 2937 of 1948 shall read as follows:

"ARTICLE 2. *Official departmental publications.* Departmental libraries or those acting in their stead shall keep a record of the official publications produced in the respective departments and shall submit a timely report to the Directorate of the National Library

for the purposes of this provision."

ARTICLE 215. *Distribution and exchange of publications.* Article 3 of Decree 2937 of 1948 shall read as follows:

"ARTICLE 3. The Section of the National Library responsible for the exchange and dissemination program shall, in accordance with the provisions of Article 1, increase distribution and exchange with those national and foreign entities whose relationship with the National Library ensures the dissemination of Colombian works and the exchange of publications."

ARTICLE 216. *Repeals.* Article 2 of Decree Law 2166 of 1985 is hereby repealed.

## CHAPTER XVII

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE PLANNING SECTOR

ARTICLE 217. *Occurrence and content of the settlement of state contracts.* Article 60 of Law 80 of 1993, amended by Article 32 of Law 1150 of 2007, shall read as follows:

"ARTICLE 60. *Occurrence and content of settlement.* Contracts of successive action, those whose execution or fulfillment extends over time, and others that require it, shall be subject to settlement.

At this stage, the parties shall also agree on any adjustments, revisions, and acknowledgments that may be necessary.

The settlement agreement shall include the agreements, conciliations, and transactions reached by the parties to put an end to the differences presented and to be able to declare themselves in good standing.

For the settlement, the contractor shall be required to extend or expand, if applicable, the contract guarantee to cover the stability of the work, the quality of the goods or services provided, the supply of spare parts and accessories, the payment of wages, benefits, and compensation, civil liability, and, in general, to guarantee the obligations to be fulfilled after the termination of the contract.

The settlement referred to in this article shall not be mandatory in contracts for the provision of professional and management support services."

(See Constitutional Court ruling C-967 of 2012)

ARTICLE 218. *Publication of disciplinary actions and rulings.* Article 31 of Law 80 of 1993 shall read as follows:

"ARTICLE 31. *Publication of disciplinary actions and rulings.* The operative part of acts declaring expiration, imposing fines, sanctions, or declaring non-compliance, once enforceable, shall be published in SECOP and communicated to the chamber of commerce where the respective contractor is registered. They shall also be communicated to the Attorney General's Office."

(See Constitutional Court ruling C-016 of 2013)

ARTICLE 219. *Merit-based competition.* Paragraph 3 of Article 2 of Law 1150 of 2007 shall read as follows:

"3. Merit-based competition. This corresponds to the method provided for the selection of consultants or projects, in which open competition or prequalification systems may be used. In the latter case, the list of prequalified candidates shall be drawn up by means of a public call for tenders, allowing for the establishment of limited lists of bidders by means of a reasoned decision, which shall be deemed to have been notified to the interested parties at the public hearing for the drawing up of the list, using, among other criteria, the experience, intellectual capacity, and organizational skills of the bidders, as appropriate.

In accordance with the conditions set forth in the regulations, in the course of these selection processes, technical or project proposals may be submitted anonymously to a plural, impartial, deliberative, and qualified jury.

ARTICLE 220. *Hearings.* Paragraph 4 of Article 30 of Law 80 of 1993 shall read as follows:

"4. Within three (3) business days following the start of the period for the submission of proposals and at the request of any of the persons interested in the process, a hearing shall be held for the purpose of specifying the content and scope of the specifications, of which minutes shall be taken and signed by the participants. At the same hearing, the allocation of risks referred to in Article 4 of Law 1150 of 2007 shall be reviewed in order to establish their classification, estimation, and final allocation.

As a result of the discussions at the hearing and when appropriate, the head or representative of the entity shall issue the relevant amendments to said documents and, if necessary, extend the deadline for the tender or competition by up to six (6) business days.

The foregoing does not prevent any interested party from requesting additional clarifications within the bidding period, to which the contracting entity shall respond in writing, which it shall send to the interested party and publish in the SECOP for public knowledge.

ARTICLE 221. *Verification of the conditions of the bidders.* Article 6 of Law 1150 of 2007 shall read as follows:

"ARTICLE 6. Verification of the conditions of bidders. All natural or legal persons, whether national or foreign, domiciled or with a branch in Colombia, who wish to enter into contracts with state entities, shall register in the Single Registry of Bidders of the Single Business Registry of the Chamber of Commerce with jurisdiction in their main domicile.

This registration or classification shall not be required in cases of direct contracting; contracts for the provision of health services; contracts of minimal value; disposal of State property; contracts for the acquisition of products of agricultural origin or destination offered on legally constituted commodity exchanges; acts and contracts whose direct purpose is commercial and industrial activities specific to state-owned industrial and commercial companies and mixed-economy companies, and concession contracts of any kind. In the above cases, it shall be the responsibility of the contracting entities to verify the conditions of the bidders.

This register shall contain information relating to the bidder's experience, legal, financial, and organizational capacity, and its classification.

6.1. The process of registration in the Single Register of Bidders (RUP). Bidders shall be responsible for registering in the register in accordance with the documents provided. The chambers of commerce shall verify the information submitted by interested parties at the time of registration in the register.

The Single Register of Bidders certificate shall be full proof of the circumstances stated therein and verified by the Chambers of Commerce. In this regard, verification of the conditions established in paragraph 1 of Article 5 of this law shall be demonstrated exclusively with the respective RUP certificate, which must state those conditions. Consequently, state entities in the contracting process may not require, nor may bidders provide, documentation that must be used to register.

Notwithstanding the foregoing, only in those cases where the characteristics of the object to be contracted require verification of bidder requirements additional to those contained in the Registry may the entity perform such verification directly.

When the information submitted to the Chamber of Commerce is insufficient, inconsistent, or does not contain all the elements specified in the regulations for its existence and validity, the Chamber shall refrain from carrying out the corresponding registration, renewal, or update, without prejudice to any legal actions that may be taken.

The information must be kept up to date and renewed in the manner and at the intervals specified in the regulations. The information contained in the register is public and may be consulted free of charge.

6.2. Information on contracts, fines, and penalties imposed on registrants. State entities shall send monthly to the Chamber of Commerce of their domicile information concerning contracts, their amount, compliance, fines, and penalties related to contracts that have been awarded, those that are in progress, and those that have been executed.

The conditions for submitting the information and the periods for which it will remain in the registry will be specified by the National Government.

The public servant responsible for submitting the information who fails to comply with this obligation will be guilty of misconduct.

6.3. Challenging registration in the Single Registry of Bidders (RUP). Once the verification referred to in paragraph 6.1 of

this article, the Chamber shall publish the registration, against which any person may file an appeal for reconsideration with the respective Chamber of Commerce within ten (10) business days following publication, without being required to demonstrate any interest. For the challenge to be admissible, a bank or insurance company bond must be provided to guarantee any damages that may be caused to the registrant. No appeal may be lodged against the decision resolving the appeal for reconsideration.

Once the registration is final, any person may seek its annulment by bringing an action under the Administrative Litigation Code. The Administrative Litigation Judge shall have sole jurisdiction for this purpose.

The filing of the lawsuit shall not suspend the registration, nor shall it be grounds for suspension of the selection processes in progress in which the proponent is a party. The process shall be handled through the ordinary procedure referred to in the Administrative Litigation Code. Once the decision has been made, it shall only have effects going forward.

When, during a selection process, a state entity notices possible irregularities in the content of the RUP information that may affect the bidder's compliance with the requirements of the process in question, it may suspend the selection process and challenge the registration before the Chamber of Commerce, for which it shall not be required to provide a bond. The Chambers of Commerce shall have a period of twenty (20) days to process and adopt the decision. If no decision has been adopted within the aforementioned period, the entity shall resume the selection process in accordance with the information certified in the RUP.

In the event that the Chamber of Commerce establishes the existence of serious inconsistencies, the registration in the registry shall be canceled, in which case the entity shall be disqualified from contracting with state entities for a period of five (5) years, without prejudice to any criminal proceedings that may be applicable. In the event of a repeat offense, the disqualification shall be permanent.

The same penalties provided for in the previous paragraph shall apply in the event that the Administrative Judge declares the registration null and void.

The information contained in the registry is public and may be consulted free of charge.

PARAGRAPH 1. In order to participate in the selection processes for works contracts, the residual capacity of the bidder or K of contracting must be equal to or greater than that established by the entity for this purpose in the specifications.

To establish the residual capacity of the bidder or K of contracting, all contracts that the bidder has in execution at the time of submitting the bid must be considered. The development and execution of the contract may give rise to the values that are paid to the contractor being considered to establish the actual K of contracting, on each occasion. The National Government will regulate the matter.

PARAGRAPH 2. The regulations shall specify the conditions for verifying the information referred to in paragraph 1 of Article 5, which shall be the responsibility of each contracting entity, in the case of foreign individuals without domicile in the country or foreign legal entities that do not have a branch established in Colombia.

The regulations shall specify the documents subject to verification referred to in paragraph 1 of Article 6.

PARAGRAPH 3. The National Government shall set the amount of the fees to be paid to the chambers of commerce for registration, as well as for renewal, modification, and updating, and for any certifications requested in relation thereto. To this end, the Government shall take into account the costs incurred by the chambers of commerce for the operation of the registry, the issuance of certificates, and the procedures for challenging entries.

ARTICLE 222. *Abolition of SICE, free access, and price analysis system.* Law 598 of 2000, which created the Information System for the Monitoring of State Contracting (SICE), the Single Catalog of Goods and Services (CUBS), and the Single Reference Price Registry (PURF) for goods and services commonly used in the Public Administration, is hereby repealed.

In accordance with Article 3 of Law 1150 of 2007, the Comptroller General of the Republic may obtain a market price analysis of the value of contracts registered in information systems or existing catalogs on public or private, national or international procurement; by virtue of which there shall be reference price registration systems and catalogs as required by price analysis needs, in order to streamline the monitoring of contracting prices.

(See Constitutional Court ruling [C-016 of 2013](#))

ARTICLE 223. *Elimination of the single procurement journal.* As of June 1, 2012, government contracts will only be published in the Electronic System for Public Procurement (SECOP), which is administered by the National Public Procurement Agency, Colombia Compra Eficiente. Consequently, as of that date, government contracts will not require publication in the Single Procurement Journal, and paragraph 3 of Article 41 of Law 80 of 1993, Articles 59, 60, 61, and 62 of Law 190 of 1995, and paragraph 2 of Article 3 of Law 1150 of 2007 will be repealed.

(See Constitutional Court Ruling [C-711 of 2012](#)) (See

Constitutional Court Ruling [C-016 of 2013](#))

ARTICLE 224. *Elimination of the publication of calls for tenders.* Paragraph 3 of Article 30 of Law 80 of 1993, amended by Article 32 of Law 1150 of 2007, shall read as follows:

"3. Within ten (10) to twenty (20) calendar days prior to the opening of the tender, up to three (3) notices shall be published at intervals of between two (2) and five (5) calendar days, as required by the nature, subject matter, and amount of the contract, on the contracting entity's website and in the Electronic System for Public Procurement (SECOP).

In the absence of such means of communication, in small towns, in accordance with the criteria set forth in the regulations, they shall be read aloud and posted in the main public places for a period of seven (7) calendar days, which shall include one of the market days in the respective town.

The notices shall contain information on the subject matter and essential characteristics of the respective tender.

(See Constitutional Court ruling [C-016 of 2013](#))

ARTICLE 225. *Repeals.* As of the effective date of this law, the following provisions are repealed: Paragraph 3 of Article 41 of Law 80 of 1993, Articles 59, 60, 61, and 62 of Law 190 of 1995, and Paragraph 2 of Article 3 of Law 1150 of 2007.

## CHAPTER XVIII

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF SOCIAL INCLUSION AND RECONCILIATION

ARTICLE 226. *Permission to leave the country.* Add the following paragraph 3 to Article 110 of Law 1098 of 2006:

"PARAGRAPH 3: Minors residing abroad who have obtained permission to leave the country for one of the three circumstances set forth in the first paragraph of this article shall not require new authorization to leave the country when they decide to return."

## CHAPTER XIX

### PROCEDURES, PROCESSES, AND REGULATIONS OF THE ADMINISTRATIVE SECTOR OF THE PUBLIC SERVICE

ARTICLE 227. *Reports to the Public Employment Information and Management System (SIGEP).* Anyone appointed to a public office or position must, upon taking office, register their resume, declaration of assets and income, and supporting documents in the Public Employment Information and Management System (SIGEP), after being authorized by the personnel unit of the corresponding entity or the agency acting on its behalf. Upon retirement from service, the resume, declaration of assets and income, and supporting documents must be removed from the SIGEP, without prejudice to the duty of the respective entity to retain the resumes, in accordance with current regulations.

Anyone who is going to join a State entity and whose resume is registered in the aforementioned System shall only be required to update the information in their resume or declaration of assets and income.

Individuals who are going to sign a service contract with the State must complete the resume form established by the Administrative Department of Public Service through SECOP

(Amended by Article 155 of Decree 2106 of 2019)

ARTICLE 228. *Staffing reforms*. Article 46 of Law 909 of 2004 is hereby amended to read as follows:

"ARTICLE 46. *Staffing reforms*. Reforms to the staffing levels of entities of the Executive Branch at the national and territorial levels must be justified, based on service needs or reasons for modernizing the Administration, and supported by technical studies or justifications prepared by the respective entities under the guidelines of the Administrative Department of Public Service and the Higher School of Public Administration (ESAP).

The Administrative Department of the Civil Service shall adopt the methodology for the preparation of technical studies or justifications, which shall be limited to those aspects strictly necessary to support the reform of staffing levels.

Any modification to the staffing levels of agencies and entities of the Executive Branch of the national government must be approved by the Administrative Department of Public Service.

ARTICLE 229. *Professional experience*. For the practice of the various professions accredited by the Ministry of National Education, professional experience shall be calculated from the completion and approval of the higher education academic curriculum.

Exceptions to this condition are professions related to the social security health system, in which professional experience shall be calculated from the date of professional registration.

(See Decree [952](#) of 2021)

ARTICLE 230. *Functions of internal control offices*. The functions, powers, or responsibilities of the Internal Control Offices and the Heads of Internal Control or those acting on their behalf are those defined in Law 87 of 1993, or the laws that replace or modify them.

The Heads of Internal Control shall only be required to submit the reports and carry out the follow-ups provided for in the Law, regulations with the force of law, and those assigned to them by the President of the Republic for the Heads of Internal Control of the Executive Branch of the National Order, and those requested by the control bodies, the General Accounting Office of the Nation, and the Advisory Council of the National Government on Internal Control matters.

ARTICLE 231. *Reports*. The second paragraph of Article 9 of Law 1474 is hereby amended to read as follows:

"This public servant, without prejudice to other legal obligations, shall report to the control agencies any possible acts of corruption and irregularities that he or she has encountered in the exercise of his or her duties."

ARTICLE 232. *Official advertising*. UNCONSTITUTIONAL Amend paragraph 4 of Article 10 of Law 1474, which shall read as follows:

"Under no circumstances may the entities subject to this regulation sponsor, contract, or directly carry out official advertising that is not related to the functions they are legally required to perform, nor may they contract or sponsor the printing of deluxe editions."

Note: (Article declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-261](#) of 2016)

ARTICLE 233. *Sectoral administrative development committees*. Paragraph 1 of Article 17 of Law 489 of 1998 shall read as follows:

"PARAGRAPH 1. The Sectoral Committees for Administrative Development, in accordance with Article 19 of this Law, shall be required to formulate the respective plan, which shall form part of the sectoral and institutional action plans and shall be published no later than January 31 of each year on the respective websites, as established in Article 74 of Law 1474 of 2011."

ARTICLE 234. *Sectoral committees for administrative development*. Article 19 of Law 489 of 1998 shall read as follows:

"ARTICLE 19. *Sectoral administrative development committees*. Ministers and directors of administrative departments shall form the Sectoral Administrative Development Committee, which shall be responsible for monitoring the implementation of administrative development policies formulated within the respective plan at least once every three (3) months.

The Sectoral Committee for Administrative Development shall be chaired by the Minister or Director of the Administrative Department of the respective sector. The Committee shall be composed of the directors, managers, or presidents of the attached or affiliated agencies and entities, who shall be solely responsible for the performance of their duties, under penalty of misconduct.

The Administrative Department of the Civil Service shall be responsible for ensuring the implementation of public administration and administrative development policies.

ARTICLE 235. *Performance agreements*. Article 23 of Law 489 of 1998 shall read as follows:

"ARTICLE 23. *Performance agreements*. Ministries and administrative departments may enter into performance agreements with other agencies and with their affiliated or related entities."

ARTICLE 236. *Report on the initiation of the investigation*. The second paragraph of Article 155 of Law 734 of 2002 is hereby amended to read as follows:

"If the disciplinary investigation is initiated by an internal disciplinary control office, it shall immediately notify the Registry and Control Office of the Attorney General's Office and the competent official of that entity or the corresponding municipal representative, so that they may decide on the exercise of preferential disciplinary power. The Attorney General's Office shall establish the electronic mechanisms and conditions for providing such information."

ARTICLE 237. *Streamlining of procedures in the civil service*. Articles 7, 8, 11, 49, 56, and the paragraph of Article 48 of Law 190 of 1995, subparagraph g of Article 72, and paragraph 4 of Article 76 of Law 1474 of 2011 are hereby repealed.

TITLE III

CHAPTER I FINAL

PROVISIONS

ARTICLE 238. *Validity*. This Decree-Law shall come into force on the date of its publication.

PUBLISH AND COMPLY.

Given in Bogotá, D.C., on the 10th day of January 2012.

AURELIO IRAGORRI VALENCIA

THE DEPUTY MINISTER OF POLITICAL RELATIONS OF THE MINISTRY OF THE INTERIOR IN CHARGE OF THE FUNCTIONS OF THE OFFICE OF THE MINISTER OF THE INTERIOR.

MARÍA ANGELA HOLGUIN CUELLAR

THE MINISTER OF FOREIGN AFFAIRS JUAN

CARLOS ECHEVERRY GARZÓN

THE MINISTER OF FINANCE AND PUBLIC CREDIT

JUAN CARLOS ESGUERRA PORTOCARRERO

THE MINISTER OF JUSTICE AND THE LAW

JUAN CARLOS PINZÓN BUENO

THE MINISTER OF NATIONAL DEFENSE

JUAN CAMILO RESTREPO SALAZAR

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT,

MAURICIO SANTA MARÍA SALAMANCA

THE MINISTER OF HEALTH AND SOCIAL PROTECTION,

DAVID ANDRÉS LUNA SÁNCHEZ

THE DEPUTY MINISTER OF LABOR RELATIONS AND INSPECTION IN CHARGE OF THE FUNCTIONS OF THE OFFICE OF THE MINISTER OF LABOR

MAURICIO CARDENAS SANTA MARIA

MINISTER OF MINES SERGIO

DÍAZ GRANADOS GUIDA

THE MINISTER OF COMMERCE, INDUSTRY, AND

TOURISM MARÍA FERNANDA CAMPO SAAVEDRA

THE MINISTER OF NATIONAL EDUCATION,

FRANK PEARL

THE MINISTER OF THE ENVIRONMENT AND SUSTAINABLE

DEVELOPMENT, BEATRIZ URIBE BOTERO

MINISTER OF HOUSING, CITY AND TERRITORY MARÍA

CAROLINA HOYOS TURBAY

THE DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGIES RESPONSIBLE FOR THE DUTIES OF THE OFFICE OF THE  
MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGIES

GERMÁN CARDONA GUTIERREZ

THE MINISTER OF TRANSPORT

MARIANA GARCES CORDOBA

THE MINISTER OF CULTURE

FEDERICO RENGIFO VELEZ

THE DIRECTOR OF THE ADMINISTRATIVE DEPARTMENT OF THE PRESIDENCY OF THE REPUBLIC

HERNANDO JOSÉ GÓMEZ RESTREPO

THE DIRECTOR OF THE NATIONAL PLANNING DEPARTMENT

ELIZABETH RODRÍGUEZ TAYLOR

THE DIRECTOR OF THE ADMINISTRATIVE DEPARTMENT OF THE CIVIL SERVICE

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