

**COLOMBIA – INDICATIVE PRICES AND
RESTRICTIONS ON PORTS OF ENTRY**

Status Report by Colombia

The following communication, dated 30 March 2010, from the delegation of Colombia to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Status Report regarding Implementation and Compliance
of the DSB Recommendations and Rulings in the Dispute
Colombia – Indicative Prices and Restrictions on Ports of Entry
(WT/DS366)

Pursuant to its obligations under Article 21.6 of the DSU, Colombia wishes to inform the Dispute Settlement Body that it has fully implemented the rulings and recommendations of the DSB as regards the dispute *Colombia – Indicative Prices and Ports of Entry Restrictions* (DS366). Furthermore, Colombia is pleased to announce that it has fully implemented the rulings and recommendations of the DSB within the reasonable period of time set by the Arbitrator in its award of 2 October 2009, which expired on 4 February 2010. (See Document WT/DS366/13)

Colombia recalls that the two measures challenged by Panama in this dispute were:

- first, the use of indicative prices as set forth in Colombia's Customs Statute (Article 128.5 e)) and Colombia's main implementing regulation, Article 172.7 of Resolution 4240, as well as a number of specific resolutions adopting indicative prices for certain goods; and
- second, the ports of entry measure contained in Resolution 7373 as amended by Resolution 7376.

In order to implement the DSB recommendations and rulings regarding the first measure, Colombia made a number of substantive changes to its system of customs control and customs valuation. It has terminated the use of indicative prices; introduced a system of customs control based on risk assessment and risk management; and set a clear distinction between the payment of guarantees, on the one hand, and duties on the other hand, thereby avoiding the problems that were found in the previous system as challenged by Panama. To that end, on 21 January 2010, the Colombian Government issued Decree 111 of 2010 modifying Decree 2685. In addition, the Directorate of National Taxes and Customs (DIAN) issued Resolution 733 and 1173 modifying Resolution 4240, as well as Resolution 870 of 2010, repealing the various regulations establishing

indicative prices. Colombia believes that its revised mechanism is fully in conformity with its obligations under the WTO.

In light of DSB recommendations and rulings regarding the second measure, Colombia has terminated the challenged ports of entry measure in its entirety. Thus, on 11 December 2009, the Customs Authority issued Resolution No. 013518, thereby repealing the measures that had restricted the entry of products from Panama to two ports only (Bogotá and Barranquilla). In addition, Colombia terminated the "advance imports declaration" requirement imposed on Panama.

Colombia believes that with these actions it is now in full conformity with its obligations under the WTO.
