

Colombia

A. Progress in the implementation of the minimum standard

Colombia has eleven tax agreements in force, as reported in its response to the Peer Review questionnaire, including the Decision 578 of the Andean Community Commission (Decision 578) for the members of the Andean Community (the Andean Community Agreement).³³ One of those agreements, the agreement with the United Kingdom, complies with the minimum standard.

Colombia signed the MLI in 2017, listing its non-compliant bilateral agreements.

Colombia indicated in its response to the Peer Review questionnaire that the Andean Community Agreement has not been listed under the MLI as it is a decision of the Andean Community Commission.³⁴ However, in order to bring the Andean Community Agreement into compliance with the Action 6 minimum standard, Colombia has entered into negotiations with its treaty partners and reported that good process had been made.

Colombia further indicated that bilateral negotiations would be pursued with respect to its agreement with Switzerland.

Colombia is implementing the minimum standard through the inclusion of the preamble statement and the PPT combined with the LOB.³⁵

The agreements that will be modified by the MLI will come into compliance with the minimum standard once the provisions of the MLI take effect.

B. Implementation issues

Colombia's listed agreements under the MLI will start to be compliant after Colombia's ratification of the MLI. Colombia indicated that it had presented a draft bill for the approval of the MLI to the Congress of the Republic in January 2021. Colombia is encouraged to ratify the MLI as soon as possible.

Summary of the jurisdiction response - Colombia

	Treaty partners	Compliance with the standard	If compliant, the alternative implemented	Signature of a complying instrument	The alternative implemented through the complying instrument (if not the MLI)	Comments
1	Bolivia*	No	N/A	No	N/A	Currently renegotiating Decision 578
2	Canada	No	N/A	Yes	N/A	
3	Chile	No	N/A	Yes	N/A	
4	Czech Republic	No	N/A	Yes	N/A	

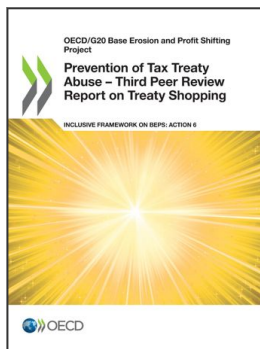
³³ The Decision of the Commission of the Andean Community 578 on the regime for the avoidance of double taxation and the prevention of fiscal evasion, adopted on 4 May 2004. The current members of the Andean Community are Bolivia*, Colombia, Ecuador* and Peru. In total, Colombia identified thirteen "agreements" in its List of Tax agreements: ten bilateral agreements and the Andean Community Agreement.

³⁴ Bolivia* and Ecuador* are not members of the BEPS Inclusive Framework.

³⁵ For its agreements listed under the MLI, Colombia is implementing the preamble statement (Article 6 of the MLI) and the PPT (Article 7 of the MLI). Colombia also opted for the simplified LOB under Article 7(6) of the MLI.

5	Ecuador*	No	N/A	No	N/A	Currently renegotiating Decision 578
6	India	No	N/A	Yes	N/A	
7	Korea	No	N/A	Yes	N/A	
8	Mexico	No	N/A	Yes	N/A	
9	Peru	No	N/A	No	N/A	Currently renegotiating Decision 578
10	Portugal	No	N/A	Yes	N/A	
11	Spain	No	N/A	Yes	N/A	
12	Switzerland ³⁶	No	N/A	Yes	N/A	
13	United Kingdom	Yes	PPT alone	N/A	N/A	

³⁶ Colombia and Switzerland are finalising an Amending Protocol expected for signature during 2020. The Protocol adopts the preamble statement and the PPT and LOB.



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