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## CURRENT UPDATES ON INTERNATIONAL TRADE AND CUSTOMS LAW IN COLOMBIA

### I- **Foreign Trade Regime for Import of Goods In Colombia**

The foreign trade regime - which provides for the administrative control of import licenses by governmental authorities and the registration of imports under the free import regime - was recently amended by means of Decree 3803/2006. The new regime replaces the regulations contained in Resolution 1/1995 of the Superior Council of Foreign Trade.

The administrative control regime, which applies to all merchandise to be imported into Colombia, has several legal categories for the import of goods, including:

- prohibited imports;
- prior import licences;
- annual import licences;
- goods enjoying free import with registration; and
- goods enjoying free import without registration.

Under Law 7/1991, the government is entitled to regulate the import regime through decrees. Decrees must be approved by the Committee of Tariffs, Customs and Foreign Trade, whose main members are the vice-ministers of economy.(1) Decrees must be approved with the recommendation of the Superior Council of Foreign Trade, which is composed of the ministers of economy and the president of Colombia.(2)

## **II - Import License Regime**

Under Decree 3803/2006, the Committee of Imports of the Ministry of Trade, Industry and Tourism will be the competent administrative authority to grant licenses for the import of goods. The administrative authorization of prior licenses for the import of goods is mandatory now in the following cases:

- goods included in the list established by the government;
  
- goods that do not require payment under the exchange regime,(3) including:
  - goods imported as foreign investment or contributions in kind;
  - donations;
  - previously-paid imports originating from the free trade zone;
  - personal belongings and luggage;
  - legalization of merchandise; and
  - goods identified by the government within the import policy framework;

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- requests for import of goods with tariff and tax exemptions;
- requests for import of used, faulty, reconstructed, refurbished or remanufactured goods or inventory leftovers;
- imports originating from official and governmental organizations, except for gasoline and other fuels; and
- waste and scrap iron in cases determined by the government .

### **III- Free Import With Registration Regime**

Any additional imports into Colombia fall under the free import regime; some imports must be registered, while in other cases registration is not required. Both type of import are regulated by the Direction of Foreign Trade of the Ministry of Commerce, Industry and Tourism. Under the regime of free import with registration set forth in Article 2 of Decree 3803/2006, importers must submit certain information and request authorization in advance from the relevant administrative authorities and the Ministry of Foreign Trade with regard to the following goods:

- fishing resources;
- monitoring and security equipment;
- radioactive isotopes and substances;
- goods reserved for the armed forces;

- hydrocarbons, fuels and gasoline;
- goods subject to sanitary control to preserve human, vegetal and animal safety and health;
- goods subject to technical requirements and regulations;
- goods subject to quantitative restrictions;
- goods subject to control to guarantee environmental protection; and
- automotive vehicles.

The sanitary, environmental, energy, technical and radiation control authorities must receive requests in advance and issue their opinions accordingly. Requests are received and processed through the Unique Window of Foreign Trade, a service that operates on the Internet. It is managed by the Assistant Direction of Design and Administration of Operations of the Ministry of Commerce, Industry and Tourism.

The authorizations given within the framework of the foreign trade regime for the import of goods (either through licences or registrations) have a term of 12 months for capital goods (which may be extended by a further 12 months) and six months for other goods (which may be extended by three months).

The free import regime without registration applies to goods that do not require licences or authorizations within the free import regime with registration. In these cases importers may request customs clearance declarations from the relevant authorities without having to provide additional documents.

## IV – Customs Clearance of Goods

Authorizations (where applicable) must be presented as supporting documents for customs clearance and import declarations. Authorizations and registrations must be provided to the customs authorities to obtain customs clearance.(4)

Importers must keep these documents for a minimum of five years; they must be available for review and control by the customs authorities of the National Direction of Taxes and Customs whenever required.

To benefit from all the legal advantages and comply with the legal requirements of the regime for the import of goods into Colombia, importers and suppliers may seek legal advice from a trade lawyer before developing any projects for international sales of goods or import contracts.

### Endnotes

(1) Article 1 of Decree 3303/2006.

(2) Article 27 of Decree 2553/1999.

(3) Article 15 of Decree 3803/2006.

(4) Article 121 of Decree 2685/1999.

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*Note: The FOREIGN TRADE LEGAL NEWSLETTER is published by the International trade law Department from Lewin & Wills Attorneys in Bogotá Colombia - For further information please contact Andrés Forero at Lewin & Wills by telephone (+57 1 312 55 77) or by fax (+57 1 211 76 26) or by email [aforero@lewinywills.com](mailto:aforero@lewinywills.com) The materials contained on this Newsletter are for general information purposes only and are subject to the disclaimer. [www.lewinywills.com](http://www.lewinywills.com)*