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Exporting to Colombia

Legal requirements



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This publication summarises the laws and regulations applying to products imported into Colombia, including customs requirements and procedures, import duties, intellectual property, consumer protection and immigration.

Although trade between Colombia and New Zealand is modest, Colombia offers promising opportunities for New Zealand exporters – including, after New Zealand’s recent promotion to associate membership of the Pacific Alliance, the possibility of New Zealand establishing a free trade agreement with Colombia.

Colombia has also recently made sweeping changes to its trade legislation to make exporting to foreign markets easier and less expensive. Colombia’s principal exports include crude and refined petroleum, coal briquettes, coffee and gold.

Colombia has 10 port zones located in the Pacific and Atlantic Oceans.

Overview

- Colombia has been a member of the WTO since 30 April 1995 and a party to the General Agreement on Tariffs and Trade (GATT) since 3 October 1981.
- Colombia became the 37th Member of the Organisation for Economic Co-operation and Development (OECD) in April 2020, concluding a process begun in May 2018.
- Colombia is a member of the Andean Community (which comprises Bolivia, Colombia, Ecuador and Peru) and a party to the Latin American Integration Association (ALADI) with Argentina, Bolivia, Brazil, Chile, Cuba, Ecuador, México, Panamá, Paraguay, Perú, Uruguay and Venezuela. Colombia is also a member of the Pacific Alliance and MERCOSUR.
- Colombia is party to over 15 trade agreements with strategic partners such as the United States, the European Union, Mexico, Chile and Canada.
- As a general rule, there are no restrictions on imports. Exceptions, however, apply to sensitive goods, such as guns and products that may be used to manufacture drugs, and to used machinery and equipment. These require a licence from the Imports Committee of the Ministry of Commerce, Industry and Tourism.
- The importation of certain goods – such as food, vegetables and electronic equipment – is subject to regulatory approval to ensure compliance with internal consumer protection standards.
- Colombia has developed a free trade zone regime which allows companies established therein to benefit from special tax, customs and foreign trade regulations.



General procedures for importing

Colombia's customs regulations are essentially contained in Decree 1165, 2019 (modified by Decree 360 of 2021) and Decision 46, 2019 of the Colombian Tax and Customs Authority (DIAN).

The importer of record must have a Colombia Tax ID and be registered with the National Tax and Customs Authority (DIAN) by means of an RUT (Registro Único Tributario). RUTs may be obtained either by a Colombian domiciled entity or by a foreign entity.

Goods must be declared on arrival by filing an import declaration to certify the customs clearance of the goods. Supporting documents the importer must retain are:

- the commercial invoice
- transport documentation (e.g., bill of lading, air way bill)
- import licences, if applicable
- packing list, if applicable
- Certificate of Origin, if applicable
- Customs Value Return, if applicable, and
- all other documents required for the specific importation of the goods.

Colombian customs regulation allows documents to be filed electronically.

The importer of record must request clearance within the month following the entry of the goods to the relevant customs warehouse or free trade zone, extendable by an additional month. Unless this deadline is met, the goods will be deemed to be abandoned in favour of the State. Abandoned goods may be recovered within the following month, subject to the fulfillment of certain requirements and the payment of the applicable sanction.

Before customs clearance, the customs authority may require an importation to be inspected for customs control. If the customs inspector identifies an infringement, a sanction proceeding will be initiated subject to the rules of the Customs Statute (Decree 1165, 2019). Otherwise, the customs officer will authorise the clearance.

Importation payments must be channeled through foreign exchange market intermediaries or through a compensation account.

Special requirements

Special licensing requirements apply to the importation of certain restricted goods – including articles or substances that are dangerous to health, safety, or the economy; goods subject to special market conditions (like used or refurbished goods); and goods for which duty-free treatment is requested.

The Ministry of Commerce, Industry and Tourism is responsible for administering and approving non-automatic import licences. Applications are processed electronically at any time – subject to due notice, as the release of the goods must be justified by a valid prior import licence.

Prior authorisation requirements apply to the importation of goods subject to health, safety or technical regulations (such as animals, chemical products, milk, vegetables, meat, flowers, fruit, etc.).

There are also specific requirements for goods that may affect human, animal and plant health. For example, INVIMA (the National Food and Drug Surveillance Institute) is responsible for the inspection, surveillance and control of medicines, medical devices, cosmetics, and for food safety.

Special customs procedures and information requirements apply to certain chemical imports.



Import duties and fees

Goods must be classified according to the Colombian system of commodity description and coding so that the applicable customs taxes can be determined. Generally, customs taxes are: (i) import duties and, (ii) Value Added Tax (VAT).

The customs tariff heading will also identify if the merchandise is subject to preferential treatment – e.g., under a Free Trade Agreement or a VAT exclusion/exemption.

The general VAT rate is currently 19%. Special rates apply for some products and services, and some will be exempted (i.e., subject to a 0% rate) or excluded from VAT.

Valuation of goods for customs purposes must be carried out in accordance with the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (GATT 1994). This generally relies on the “transaction value”, being the amount set forth in the relevant invoice.

We highly recommend performing a customs valuation analysis prior to importation.

There are also special import mechanisms, including “Plan Vallejo”, which allows goods and raw materials to be imported duty free in exchange for equivalent exports; and free trade zones where foreign goods may enter to be stored or industrially processed.

Penalties

Administrative offences

Customs administrative offences come in three categories – very serious, serious, and minor – with sanctions calculated as a percentage of the customs value of the relevant goods, or as a fixed amount between 100 UVT (“Unit of Tax Value” – Unidad de Valor Tributario), and 700 UVT.

The fine can go up to 100% of the FOB value of the goods for serious or very serious infringements.

Criminal offences

Colombian criminal code Decree 599, 2000 regulates customs crimes. Smuggling and customs fraud can attract a prison sentence of eight to 12 years and a fine of 1.000 to 5.0000 current legal minimum wages.

Protecting your intellectual property rights

Colombia subscribes to 13 international treaties administered by the World Intellectual Property Organisation (WIPO), including the Berne Convention, and recognises the IP frameworks of both the OECD and the Andean Community of Nations (CAN).

The national intellectual property regime is regulated by the Decree 23, 1982, and the Decisions 486, 2000 and 351, 1993 of the Andean Community of Nations. The competent authority is the Superintendency of Industry and Trade.

Colombia’s National Development Plan 2018–2022 sees intellectual property as a key tool to support the innovation which will allow the diversification of the economy.

Consumer protection and fair trading

The Colombian Consumer Protection Statute Decree 1480, 2011 protects consumer rights to:

- receive quality goods and services
- safety and indemnity
- consumer information
- protection against misleading advertising
- claim
- contract protection
- choice
- participation
- representation
- report
- education
- equality.

Violation of consumers’ rights may result in penalties of up to 2.000 current legal minimum wages and/or the temporary closure of the offending business, and/or the imposition of a temporary (or permanent) ban on the distribution, production and marketing of the good or service.

The authority responsible for consumer protection is the Superintendency of Industry and Commerce (SIC).

The Ministry of Foreign Trade can impose antidumping duties, safeguards and countervailing duties in accordance with national and international regulations.

Resolving disputes in Colombia

The administration of justice in Colombia is mainly through the Colombian Judicial Branch. There are also entities within the Executive Branch with jurisdictional powers – e.g., the Superintendency of Industry and Commerce and the Superintendency of Companies, among others.

Colombia also offers Alternative Dispute Resolution Mechanisms, including legal instruments such as Arbitration (Decree 1563, 2012), and Conciliation (Decree 640, 2001). Exporters subject to a restriction imposed by the Colombian Government can appeal through the Colombian Administrative Code (Decree 1437, 2011), and the Decree 1165, 2019.

Visiting Colombia

New Zealand passport holders do not require a visa for entry into Colombia for stays of up to 90 days, renewable for an additional 90-day period.

For a stay of more than 90 days, or to reside permanently in Colombia, visas can be requested through the Visa and Immigration Division of the Ministry of Foreign Affairs in Bogota or through Colombian Consulate offices.

The main types of visas are:

- Visitor Visa (V) for the foreigner wishing to visit Colombia once or several times or to stay temporarily in the country. Visitor Visas can be granted for a maximum period of two years
- Migrant Visa (M) for the foreigner who wishes to enter or remain in Colombia with the intention of working or establishing a business, and who does not meet the conditions for a Resident Visa. Migrant visas can be granted for a period of three years (renewable), and
- Resident Visa (R) for the foreigner aspiring to establish or begin permanent residency in Colombia.

To find out what visa is most appropriate to your circumstances please visit: www.cancilleria.gov.co/en/procedures_services/visa/requirements



Where to get further information

Visas

For information on visa applications and requirements please visit: www.cancilleria.gov.co/tramites_servicios/visa/requisitos

General – in Colombia

New Zealand Embassy

Offices located in Calle 81 # 11-08, Oficina 802, Edificio 8111, Bogotá, Colombia. For further information, please contact the Embassy on +57 1 439 16 66 or nzembajadacolombia@gmail.com

New Zealand Trade & Enterprise (NZTE)

NZTE has an office in Bogotá. See: www.nzte.govt.nz/page/working-in-our-latin-america-offices

Other/Legal

Ibarra Abogados – Customs and international trade advisory services are provided by partner Gabriel Ibarra and his team. For further information, please visit www.ibarra.legal/es or send an email to gibarra@ibarra.legal and/or mcastiblanco@ibarra.legal

General – in Australasia

Embassy of Colombia

Level 2, 40 Macquarie Street, Barton, Canberra, ACT, Australia, 2600.

Colombian Consulate

191 Queen Street, Level 16, Auckland Central, Auckland City, New Zealand.

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Every effort has been made to ensure accuracy in this publication. However, the items are necessarily generalised and readers are urged to seek specific advice on particular matters and not rely solely on this text.

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