

RESOLUTION 15 OF 2016

(February 17)

Official Gazette No. 49,791 of February 19, 2016

**COLOMBIAN TAX AND CUSTOMS AUTHORITY
COLOMBIAN AGRICULTURAL INSTITUTE
NATIONAL POLICE**

NATIONAL INSTITUTE OF FOOD AND DRUG MONITORING

By which the Authorized Economic Operator is regulated.

**THE GENERAL DIRECTOR OF THE COLOMBIAN TAX AND CUSTOMS
AUTHORITY (DIAN, for the Spanish original), GENERAL DIRECTOR OF THE
NATIONAL POLICE, GENERAL MANAGER OF THE COLOMBIAN
AGRICULTURAL INSTITUTE (ICA, for the Spanish original), AND DIRECTOR
OF THE NATIONAL INSTITUTE OF FOOD AND DRUG MONITORING (INVIMA,
for the Spanish original),**

in exercising the legal powers and especially those granted in clause 12 of article 6 of Decree 4048 of 2008, modified by article 4 of Decree 1321 of 2011, clauses 8 and 9 of article 2 of Decree 4222 of 2006, clause 6 of article 6 of Decree 4765 of 2008, clause 22 of article 10 of Decree 2078 of 2012, article 23 of Decree 3568 of 2011, and

WHEREAS:

The National Government issued Decree 3568 of 2011 by which the Authorized Economic Operator was established in Colombia.

Resolution 011434 of 2011 regulated the Authorized Economic Operator created by Decree 3568 as of 2011.

Resolution 011435 of 2011 regulated article 7 of Decree 3568 of 2011, adopting the document "Minimum Requirements for the Authorized Economic Operator," with its annex of specific requirements for each type of user in the international supply chain entering the program, in accordance with the gradualness established in article 24 of Decree 3568 of 2011.

The national government modified and partially added to Decree 3568 of 2011 through Decree 1894 of 2015.

In order to implement the modifications and additions adopted by Decree 1894 of September 22, 2015, it is necessary to adjust the procedures, processes and terms in the Resolutions 011434 and 011435 of 2011, considering the new categories,

conditions, requirements, benefits and stages established in the aforementioned Decree.

That clauses 3 and 8 of article **8** of Law 1437 of 2011 were complied with by publishing the draft resolution for observations and comments on the website of the Colombian Tax and Customs Authority on October 26, 2015.

The paragraphs of articles **4** and **5** of paragraph 3 of article **8**, paragraph 2 of article 11 and articles **7** and **9** of Decree 3568 of 2011 granted the control authorities the power to jointly regulate the issues that are the subject of the draft resolution.

In light of the above, the General Director of the Colombian Tax and Customs Authority (DIAN), General Director of the National Police, General Manager of the Colombian Agricultural Institute (ICA) and Director of the National Institute of Food and Drug Monitoring (INVIMA),

RESOLVE:

CHAPTER I. GENERAL PROVISIONS.

ARTICLE 1. SCOPE OF THE AUTHORIZED ECONOMIC OPERATOR (AEO) PROGRAM. The Colombian Tax and Customs Authority, Colombian National Police, and other authorities mentioned in the paragraph of article **4** of Decree 3568 of 2011, modified by article **3** of Decree 1894 of 2015, will participate in the authorization, implementation and development process of the AEO security and facilitation category, in accordance with their legal powers over each type of user.

The Colombian Tax and Customs Authority, Colombian National Police, National Institute for Food and Drug Monitoring, Colombian Agricultural Institute and other authorities mentioned in the paragraph of article **4** of Decree 3568 of 2011, modified by article **3** of Decree 1894 of 2015, will participate in the authorization, implementation and development of the AEO security and health facilitation category, in accordance with their legal powers over each type of user.

ARTICLE 2. CONTROL AUTHORITIES. In accordance with the provisions of article **4** of Decree 3568 of 2011, modified by article **3** of Decree 1894 of 2015, the control authorities in charge of implementing and starting up the Authorized Economic Operator program are:

1. The Colombian Tax and Customs Authority
2. The Colombian National Police
3. The National Institute of Food and Drug Monitoring

4. The Colombian Agricultural Institute

The General Maritime Directorate (Dimar, for the Spanish original), the Superintendence of Ports and Transportation, and the Special Administrative Unit of Civil Aeronautics, will be control authorities. Therefore, they will have the obligations described in article 16 of Decree 3568 of 2011, in accordance with the defined execution instances and gradual system established according to the provisions of article 24 of Decree 3568 of 2011, all in accordance with article 23 of this Resolution.

ARTICLE 3. CONDITIONS TO REQUEST AND MAINTAIN THE AUTHORIZATION AS AUTHORIZED ECONOMIC OPERATOR. For the purposes of the provisions of article 6 of Decree 3568 of 2011, modified by article 5 of Decree 1894 of 2015, the control authorities will internally review and validate compliance with the conditions established to request authorization through their electronic computer services and other mechanisms.

For the purposes of the provisions of article 6 of Decree 3568 of 2011, modified by article 5 of Decree 1894 of 2015, the following is specified:

- a) The condition of being duly domiciled, represented or established in Colombia for a minimum term of three (3) years applies to individuals, legal entities and branches of foreign companies;
- b) The condition of not having been subject to penalties imposed by means of an administrative act executed by the authorities referenced in the paragraph of article 4 of Decree 1894 of 2015 will only be validated when it applies, according to the type of user and AEO category for which the request is submitted;
- c) Criminal records and security incidents will be verified by the Colombian National Police.
- d) **<Section added by article 1 of Resolution 48 of 2020. The new text is as follows:>:** For the condition consisting of having the authorizations, records or opinions issued by the control authorities, the legal entity requesting to be an Authorized Economic Operator as port facility or port operator type of user must use the corresponding administrative acts to demonstrate that it has the port concession or operating license granted by the competent authority; the authorization for goods to enter and exit the country under customs control as a public or private dock or port, granted by the Special Administrative Unit of the Colombian Tax and Customs Authority (DIAN); the compliance document issued by the General Maritime Directorate, under the scope of the Code for the Protection of Ships and Port Facilities (PBIP, for the Spanish original), for a term of three (3) years, with endorsements resulting from annual reviews and the resolution approving the regulation of technical operating conditions (RCTO, for the Spanish original), issued by the authority that granted the concession, in

accordance with the provisions of Resolution 850 of 2017 of the Ministry of Transportation, or other regulations that modify, add to or replace it.

e) **<Section added by article 1 of Resolution 48 of 2020. The new text is as follows:>** For the verification of the condition provided in clause 6.1.7 of article 6 of Decree 3568 of 2011, modified by article 5 of Decree 1894 of 2015, the legal entity requesting to be an Authorized Economic Operator as port facility or port operator type of user, they must not have been subject to penalties imposed by means of an enforceable administrative act, issued by the Superintendence of Transportation, due to non-compliance with security conditions that cause any type of damage, deterioration and/or loss of cargo and/or containers, two (2) years before submitting the application.

f) **<Section added by article 1 of Resolution 48 of 2020. The new text is as follows:>** The Superintendence of Transportation will verify compliance with the condition provided in clause 6.1.9 of article 6 of Decree 3568 of 2011, modified by article 5 of Decree 1894 of 2015, for the legal entity requesting to be an Authorized Economic Operator as port facility or port operator type of user.

ARTICLE 4. MINIMUM REQUIREMENTS FOR AN EXPORTER TO REQUEST AND MAINTAIN THE AUTHORIZATION AS AN AUTHORIZED ECONOMIC OPERATOR. In accordance with the provisions of article 7 of Decree 3568 of 2011, modified by article 6 of Decree 1894 of 2015, the requesting party and Authorized Economic Operator interested in obtaining or maintaining their authorization as Authorized Economic Operator for exporters, can access one of the following categories:

AEO security and facilitation category

AEO security and health facilitation category

The Colombian Tax and Customs Authority and Colombian National Police will participate in the authorization, implementation and development process of the AEO security and facilitation category for exporters, in accordance with their legal powers.

The Colombian Tax and Customs Authority, Colombian National Police, National Institute of Food and Drug Monitoring, and Colombian Agricultural Institute may participate in the authorization, implementation and development process of the AEO security and health facilitation category for exporters, in accordance with their legal powers.

The requesting party and Authorized Economic Operator must meet the following requirements established for the AEO security and facilitation category and the AEO security and health facilitation category for exporters:

AEO SECURITY AND FACILITATION CATEGORY

REQUIREMENTS FOR THE AEO SECURITY AND FACILITATION CATEGORY

RISK ANALYSIS AND MANAGEMENT

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

Based on a risk analysis and assessment process, the exporter must:

1.1. Have a security management policy based on risk assessment aimed at ensuring the security of its supply chains, which must have established objectives, goals and security management programs.

1.2. Have a risk management system focused on the international supply chain, which prevents illegal activities, including money laundering, drug trafficking and terrorist financing.

1.3. Have documented procedures to establish the risk level of their business associates.

1.4. Demonstrate that they meet the minimum security requirements for international supply chains through a statement signed by their business partners who are not authorized as Authorized Economic Operators in Colombia or certified by another security program managed by a foreign customs office.

1.5. Carry out and document a linking visit and subsequent biennial visits to the facilities in which its business associates carry out their operations, in order to verify compliance with minimum security requirements for the international supply chain.

1.6. Require its suppliers to have a contingency plan for their activity, ensuring the optimal development of the contracted operations.

1.7. Identify and update critical positions related to supply chain security.

1.8. Have established confidentiality and liability clauses in the contracts of its related personnel.

1.9. Have documented procedures for controlling, weighing, accounting, measuring or sizing merchandise upon entry or exit from the storage area.

1.10. Controlling the input and output of information through e-mail, magnetic media, removable storage devices and others.

The National Police will validate compliance with the following requirements:

Based on a risk analysis and assessment process, the exporter must:

1.11. Establish the areas considered critical in their facilities.

1.12. Use alarm systems and/or surveillance video cameras to monitor, alert, record and supervise the facilities and prevent unauthorized access to critical areas and cargo handling, inspection or storage areas.

BUSINESS ASSOCIATES

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

2.1. They must have documented procedures for selecting, evaluating and knowing their business associates, to ensure their reliability.

2.2. They must identify which of their business associates are authorized as Authorized Economic Operators in Colombia or certified by another security program managed by a foreign customs office.

CONTAINER AND OTHER CARGO UNIT SECURITY

The National Police will validate compliance with the following requirements:

3.1. They must have appropriate security measures in place to maintain the integrity of containers and other cargo unit at the loading point, in order to protect against unauthorized personnel and/or materials being introduced.

3.2. They must store containers and other cargo units, both full and empty, in secure areas that prevent unauthorized access and/or manipulation. Said areas must be inspected periodically, and a record of the inspection and the responsible person must be kept.

3.3. They must install high security seals that meet or exceed the current ISO 17712 standard on all loaded containers and other sealable cargo units.

The exporter must have documented procedures for compliance with the following requirements:

3.4. Controlling the storage, access, distribution, use log, changing and placement of the seals. Only authorized personnel should handle and distribute the seals.

3.5. Correctly closing and sealing containers and other cargo units at the loading point, and every time they are opened.

3.6. Verifying the physical integrity of the structure of the container and other cargo units before loading at the loading point. This includes the reliability of the door lock

mechanisms.

3.7. Detecting, neutralizing and reporting unauthorized entry to containers and other cargo units, as well as their storage areas.

3.8. Inspecting containers and other cargo units at the loading point. There must be a documentary record of the verification and inspection process, in which the person responsible is registered. The process must include at least the following points:

CONTAINER	TRAILER	VEHICLE
Front wall	Front wall	Bumpers, tires and wheels
Left side	Left side	Tool compartment doors
Right side	Right side	Battery box
Floor	Floor	Air box and filters
Inner/outer roof	Inner/outer roof	Fuel tanks
Interior/exterior doors	Interior/exterior doors	Cabin and sleeping compartments
Outer/lower section.	Outer/lower section.	Windbreak deflectors and roof
Refrigerated containers:	Refrigerated trailers:	Chassis and fifth wheel area.
Evaporator area	Evaporator area	
Battery area or electrical control box Battery area or electrical control box	Electrical control	
Condenser area	Compressor area.	
Condenser area	Control box	
Control box	Refrigerated trailers:	
Compressor area.	Evaporator area	

3.9. Recognizing and reporting to the competent authorities when the seals, containers and/or other cargo units have been violated.

3.10. Securing the cargo units under their responsibility during maintenance or repair work, when carried out outside their facilities.

PHYSICAL ACCESS CONTROLS

The National Police will validate compliance with the following requirements:

4.1. They must have a system in place to identify and control people and vehicles' access to their facilities.

4.2. They must have documented procedures for controlling, delivering, returning, changing and losing access control devices for related personnel and visitors.

4.3. They must give all their personnel linked through any type of contract an I.D., which they must carry visibly.

4.4. They must require all visitors to identify themselves to enter their facilities, and deliver a temporary I.D., which the visitors must carry visibly.

4.5. They must guarantee reviewing people, vehicles, packages, mail and other objects both when they enter and exit their facilities, through effective controls and documented procedures.

4.6. They must have documented procedures to make sure visitors and vehicles only go to authorized areas within the facility.

4.7. Through effective controls and documented procedures, they must make sure the related personnel knows how to identify and deal with unauthorized or unidentified persons.

PERSONNEL SAFETY

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

5.1. They must have documented procedures for selecting candidates who could be linked to the company in any type of contract.

5.2. They must keep the employment history of related personnel updated, including personal and family information, background checks, photographic files, fingerprint records and signatures.

5.3. They must carry out and document socioeconomic studies that include home visits to personnel in critical positions biennially.

5.4. They must have documented procedures for following up and analyzing the results of the socioeconomic studies and home visits, making it possible to detect relevant or unjustified changes in the assets of related personnel.

5.5. They must have documented procedures for removing personnel.

5.6. They must have established security provisions for supplying and handling uniforms and equipment, which includes controlling, delivering, returning or changing them.

5.7.They must have implemented a code of ethics with the rules of conduct aimed at ensuring transparency in performing their activities.

PROCESS SAFETY

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

6.1.They must have security measures in place to fully identify drivers, their companions, and the vehicles before they receive or deliver cargo.

6.2.They must have a documentary control system that guarantees the corresponding personnel knows, modifies, updates and/or prints them according to their roles and/or competencies.

6.3.They must have tools that allow them to guarantee the traceability of the cargo and the vehicle that transporting it from the loading point to the port of shipment abroad.

6.4.They must have a protocol to resolve unexpected events in transporting their cargo between the loading point and the port of shipment abroad, including: unexpected stoppage, theft or looting of the vehicle, deviation from the route, road blockage, traffic accident, mechanical failure and violation of security seals.

6.5.They must have a plan that ensures the continuity of its operations in the event of situations, such as: natural disasters, fires, sabotage, power outages, cyberattacks, and communication and transportation failures.

The exporter must have documented procedures for compliance with the following requirements:

6.6.Ensuring the integrity and security of the cargo in processes related to handling, storage and transportation.

6.7.Making sure the cargo dispatch or receipt information is true, legible and available before the cargo is actually received. Said information must also be protected against changes, loss or the introduction of erroneous data.

6.8.In order to control and follow up on their customs operations, guaranteeing the veracity and correct presentation and processing of their declarations and other actions before the customs authority.

6.9.Detecting and taking the necessary actions in case of shortages, surpluses or any other discrepancy or irregularity in the cargo.

6.10. Reporting cases in which irregularities or illegal or suspicious activities are

detected in their supply chains to the competent authority.

6.11. Filing, storing and protecting the physical and electronic documentation of its operations in its international supply chain and destroying it when necessary.

6.12. Storing, guarding, controlling and checking the export packaging material before using it.

6.13. Allowing supervision of land transporters' operations in the operations of their international supply chain.

PHYSICAL SECURITY

The National Police will validate compliance with the following requirements:

7.1. They must have perimeter fences or barriers around their facilities, as well as interior barriers within cargo handling and storage areas for different types of merchandise.

7.2. They must make sure all doors, windows, fences and interior and exterior barriers are secured, and inspect them for integrity and identify damage, leaving a record of it.

7.3. They must prohibit related personnel and visitors from parking vehicles within the cargo handling and storage areas or in areas adjacent to their entrances or exits.

7.4. They must make sure the premises have been built with materials that will resist forced entry.

7.5. They must have adequate signage and lighting inside and outside the facilities, especially at entrances and exits, cargo handling, inspection and storage areas, perimeter fences and barriers, and parking areas.

7.6. They must have their own surveillance and security service or one contracted with a competent and duly authorized company, ensuring a timely response action and availability 24 hours a day.

7.7. They must have a plan for their physical plant in which the company's critical areas are clearly identified and the evacuation and emergency plan is disclosed.

7.8. They must arrange and control the areas intended for lockers, changing rooms or similar areas and separate them from the company's critical areas.

7.9. They must have a physical, administrative and human resources infrastructure that allows them to adequately carry out their activities.

INFORMATION TECHNOLOGY SECURITY

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

8.1.They must use a computer system to control and monitor their business and financial, accounting, customs and commercial operations.

8.2.They must have documented computer security policies and procedures that include: those responsible for information management, creating, managing and assigning roles, account management for access to information systems and e-mail, internet use, the interconnection with external information systems, the correct use of computer resources, and the necessary controls that ensure the confidentiality of the information.

8.3.They must assign individual access accounts to the technological platform that require periodic changes, with features that increase security levels.

8.4.They must have controls in place to identify the misuse of computer systems and information technology, as well as to detect inappropriate access and improper manipulation of information.

8.5.They must have a computer contingency plan documented, implemented, maintained and in the process of continuous improvement.

8.6.They must have a defined physical place where computer activities are carried out, with the appropriate security measures to ensure access only to authorized personnel.

SECURITY AND THREAT AWARENESS TRAINING

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

9.1.They must have implemented a periodic induction and reinduction program aimed at all personnel employed or to be employed and when applicable to visitors, ensuring knowledge of the company's security measures and possible threats and risks, as well as the measures implemented to prevent, recognize and act against any criminal activity.

9.2.Specialized security training programs must be developed for personnel involved in critical areas on preventing asset laundering and terrorist financing, seals, container loading, shipment, receipt, handling, cargo storage, mail handling, and other sensitive issues, as appropriate by area and process.

9.3.They must have implemented an awareness and prevention program for alcohol and drug use.

9.4. They must have implemented a training program for managing panic situations consistent with the needs of critical areas.

AEO SECURITY AND HEALTH FACILITATION CATEGORY

REQUIREMENTS FOR THE AEO SECURITY AND HEALTH FACILITATION CATEGORY The requesting party and Authorized Economic Operator that opts for or is authorized in this category, in addition to complying with the requirements indicated in the AEO security and facilitation category, must comply with the following:

PHYTOSANITARY AND ZOOSANITARY SAFETY

The Colombian Agricultural Institute will validate compliance with the following requirements:

The Exporter of agricultural products and by-products, such as vegetables, their products, regulated items, agricultural inputs, seeds, animals, their products and by-products, medicines, food and biologicals for veterinary use and livestock supplies must:

10.1. Make sure the suppliers of the aforementioned products fully comply with all the phytosanitary and zoosanitary requirements established by the ICA to carry out their activities.

10.2. Comply with the current phytosanitary and zoosanitary regulations established by the ICA that apply to their export process.

10.3. Have an implemented Good Practices system in its production, manufacturing and marketing processes, to ensure animal and plant health, as well as the safety of the product.

10.4. Before filling the containers, making sure they and other cargo units meet the optimal cleaning, disinfection, conservation and storage conditions.

10.5. Limit employees' access to critical areas within the product's entire production and marketing chain, when health and safety conditions are required.

10.6. Have current phytosanitary and zoosanitary certifications and/or opinions applicable to their activity.

10.7. Be duly registered with the corresponding health control authorities.

10.8. Apply the national regulations on phytosanitary and zoosanitary matters established by the national authorities.

10.9. Have a storage and classification area in their facilities to develop sanitary inspections before departure to the place of shipment.

10.10. Make sure they train of their staff and suppliers on issues related to health and safety requirements, according to current health regulations.

10.11. Have established a phytosanitary and zoosanitary plan with continuous monitoring.

10.12. Have established a sanitary plan to control pests and rodents.

10.13. Have established activities or programs that lead to protecting the environment, according to their production systems.

10.14. Have established a continuous medical control program for they employees.

10.15. Have established a traceability system that allows monitoring the product through all stages of production, transformation and sale, as the case may be.

10.16. Have an established cleaning and disinfection protocol for vehicles that enter and leave the facilities, both in their external areas and internal storage areas.

10.17. Have established a protocol for cleaning and disinfecting the different production, transformation and sales areas, as the case may be.

10.18. Have defined a separation of areas and flows of personnel movement in the different stages of production, transformation and sale, as the case may be.

10.19. Have established a protocol for managing, deactivating or destroying products that represent a phytosanitary and zoosanitary risk, such as: diseased plants, harvest waste, animal mortality, and others.

HEALTH SAFETY

The National Institute of Food and Drug Monitoring will validate compliance with the following requirements:

11.1. Making sure their suppliers of food, raw materials and inputs for human consumption fully comply with all the sanitary requirements established in current regulations.

11.2. They must have communicated to their suppliers that supply raw materials, inputs or food for human consumption that the manufacturer is supportive in complying with current health regulations issued in Colombia by the Ministry of Social Protection.

11.3. They must comply with the current health regulations applicable to their export process.

11.4. They must have current certifications and/or sanitary opinions applicable to their activities.

11.5. They must have implemented the Good Manufacturing Practices in their manufacturing process.

11.6. The HACCP safety system must be implemented and certified, as appropriate, in accordance with the product to be exported and the sanitary requirements of the destination.

11.7. They must store their cargo for export in a warehouse that has a favorable sanitary opinion issued by the competent Territorial Health Entity in the jurisdiction.

11.8. Before loading, they must make sure the containers and other cargo units meet the optimal cleaning, conservation and storage conditions.

11.9. They must limit employees' access to critical areas in terms of health and safety.

11.10. They must have procedures to ensure the integrity and safety of the processes related to producing, handling, storing and transporting cargo established, documented, implemented, maintained and in the process of continuous improvement.

11.11. They must guarantee training on issues related to health and safety requirements, in accordance with current health regulations.

ARTICLE 4-1. MINIMUM REQUIREMENTS FOR AN IMPORTER TO REQUEST AND MAINTAIN THE AUTHORIZATION AS AN AUTHORIZED ECONOMIC OPERATOR. *<Article added by article 1 of Resolution 67 of 2016. The new text is as follows:>* In accordance with the provisions of article 7 of Decree 3568 of 2011, modified by article 6 of Decree 1894 of 2015, the requesting party and Authorized Economic Operator interested in obtaining or maintaining authorization as Authorized Economic Operator, can access one of the following categories:

AEO security and facilitation category

AEO security and health facilitation category

The Colombian Tax and Customs Authority (DIAN) and Colombian National Police will participate in the authorization, implementation and development process of the AEO security and facilitation category for importers, in accordance with their legal powers.

The Colombian Tax and Customs Authority (DIAN), Colombian National Police and Colombian Agricultural Institute (ICA) will participate in the authorization, implementation and development process of the AEO security and health facilitation category for importers, in accordance with their legal powers.

The requesting party and Authorized Economic Operator must meet the following requirements established for the AEO security and facilitation category and the AEO security and health facilitation category for importers:

AEO Security and Facilitation Category

Requirements for the AEO Security and Facilitation Category

1. Risk Analysis and Management

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

Based on a risk analysis and evaluation process, importers must:

1.1 Have a security management policy based on the risk assessment of their supply chains, which must have established security management objectives, goals and programs.

1.2 Have a risk management system focused on the international supply chain, which prevents illegal activities, such as money laundering, smuggling, drug trafficking, trafficking substances for narcotics processing, terrorism, terrorist financing and arms trafficking.

1.3 Have documented procedures to establish the risk level of its business associates in the international supply chain.

1.4 Demonstrate that they meet the minimum requirements for mitigating risks in the international supply chain through a statement signed by their business partners who are not authorized as Authorized Economic Operators in Colombia or certified by another security program managed by a foreign customs office.

1.5 Carry out and document a linking visit and subsequent biennial visits to the facilities in which its critical business associates carry out their operations, in order to verify compliance with minimum security requirements for the international supply chain.

1.6 Require its suppliers to have a contingency plan for their activity, ensuring the optimal development of the contracted operations.

1.7 Identify and update the critical positions related to international supply chain security.

1.8 Have established confidentiality and liability clauses in the contracts of its related personnel.

1.9 Controlling the input and output of information related to the international supply chain through e-mail, magnetic media, removable storage devices and others.

1.10 Have documented procedures for controlling, weighing, accounting, measuring or sizing merchandise upon entry or exit from the storage area.

The Colombian National Police will validate compliance with the following requirements:

1.11 Establishing the areas considered critical areas in their facilities.

1.12 Using alarm systems and/or surveillance video cameras to monitor, alert, record and supervise the facilities and prevent unauthorized access to critical cargo handling, storage, inspection or gauging areas.

2. Business Associates

In order to comply with the requirements related to business associates, the importer must consider any person with whom they maintain a business relationship framed within the International Supply Chain, and it may come from the manufacturer, producer, supplier, client, contractor, packaging and labeling, storage, deposit, distribution, transport, logistics operator and foreign trade operators, among others.

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

The importer must:

2.1 Have documented procedures for selecting, evaluating and knowing their business associates, to ensure their reliability.

2.2 Identify which of their business associates are authorized as Authorized Economic Operators in Colombia or certified by another security program managed by a foreign customs office.

2.3 Make sure, in the cases in which it transfers, delegates, outsources or subcontracts any of its critical processes related to its supply chains, that the service provider implements security measures aimed at mitigating risks in the international supply chain.

3. Container and Other Cargo Unit Security

The Colombian National Police will validate compliance with the following requirements:

The importer must:

3.1 Have documented procedures to verify the physical integrity of the container structure and other cargo units when customs clearance is carried out at their facilities.

3.2 Have documented procedures to recognize and report to the competent authorities, when the seals, containers and/or other cargo units have been violated.

3.3 Have documented procedures to detect, neutralize, and report unauthorized entry to containers and other cargo units, as well as their storage areas.

3.4 Store containers and other cargo units, full and/or empty, in secure areas that prevent unauthorized access and/or manipulation. Said areas must be inspected periodically, and a record of the inspection and the responsible person must be kept.

The importer must demonstrate that their supplier abroad:

3.5 Implements security measures to check, close and correctly seal containers and other cargo units, to protect them against unauthorized personnel and/or materials being introduced and avoid altering their physical integrity.

3.6 Inspects containers and other cargo units before loading, including the reliability of the door closing mechanisms. This means inspecting the seven points: front wall, left side, right side, floor, interior/exterior ceiling, interior and exterior doors, exterior and lower section.

3.7 Installs high security seals on loaded containers and other sealable cargo units that meet or exceed the current ISO 17712 standard.

4. Physical Access Controls

The Colombian National Police will validate compliance with the following requirements:

The importer must:

4.1 Have implemented a system to identify and control people and vehicles' access to their facilities.

4.2 Have documented procedures for controlling, delivering, returning, changing and losing access control devices for related personnel and visitors.

4.3 Give all their personnel linked through any type of contract an I.D., which they must carry visibly.

4.4 Require all visitors to identify themselves to enter their facilities, and deliver a temporary I.D., which the visitors must carry visibly.

4.5 Guarantee reviewing people, vehicles, packages, mail and other objects both when they enter and exit their facilities, through effective controls and documented procedures.

4.6 Have documented procedures to make sure visitors and vehicles only go to authorized areas within the facility.

4.7 Through effective controls and documented procedures, they must make sure the related personnel knows how to identify and deal with unauthorized or unidentified persons within their facilities.

5. Personnel Safety

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

The importer must:

5.1 Have documented procedures for selecting candidates who could be linked to the company in any type of contract.

5.2 Keep the employment history of related personnel updated, including personal and family information, background checks, photographic files, fingerprint records and signatures.

5.3 Carry out and document socioeconomic studies that include home visits to personnel in critical positions biennially.

5.4 Have documented procedures for following up and analyzing the results of the socioeconomic studies and home visits, making it possible to detect relevant or unjustified changes in the assets of related personnel.

5.5 Have documented procedures removing personnel.

5.6 Have established security provisions for supplying and handling uniforms and equipment, which includes controlling, delivering, returning or changing them.

5.7 Have implemented a code of ethics with the rules of conduct aimed at ensuring transparency in performing their activities.

6. Process Safety

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

The importer must:

6.1 Have security measures in place to fully identify drivers, their companions, and the vehicles before they receive or deliver cargo.

6.2 Have a documentary control system that guarantees the corresponding personnel knows, modifies, updates and/or prints them according to their roles and/or competencies.

6.3 Have tools with which they can guarantee the traceability of the cargo from the loading point abroad to the importer's headquarters or distribution point.

6.4 Have tools with which they can guarantee the traceability of the vehicle transporting the cargo from the loading point abroad to the importer's headquarters or distribution point, when transportation is by land.

6.5 Have a protocol to resolve unexpected events in transporting their cargo between the point of arrival and the importer's facilities, including: unexpected stoppage, theft or looting of the vehicle, deviation from the route, road blockage, traffic accident, mechanical failure and violation of security seals.

6.6 Have a plan that allows them to continue their operations in the event of situations, such as: natural disasters, fires, sabotage, power outages, cyberattacks, and communication and transportation failures.

6.7 Make sure the arriving cargo corresponds to what was ordered, checking the description, weight, brands or piece count.

The importer must have documented procedures for compliance with the following requirements:

6.8 Ensuring the integrity and security of the cargo in processes related to handling, storage and transportation.

6.9 Make sure the cargo dispatch or receipt information is true, legible and available before the cargo is actually received. Moreover, said information must also be protected against changes, loss or the introduction of erroneous data.

6.10 Control and follow up on their customs operations, guaranteeing the veracity and correct presentation and processing of their declarations and other actions before the customs authority.

6.11 Detecting and taking the necessary actions in case of shortages, surpluses or any other discrepancy or irregularity in the cargo.

6.12 Reporting cases in which irregularities or illegal or suspicious activities are detected in their supply chains to the competent authority.

6.13 Filing, storing and protecting the physical and electronic documentation of their operations in their international supply chains and destroying it when necessary.

6.14 Supervising land transporters' operations in the operations of their international supply chain.

7. Physical Security

The Colombian National Police will validate compliance with the following requirements:

The importer must:

7.1 Have perimeter fences or barriers around their facilities, as well as interior barriers or controls within cargo handling and storage areas for different types of merchandise.

7.2 Make sure all doors, windows, fences and interior and exterior barriers are secured, and inspect them for integrity and identify damage, leaving a record of it.

7.3 Prohibit related personnel and visitors from parking vehicles within the cargo handling and storage areas or in areas adjacent to their entrances or exits.

7.4 Make sure the premises have been built with materials that will resist forced entry.

7.5 Have adequate signage and lighting inside and outside the facilities, especially at entrances and exits, cargo handling, storage, inspection and gauging areas, perimeter fences and barriers, and parking areas.

7.6 Have their own surveillance and security service or one contracted with a competent and duly authorized company, ensuring a timely response action and availability 24 hours a day.

7.7 Have a physical, administrative and human resources infrastructure that allows them to adequately carry out their activities.

8. Information Technology Security

The Colombian Tax and Customs Authority will validate compliance with the

following requirements:

The importer must:

8.1 Use computer systems to control and monitor their business and financial, accounting, customs and commercial operations.

8.2 Have documented computer security policies and procedures that include: those responsible for information management, creating, managing and assigning roles, account management for access to information systems and e-mail, internet use, the interconnection with external information systems, the correct use of computer resources, and the necessary controls that ensure the confidentiality of the information.

8.3 Assign individual access accounts to the technological platform that require periodic changes, with features that increase security levels.

8.4 Establish controls to identify the misuse of computer systems and information technology, as well as to detect inappropriate access and improper manipulation of information.

8.5 Have a computer contingency plan documented, implemented, maintained and in the process of continuous improvement.

8.6 Have a defined physical IT and communications center, with the appropriate security measures to ensure access only to authorized personnel.

9. Security and Threat Awareness Training

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

The importer must:

9.1 Implement a periodic induction and reinduction program aimed at all personnel employed or to be employed and when applicable to visitors, ensuring knowledge of the company's security measures and possible threats and risks, as well as the measures implemented to prevent, recognize and act against any criminal activity.

9.2 Develop specialized security training programs for personnel involved in critical areas on preventing asset laundering and terrorist financing, seals, shipment, receipt, handling, cargo storage, mail handling, and other sensitive issues, as appropriate by area and process.

9.3 Implement an awareness and prevention program for alcohol and drug use.

9.4 Have implemented a training program for managing panic situations consistent

with the needs of critical areas.

AEO Security and Health Facilitation Category

Requirements for the AEO security and health facilitation category. The requesting party and Authorized Economic Operator that opts for or is authorized in this category, in addition to complying with the requirements indicated in the AEO security and facilitation category for importers, must comply with the following:

10. Phytosanitary and Zoosanitary Safety

The Colombian Agricultural Institute (ICA) will make sure the importer complies with the following requirements:

10.1 Having the records and authorizations required by the Colombian Agricultural Institute to carry out their activities.

10.2 Having a sanitary and/or phytosanitary risk management system focused on the international supply chain, indicating the procedures for managing it.

10.3 Having documented procedures for selecting their business associates, through which compliance with the sanitary and/or phytosanitary requirements established by Colombia is required.

10.4 Demonstrating that they comply with the sanitary and/or phytosanitary regulations established by the Official Veterinary Service or National Plant Protection Agency of the country of origin for exporting animals, plants, their products and regulated goods, through a declaration signed by their supplier.

10.5 Corroborating and having documentary support that allows verifying and making sure their supplier complies with the phytosanitary, zoosanitary and other requirements established by the Colombian Agricultural Institute in the import processes of animals, vegetables, their products and regulated goods.

10.6 Making sure their supplier has implemented a documented Good Practices system for its production and/or manufacturing and/or storage processes, depending on the product to be exported.

10.7 Requiring their supplier to have implemented documented procedures for the internal and external inspection, cleaning and disinfection of containers and other cargo units before loading.

10.8 Making sure the personnel linked to the activities of receiving, handling, transporting, storing and others involving directly handling the merchandise have the necessary knowledge to perform the activity.

10.9 Requiring their supplier to have a documented traceability system that

allows tracking the product through all stages of production, transformation and sale.

10.10 Having protocols for handling, deactivating or destroying products that represent a phytosanitary and zoosanitary risk for the country.

ARTICLE 4-2. MINIMUM REQUIREMENTS FOR A CUSTOMS AGENCY TO REQUEST AND MAINTAIN THE AUTHORIZATION AS AN AUTHORIZED ECONOMIC OPERATOR. <Article added by article 1 of Resolution 4089 of 2018. The new text is as follows:> In accordance with the provisions of Article 7 of Decree 3568 of 2011, modified by Article 6 of Decree 1894 of 2015, the requesting party and Authorized Economic Operator interested in obtaining or maintaining authorization as Authorized Economic Operator for Customs Agencies, may access the AEO security and facilitation category.

The Colombian Tax and Customs Authority (DIAN) and Colombian National Police will participate in the authorization, implementation and development process of the AEO security and facilitation category for customs agencies, in accordance with their legal powers.

The requesting party and Authorized Economic Operator must meet the following minimum requirements:

1. RISK ANALYSIS AND MANAGEMENT

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

The customs agency, based on a risk analysis and evaluation process, must:

1.1. Have a security management policy based on the risk assessment of their supply chains, which must have established security management objectives, goals and programs.

1.2. Have a risk management system focused on the international supply chain, which prevents illegal activities, such as money laundering, smuggling, drug trafficking, trafficking substances for narcotics processing, terrorism, terrorist financing and arms trafficking.

1.3. Have documented procedures to establish the risk level of its business associates in the international supply chain.

1.4. Demonstrate that they meet the minimum requirements for preventing and mitigating risks in the international supply chain through a statement signed by their business partners who are not authorized as Authorized Economic Operators in Colombia or certified by another security program managed by a foreign customs office.

1.5. Carry out and document a linking visit and subsequent biennial visits to the facilities in which its critical business associates carry out their operations, in order to verify compliance with minimum requirements aimed at preventing and mitigating security risks in the international supply chain.

1.6. Require its suppliers to have a contingency plan for their activity, ensuring the optimal development of the contracted operations.

1.7. Identify and update the critical positions related to international supply chain security.

1.8. Have established confidentiality and liability clauses in the contracts of its related personnel.

1.9. Control the input and output of information related to the international supply chain through e-mail, magnetic media, removable storage devices and others.

1.10. Have established confidentiality and liability clauses in contracts with its logistics providers, ensuring the protection of the company's information and that of its clients and operations.

1.11. Carry out annual internal validations to verify compliance with the minimum security requirements of the authorized economic operator.

The Colombian National Police will validate compliance with the following requirements:

The customs agency, based on a risk analysis and evaluation process, must:

1.12. Establish the areas considered critical areas in their facilities.

1.13. Use alarm systems and/or surveillance video cameras to monitor, alert, record and supervise the facilities and prevent unauthorized access to critical areas.

2. BUSINESS ASSOCIATES

In order to comply with the requirements related to business associates, customs agencies must consider any person with whom they maintain a business relationship within the international supply chain, and it may come from clients, such as importers and exporters, and suppliers, such as foreign trade and logistics services operators, among others.

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

Customs agencies must:

2.1. Have documented procedures for selecting, evaluating and knowing their business associates, to ensure their reliability.

2.2. Identify which of their business associates are authorized as Authorized Economic Operators in Colombia or certified by another security program managed by a foreign customs office.

2.3. Make sure, in the cases in which they hire a logistics services provider for any of the critical processes related to the supply chain, that the service provider implements security measures aimed at preventing and mitigating risks in the international supply chain.

3. CONTAINER AND OTHER CARGO UNIT SECURITY

The Colombian National Police will validate compliance with the following requirements:

Customs agencies must:

3.1. Install and/or verify the installation of high security seals that meet or exceed the current ISO standard on all loaded containers and other sealable cargo units. They must do so when carrying out a prior inspection or participating in an inspection or appraisal by the control authorities.

Customs agencies must have documented procedures for compliance with the following requirements:

3.2. Controlling seal storage, access, distribution, use logging, changes and placements. Only authorized personnel may handle and distribute the seals.

3.3. Making sure the containers and other cargo units are properly closed and sealed every time they are opened, when carrying out a prior inspection or participating in an inspection or appraisal by the control authorities, including documentary records as evidence of the inspections. The procedure must include photographic records of the container and the initial and final security seals in case of an inspection or gauging carried out in ports or at the declarant's facilities.

3.4. Recognizing, reporting and denouncing the unauthorized entry to containers and other cargo units to the competent authorities, as well as the violation of seals, containers and other cargo units, when they detect said situations during the previous inspection or when participating in an inspection or appraisal by the control authorities.

4. PHYSICAL ACCESS CONTROLS

The Colombian National Police will validate compliance with the following requirements:

Customs agencies must:

4.1. Have implemented a system to identify and control people and vehicles' access to their facilities.

4.2. Have documented procedures for controlling, delivering, returning, changing and losing access and identification control devices for related personnel and visitors.

4.3. Give all their personnel linked through any type of contract an I.D., which they must carry visibly.

4.4. Require all visitors to identify themselves to enter their facilities, and deliver a temporary I.D., which the visitors must carry visibly.

4.5. Make sure packages, mail and other objects are checked both when they enter and exit their facilities, through effective controls and documented procedures. When they have parking spaces, vehicles must be checked.

4.6. Have documented procedures to make sure visitors only go to authorized areas within the facility.

4.7. Through effective controls and documented procedures, they must make sure the related personnel knows how to identify and deal with unauthorized or unidentified persons within their facilities.

4.8. Make sure only authorized personnel enter areas identified as critical through effective controls and documented procedures.

5. PERSONNEL SAFETY

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

Customs agencies must:

5.1. Have documented procedures for selecting candidates who could be linked to the company in any type of contract. The positions with foreign trade operation management functions must consider professional suitability, academic training, specific knowledge and/or related experience requirements.

5.2. Keep the employment history of related personnel updated, including personal and family information, academic training, photographic files and background checks, the latter in accordance with the current legal provisions. They must be

updated annually.

5.3. Carry out and document socioeconomic studies that include home visits to personnel in critical positions biennially.

5.4. Have documented procedures for following up and analyzing the results of the socioeconomic studies and home visits, making it possible to detect relevant or unjustified changes in the assets of related personnel in critical roles.

5.5. Have documented procedures removing personnel.

5.6. Have established security provisions for supplying and handling uniforms and equipment, which includes controlling, delivering, returning or changing them.

5.7. Have implemented a code of ethics with the rules of conduct aimed at ensuring transparency in performing their activities.

6. PROCESS SAFETY

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

Customs agencies must:

6.1. Have a documentary control system that guarantees the corresponding personnel knows, modifies, updates and/or prints them according to their roles and/or competencies.

6.2. Have tools with which they can guarantee the traceability of the cargo and the customs operations of their clients, from the moment the client hires the service until the completion of import, export, customs warehouse and transit regimes.

6.3. Have a plan that allows them to continue their operations in the event of situations, such as: theft, natural disasters, fires, sabotage, power outages, cyberattacks, communication failures, terrorism and public order alterations.

6.4. Implement and execute actions to prevent the occurrence and recurrence of violations detected during the issuance of sanctioning administrative acts by the customs authority.

Customs agencies must have documented procedures for compliance with the following requirements:

6.5. Make sure the cargo arriving or to be shipped corresponds to what was ordered, verifying the description, weight, brands or count of pieces, in case of previous inspections and to complete the documentary review of the respective operation.

6.6. Ensure the integrity, traceability and security of the cargo in processes related to the prior inspections in import operations, and inspections or appraisals by the control authorities in any customs regime.

6.7. Ensure the integrity of the information and documentation they received from its clients to ship or receive merchandise. Said information and documentation must be legible and complete, and must be protected against unauthorized changes, loss and theft.

6.8. Carry out different procedures and actions before the customs authority and other control authorities in the import, export, customs warehouse and transit customs regimes.

6.9. Control and monitor their customs operations to ensure the veracity and coherence of the information with the supporting documents of the operation, as well as the correct presentation and processing of customs declarations, compliance with customs formalities and other actions before the other control authorities.

6.10. Detect and take the necessary actions in case of shortages, surpluses or any other discrepancy or irregularity in the cargo, such as finding money, weapons, drugs, narcotics, prohibited import and export merchandise, different and merchandise. This applies when carrying out prior inspections, participating in inspections or appraisals by the control authorities and, in all cases, in documentary reviews by the customs agency. The actions to be carried out must also include the provisions of current customs regulations.

6.11. Report the cases in which irregularities or illegal or suspicious activities are detected in its supply chain to the competent authority, as well as the loss or adulteration of the documentation on foreign trade operations and, in general, any action contrary to customs regulations.

6.12. File, store and protect the physical and/or electronic and/or digitized documentation of the operations of its international supply chain, destroy it when necessary.

6.13. Store, guard, control and review the packaging material to be used before using it, in previous inspections and when participating in an inspection or appraisal by the control authorities.

6.14. Have traceability and follow up on the foreign trade logistics operations of their clients when such a service has been contracted

7. PHYSICAL SECURITY

The Colombian National Police will validate compliance with the following

requirements:

Customs agencies must:

7.1. Have internal controls to protect the physical documentation of their operations in the international supply chain.

7.2. Make sure all doors, windows, fences and interior and exterior barriers are secured, and inspect them for integrity and identify damage, leaving a record of it.

7.3. Make sure the premises have been built with materials that will resist forced entry.

7.4. Provide adequate signage and lighting inside and outside the facilities, especially at entrances, exits and document handling areas.

7.5. Have their own surveillance and security service or one contracted or subcontracted with a competent and duly authorized company, ensuring a timely response action and availability 24 hours a day.

7.6. They must have a plan for their physical plant in which the company's critical areas are clearly identified.

7.7. They must have a physical, administrative and human resources infrastructure that allows them to adequately carry out their activities.

8. INFORMATION TECHNOLOGY SECURITY

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

Customs agencies must:

8.1. Use computer systems to control and monitor their business and financial, accounting, customs and commercial operations.

8.2. Have documented computer security policies and procedures that include: those responsible for information management, creating, managing and assigning roles, account management for access to information systems and e-mail, internet use, the interconnection with external information systems, the correct use of computer resources, and the necessary controls that ensure the confidentiality of the information.

8.3. Assign individual access accounts to the technological platform that require periodic changes, with features that increase security levels.

8.4. Establish controls to identify the misuse of computer systems and information

technology, as well as to detect inappropriate access and improper manipulation of information.

8.5. Have a computer contingency plan documented, implemented, maintained and in the process of continuous improvement.

8.6. Have a defined physical IT and communications center, with the appropriate security measures to ensure access only to authorized personnel.

9. SECURITY AND THREAT AWARENESS TRAINING

The Colombian Tax and Customs Authority will validate compliance with the following requirements:

Customs agencies must:

9.1. Implement a periodic induction and reinduction program aimed at all personnel employed or to be employed and when applicable to visitors, ensuring knowledge of the company's security measures and possible threats and risks, as well as the measures implemented to prevent, recognize and act against any criminal activity.

9.2. Develop specialized security and customs training programs for personnel involved in critical areas on preventing money laundering and terrorist financing, seals, compliance with customs formalities, valuation, origin, tariff classification, trade agreements, supporting documents for foreign trade customs operations, mail handling, and other sensitive issues, as appropriate by area and by process.

9.3. Implement an awareness and prevention program for alcohol and drug use.

9.4. Have implemented a training program for managing panic situations consistent with the needs of critical areas, which includes drills or vulnerability tests for the facilities' security.

Article 4-3. MINIMUM REQUIREMENTS FOR PORT FACILITIES OR OPERATORS TO REQUEST AND MAINTAIN THE AUTHORIZATION AS AUTHORIZED ECONOMIC OPERATORS. <Article added by article 1 of Resolution 48 of 2020. The new text is as follows:> In accordance with the provisions of Article 7 of Decree 3568 of 2011, modified by Article 6 of Decree 1894 of 2015, the requesting party and Authorized Economic Operator interested in obtaining or maintaining authorization as Authorized Economic Operator for Port Facilities or Operators, may access the AEO security and facilitation category.

The Colombian Tax and Customs Authority (DIAN), Colombian National Police, General Maritime Directorate and Superintendence of Transportation will participate in the authorization, implementation and development process of the AEO security and facilitation category for port facilities and port operators, in accordance with their legal powers.

The requesting party or Authorized Economic Operator, as the case may be, must meet the following requirements established for the AEO security and facilitation category for port facilities or port operators:

1. RISK ANALYSIS AND MANAGEMENT

1.1. The Colombian Tax and Customs Authority (DIAN) Special Administrative Unit will make sure the port facility or port operator, complies with the following requirements, as appropriate, based on a risk analysis and assessment process:

- 1.1.1. Having a security management policy based on the risk assessment of their international supply chains, which must have established security management objectives, goals and programs.
- 1.1.2. Having a risk management system focused on the international supply chain, which prevents illegal activities, such as money laundering, smuggling, drug trafficking, trafficking substances for narcotics processing, terrorism, terrorist financing and arms trafficking.
- 1.1.3. Have documented procedures to establish the risk level of their business associates.
- 1.1.4. Demonstrating they implement measures aimed at preventing and mitigating security risks in the international supply chain through a statement signed by their suppliers and lessees not authorized as Authorized Economic Operators in Colombia or certified by another security program managed by a foreign customs office.
- 1.1.5. Carry out and document a linking visit and subsequent annual visits to the areas within the port facilities in which their suppliers and lessees carry out their operations, in order to verify compliance with minimum requirements aimed at preventing and mitigating security risks in the international supply chain.
- 1.1.6. Require their suppliers to have a contingency plan for their activities to allow the optimal development of the operations contracted in the international supply chain.
- 1.1.7. Identify and update the critical positions related to international supply chain security.
- 1.1.8. Have established confidentiality and liability clauses in the contracts of its related personnel.
- 1.1.9. Control the input and output of information related to the international

supply chain through e-mail, magnetic media, removable storage devices and other available means.

- 1.1.10. Once the authorization as Authorized Economic Operator has been obtained, internal validations must be carried out and documented annually to ensure compliance with and maintenance of the minimum requirements for Authorized Economic Operators.
- 1.2. The General Maritime Directorate will make sure the port facilities or port operators comply with the following requirements, based on a risk analysis and assessment process:
 - 1.2.1. Establishing the areas considered critical and/or restricted in their facilities and treating the risks associated with them.
 - 1.2.2. Using alarm systems and video surveillance cameras controlled by suitable personnel that allow 24-hour-a-day monitoring to alert, record and supervise the facilities and prevent unauthorized access to critical and/or restricted areas, including loading, unloading, handling, recognition, inspection and/or gauging and cargo storage areas. The film must be kept for a minimum of 60 calendar days.

2. BUSINESS ASSOCIATES

In order to comply with the requirements related to business associates, the port facilities or port operators must consider all contracted individuals and legal entities that provide port services within the limits of the port facility as suppliers. Moreover, they must consider importers, exporters, customs agents, cargo agents, maritime agents and maritime transporters, among others, who use the infrastructure and services of the port facility as clients, as well as the lessees of areas within the boundaries of the port facility.

Colombian Tax and Customs Authority (DIAN) Special Administrative Unit will make sure the owner or port operator meets the following requirements, as appropriate:

- 2.1. Having documented procedures for selecting, evaluating and knowing their suppliers that guarantee their reliability.
- 2.2. Having documented procedures for evaluating and knowing lessees, which include provisions on subletting.
- 2.3. Having documented procedures that allow them to know and identify their customers.
- 2.4. Identifying which of their business associates are authorized as Authorized

Economic Operators in Colombia or certified by another security program managed by a foreign customs office.

- 2.5. Making sure, in the cases in which it transfers, delegates, outsources or subcontracts any of its critical processes related to its supply chains, that the service provider implements security measures aimed at preventing and mitigating security risks in the international supply chain.

3. CONTAINER AND OTHER CARGO UNIT SECURITY

The National Police will make sure the port facilities or port operators meet the following requirements, as appropriate:

- 3.1. Having technological tools and equipment for the control authorities to use as supporting elements to detect the possible adulteration of containers and other cargo units, as well as to review bulk cargo, as established by the current legal provisions.
- 3.2. Storing containers and other cargo units, both full and empty, in secure areas that prevent unauthorized access and/or manipulation. Said areas must be inspected periodically, and a record of the inspection and the responsible person must be kept.
- 3.3. Using and/or requiring the use of high security seals that meet or exceed the current ISO 17712 standard for containers and other sealable cargo units filled inside the port facilities or that are opened by order of the authorities.
- 3.4. Making sure containers and other sealable cargo units with merchandise have security seals, when required in accordance with customs regulations.
- 3.5. Having a computer system that allows them to ensure the traceability of containers and other cargo units, from entry or unloading to removal or loading at the port facilities. The information must be available for consultation by the control authorities, when required.
- 3.6. Having documented procedures to prove compliance with the following requirements, as appropriate:
 - 3.6.1. Ensuring the traceability of containers and other cargo units, from entry or unloading to removal or loading at the port facilities.
 - 3.6.2. Installing and uninstalling the seals or electronic traceability devices by their operators.
 - 3.6.3. Verifying the physical integrity of the container structure and other cargo units before loading and/or after emptying. A documentary record must remain of the verification process must be kept, including the responsible

person. It must at least include the following points:

Container: Front wall, Left side, Right side, Floor, Interior/exterior ceiling, Interior/exterior doors, Exterior/lower section.

Refrigerated container: Evaporator area, Battery area or electrical control box, Condenser area, Control box, Compressor area.

- 3.6.4. Detecting, neutralizing and informing the area responsible for the port facilities' security and protection officer of the unauthorized entry of people, vehicles or merchandise to containers and other cargo units, as well as to their handling and storage areas.
- 3.6.5. Recognizing and reporting to the competent authorities when the seals, containers and/or other cargo units have been violated.
- 3.6.6. Ensuring the integrity of the container and other cargo units during maintenance or repair work, when carried out within their facilities.
- 3.6.7. Maintaining the integrity of the container and other cargo units subject to transfer.
- 3.6.8. Controlling moored or berthed motor ships in the port facilities, as well as containers and other cargo units shipped therein.

4. PHYSICAL ACCESS CONTROLS

The Superintendence of Transportation will make sure the port facilities or port operators meet the following requirements, as appropriate:

- 4.1. Having documented procedures to identify and control people's access to and exit, and that of private vehicles and cargo vehicles, from its facilities.
- 4.2. Having documented procedures for controlling, delivering, returning, changing and losing access control devices for related personnel and visitors.
- 4.3. Giving all their personnel linked through any type of contract an I.D., which they must carry visibly.
- 4.4. Requiring all visitors to identify themselves to enter their facilities, and deliver a temporary I.D., which the visitors must carry visibly.
- 4.5. Having effective controls and documented procedures to review people, vehicles, packages, mail and other objects both when they enter and exit their facilities.
- 4.6. Having documented procedures to make sure employees, service providers,

lessees, visitors, and vehicles go only to authorized areas within the facility.

- 4.7. Having effective controls and documented procedures to make sure the related personnel knows how to identify and deal with unauthorized or unidentified persons within their facilities.
- 4.8. Having documented procedures to detect, neutralize, and report the unauthorized entry of people, vehicles, or merchandise into inspection areas, gauging areas, loading docks, loading areas, emptying areas, warehouses, or storage areas.
- 4.9. Making sure all people entering the facilities know the physical security measures of the port facilities.
- 4.10. Exercising control over all doors, docks and other access areas to the different areas of the port facilities.
- 4.11. Having documented procedures to control access to restricted areas of the port facilities.
- 4.12. Having documented procedures to identify and control the access and departure of port service equipment and machinery.
- 4.13. Having documented procedures to ensure the control and surveillance of doors at the entrance and exit of the facilities, equipment storage areas, containers and other cargo units, as applicable.
- 4.14. Having software that allows maintaining traceability information on people, equipment and vehicles' entry and exit from the facilities.

5. PERSONNEL SAFETY

The Colombian Tax and Customs Authority (DIAN) Special Administrative Unit will make sure the holder or operator of the port concession meets the following requirements:

- 5.1. Having documented procedures for selecting candidates who could be linked to the company that owns and operates the port facility in any type of contract.
- 5.2. Keeping the employment history of related personnel updated, including personal and family information, photographic files, and a background check. The latter must be in accordance with the current legal provisions. It must be updated annually.
- 5.3. Carry out and document socioeconomic studies that include home visits to personnel in critical positions biennially.

- 5.4. Having documented procedures for following up and analyzing the results of the socioeconomic studies and home visits, making it possible to detect relevant or unjustified changes in the assets of personnel in critical roles.
- 5.5. Having documented procedures for removing personnel, which include returning I.D. cards and access cards, canceling roles that have access to computer services, removing granted powers and other authorizations, and other actions.
- 5.6. Having established security provisions for supplying and handling uniforms and equipment, which includes controlling, delivering, returning or changing them.
- 5.7. Having implemented a code of ethics with the rules of conduct aimed at ensuring transparency in performing their activities.

6. PROCESS SAFETY

- 6.1. The Colombian Tax and Customs Authority (DIAN) Special Administrative Unit will make sure the port facilities or port operators meet the following requirements:
 - 6.1.1. Having a physical, administrative and human resource infrastructure that allows them to adequately carry out their activities.
 - 6.1.2. Having a document control system that guarantees the corresponding personnel knows, modifies and updates them, according to their roles and/or competencies.
 - 6.1.3. Have a plan that allows them to continue their operations in the event of situations, such as: theft, natural disasters, fires, sabotage, power outages, cyberattacks, communication and transportation failures, terrorism and public order alterations.
 - 6.1.4. Implementing and carrying out actions aimed at preventing the occurrence and recurrence of violations detected by the interested party or competent authority.
 - 6.1.5. Having the necessary spaces, security and facilities for the authorities to be able to recognize cargo and inspect and/or gauge merchandise, containers and other cargo units, depending on the type of inspection, in accordance with the current legal provisions.
 - 6.1.6. The port facilities or port operators must have documented procedures for complying with the following requirements:

- 6.1.6.1. Guaranteeing the integrity, traceability and security of the cargo in the processes related to storage and handling.
- 6.1.6.2. Identifying and controlling the entry, transshipment and departure of cargo from the port facilities.
- 6.1.6.3. Guaranteeing the integrity of the information that supports cargo dispatch or receipt, and it being available before the cargo is actually received. Moreover, said information must also be protected against changes, loss or the introduction of erroneous data.
- 6.1.6.4. Carrying out the different procedures and actions before the control authorities according to the provisions in effect for each one of them.
- 6.1.6.5. Detecting and taking the necessary actions in case of shortages, surpluses or any other discrepancy or irregularity in the cargo.
- 6.1.6.6. Reporting cases in which irregularities or illegal or suspicious activities are detected in their supply chains to the competent authority.
- 6.1.6.7. Filing, storing and protecting the physical and electronic documentation of their operations in their international supply chains and destroying it when necessary.
- 6.1.6.8. Supervising and controlling the operation of land carriers entering the port facilities, including appointment control, entry shifts, and time spent at the port facilities.
- 6.2. The Superintendence of Transportation will make sure the port facilities or port operators meet the following requirements:
 - 6.2.1. Having documented procedures for handling hazardous goods and objectionable cargo.
 - 6.2.2. Having security protocols for funding operations, when applicable.

7. PHYSICAL SECURITY

The General Maritime Directorate will make sure the port facilities or port operators meet the following requirements:

- 7.1. Having a plan for their physical plant in which the port facilities' critical areas and/or restricted areas are clearly identified and the evacuation and emergency plan is disclosed.

- 7.2. Having perimeter fences or barriers that fully identify the boundaries of the facilities and have adequate signage and lighting. When it is obviously impossible to have the indicated perimeter barriers, the requesting party must ensure perimeter security based on mechanisms that prevent unauthorized access to the facilities.
- 7.3. Having fences, barriers or internal controls, whether physical, electronic or computerized, in the cargo storage and handling areas, seeking to identify the different types and/or groups of merchandise and have adequate signage and lighting.
- 7.4. Having documented procedures for inspecting and verifying the integrity and identification of damage to fences, perimeter barriers, doors, windows, access points to the facilities, and critical and/or restricted areas, and assigning responsibility for taking care of the keys.
- 7.5. Prohibiting related personnel and visitors from parking vehicles within the cargo handling and storage areas or in areas adjacent to their entrances or exits.
- 7.6. Having adequate lighting and signage inside and outside the facilities, especially at entrances and exits, handling areas, cargo recognition, inspection and/or gauging and merchandise storage areas, fences, perimeter barriers, parking lots and docks.
- 7.7. Having their own surveillance and security service or one contracted with a competent and duly authorized company, ensuring a timely response action and availability 24 hours a day.
- 7.8. Controlling the areas intended for lockers, changing rooms or the like, and separating them from the facilities' critical areas.
- 7.9. Have protective equipment (physical security) and guaranteeing its proper functioning, testing, calibration and maintenance.
- 7.10. Having an employee appointed as Port Facility Protection Officer (OPIP, for the Spanish original) permanently.
- 7.11. Complying with the health and hygiene measures established by law.

8. INFORMATION TECHNOLOGY SECURITY

The Colombian Tax and Customs Authority (DIAN) Special Administrative Unit will make sure the port facilities or port operators meet the following requirements:

- 8.1. Using computer systems to control and monitor their business, which includes their operational, financial, accounting, customs and commercial activities,

allowing them to deliver information to the control authorities when required.

- 8.2. Having documented computer security policies and procedures that include: those responsible for information management, creating, managing and assigning roles, account management for access to information systems and e-mail, internet use, the interconnection with external information systems, the correct use of computer resources, and the necessary controls that ensure the confidentiality of the information.
- 8.3. Assigning individual access accounts to the technological platform that require periodic changes, with features that increase security levels.
- 8.4. Establishing controls to identify the misuse of computer systems and information technology, as well as to detect inappropriate access and improper manipulation of information.
- 8.5. Having a computer contingency plan documented, implemented, maintained and in the process of continuous improvement.
- 8.6. Having a defined physical IT and communications center, with the appropriate security measures to ensure access only to authorized personnel.
- 8.7. Having a technological and communications infrastructure that facilitates connectivity between the different buildings, courtyards and/or areas, including the recognition and/or inspection or gauging area.
- 8.8. Making backup copies of the information and operations software as often as established in the information security policy, and testing the recovery of these copies.

9. SECURITY AND THREAT AWARENESS TRAINING

The Colombian Tax and Customs Authority (DIAN) Special Administrative Unit will make sure the port facilities or port operators meet the following requirements:

- 9.1. Implementing a periodic induction and reinduction program aimed at all personnel employed or to be employed and when applicable to visitors, ensuring knowledge of the port facilities' security measures and possible threats and risks, as well as the measures implemented to prevent, recognize and act against any criminal activity.
- 9.2. Developing specialized security training programs for personnel involved in critical areas on preventing money laundering and terrorist financing; seals or electronic traceability devices; container loading; shipping, receiving, handling and storing cargo; managing non-intrusive inspection equipment and other tools used to verify the integrity of containers and other cargo units, mail handling, and compliance with customs legislation and other sensitive issues,

as applicable, by area and by process.

- 9.3. Implementing an awareness and prevention program for alcohol and drug use.
- 9.4. Implementing a training program for managing panic situations consistent with the needs of critical areas.

CHAPTER II. THE AUTHORIZATION

ARTICLE 5. COMPLETION AND SUBMISSION OF THE REQUEST. The legal representative of the interested individual or legal entity must complete the request through the electronic computer services of the Colombian Tax and Customs Authority, in the form provided for this purpose. The company's legal representative must electronically sign the request.

The application must indicate the AEO category they wish to access, either the AEO security and facilitation category, or the AEO security and health facilitation category, as well as the type or types of users for whom they wish to obtain authorization as Authorized Economic Operators, in accordance with the gradual implementation of the Authorized Economic Operator provided in article **24** of Decree 3568 of 2011.

The electronic computer service will assign a number to the request, and the interested party must subsequently file the following supporting documents in physical or magnetic media before the Colombian Tax and Customs Authority:

- a) Financial information: Financial statements for the three (3) years prior to submitting the application;
- b) An organizational flowchart for the company;
- c) A process map that includes at least the missional, strategic, support and control processes;
- d) An international supply chain flowchart that includes the company name and I.D. number of the main actors involved in the chain;
- e) A copy of the last external audit report related to security management, if they have it;
- f) Process risk matrix;
- g) Documents describing the procedures for: selecting business associates, selecting related personnel and physical access;

- h) A list of shareholders with individual shares of over 30%, in the cases of public corporations, certified by the statutory auditor, when it applies;
- i) A self-assessment of compliance with conditions and requirements, duly completed in the format provided by the Colombian Tax and Customs Authority on the Authorized Economic Operator's website;
- j) A list of critical positions that includes: name, I.D. and position held in the company. In addition, they must report the name, position, I.D. and contact information of the Authorized Economic Operator's lead representative and their alternate.

The request will be understood to have been submitted when it has been received, a request number has been assigned, and the supporting documents indicated in this article have been filed in their entirety before the Colombian Tax and Customs Authority.

ARTICLE 6. INCOMPLETE DOCUMENTATION. In the event all the supporting documents indicated in the previous article are not delivered, the requesting party will be required only once to submit them within ten (10) days after receiving the communication. If they do not respond or provide incomplete information, the interested party will be understood to have withdrawn from the request. Therefore, it will be archived.

PARAGRAPH. In order to guarantee transparency in the authorization process of the Authorized Economic Operator, the requesting party's name and tax identification number will be published on the program website, from its presentation until the acceptance or rejection process of the request ends.

ARTICLE 7. VERIFICATION OF CONDITIONS BY THE CONTROL AUTHORITIES. The control authorities referenced in article 4 of Decree 3568 of 2011, modified by article 3 of Decree 1894 of 2015, will verify compliance with the conditions according to their powers, within the following twenty (20) days, counted as of the date the request was submitted.

PARAGRAPH. The Colombian Tax and Customs Authority, within two (2) days after the presentation of the request, will request the other control authorities participating in the authorization process to verify the conditions, in accordance with the framework of their powers, for them to issue a pronouncement within the following ten (10) days.

ARTICLE 8. COMMUNICATION OF NONCOMPLIANCE WITH CONDITIONS. If the pronouncement issued by the control authorities indicates that the requesting party does not comply with the conditions, the Colombian Tax and Customs Authority will communicate the fact to the interested party within the following five (5) days, counted as of the expiration of the term established in the paragraph of

the previous article, for them to demonstrate compliance with the previous conditions within five (5) days after receiving the communication.

ARTICLE 9. CONSOLIDATION OF INFORMATION BY THE CONTROL AUTHORITIES. Once they receive the communication from the interested party, the control authorities will proceed to verify the received information. Within the following fifteen (15) days, the Colombian Tax and Customs Authority will issue a pronouncement regarding compliance with the conditions, which is considered support in defining the acceptance or rejection of the request.

When the pronouncement is the responsibility of a control authority other than the Colombian Tax and Customs Authority, it will send the response within two (2) days after receiving the communication from the interested party, for it to be verified, supported and sent again to the Colombian Tax and Customs Authority within the following 10 days, to consolidate and define the request.

ARTICLE 10. PRONOUNCEMENT ON THE FULFILLMENT OF CONDITIONS. The Colombian Tax and Customs Authority will proceed to consolidate the pronouncements of the other control authorities, when it applies, and will proceed to issue the respective corresponding administrative act.

PARAGRAPH. In the cases provided in paragraph 1 of article 6 of Decree 3568 of 2011, modified by article 5 of Decree 1894 of 2015, the evaluation session for the standardization of the related experience must be carried out by the Technical Committee of the Authorized Economic Operator.

ARTICLE 11. ACCEPTANCE OR REJECTION OF THE REQUEST. Once the control authorities have verified compliance with the conditions established in article 6 of Decree 3568 of 2011, modified by article 5 of Decree 1894 of 2015, including the analysis of the Technical Committee, if it applies, the Colombian Tax and Customs Authority will proceed to accept or reject the request within the following five (5) days as of the expiration of the term established in article 10 of this Resolution, and will notify the other control authorities of the decision.

ARTICLE 12. COMPANY ANALYSIS BY THE CONTROL AUTHORITIES. The control authorities will have a term of ten (10) days to analyze the individual or legal entity, counted as of the day after the notification on the acceptance of the request. The Colombian Tax and Customs Authority, within the following two (2) days, will notify the other control authorities, according to the scope of their competence, to carry out the company analysis. In this analysis, all the supporting documents sent by the company when submitting the request referenced in article 5 of this resolution will be studied.

ARTICLE 13. VALIDATION VISIT BY THE CONTROL AUTHORITIES. Once the company analysis has been completed, the control authorities must start scheduling and planning activities and completing the visit through which the requesting company's compliance with the minimum requirements will be

validated, within the following twenty (20) days.

The purpose of this visit is to validate the minimum requirements and other aspects of the authorization. It will be carried out by the control authorities, in accordance with the following stages:

1. Scheduling. The control authorities must schedule the validation visit, and the Colombian Tax and Customs Authority will inform the requesting party of the visit plan and dates on which it will take place.

2. Execution. The validation visit will be carried out at the company's facilities, where the evaluation procedures will be developed, making it possible to demonstrate or validate compliance with the minimum conditions and requirements, and support the required actions and observed safety recommendations.

3. Term. The validation visit must be carried out continuously and be concluded within the following two (2) days, counted as of the moment the visit is communicated. When, for justified reasons, a longer period is required, it may be extended according to what has been observed.

During the visit, the Authorized Economic Operator Specialists will validate compliance with the minimum requirements and indicate the observed noncompliances to the requesting company.

Based on the results of the validation visit, the control authorities will prepare the minutes to be signed by the representative of the company that attended the visit, indicating the strengths, recommendations and corresponding required actions when applicable, as well as the Term for compliance with the required actions, which may not exceed thirty (30) days after the end of the visit. In duly justified cases, the Technical Committee of the Authorized Economic Operator may grant an extension of up to thirty (30) more days.

Within the above period, the interested party may inform the Colombian Tax and Customs Authority once the actions required for the control authorities to carry out the corresponding verifications have been performed. In all cases, compliance with the required actions will be verified within twenty (20) days following the communication by the interested party.

ARTICLE 14. TECHNICAL OPINION BY THE CONTROL AUTHORITIES. Once the validation stage of compliance with requirements has been completed, the control authorities will have ten (10) days to send their technical opinion to the Colombian Tax and Customs Authority, which must include the company analysis and final results of the validation visits. They must report on compliance with the requirements and the technical and legal reasons that support the authorization or rejection, signed by the competent official.

ARTICLE 15. *ISSUANCE OF THE ADMINISTRATIVE ACT WITH THE FINAL DECISION.* Once the entire procedure referenced herein has been completed, the Colombian Tax and Customs Authority will issue the administrative act with the final decision on the request within 30 days following the consolidation of the technical opinions. The administrative act must include at least the following:

- a) Name, TIN and address of the individual or legal entity;
- b) The type of customs user and AEO category for which the authorization is granted;
- c) The obligations they acquire as Authorized Economic Operators;
- d) The form of notification and appeals against the administrative act;
- e) Valuation of the documentation and procedures in the file;
- f) The technical and legal reasons that support the authorization or denial;
- g) The term for filing appeals;
- h) The dependency before whom it is filed;
- i) The signature of the competent official.

ARTICLE 16. *APPEAL FOR REVERSAL.* The appeal may be filed directly by the person against whom the challenged administrative act was issued, or through a special representative, under the terms established in the Decree **2685** of 1999 and other regulations that modify, amend or regulate it.

ARTICLE 17. *REVALIDATION OF THE AUTHORIZATION AS AUTHORIZED ECONOMIC OPERATOR.* The revalidation of the authorization as an Authorized Economic Operator may be carried out physically, through visits, or with documents, requesting and analyzing information. These actions must determine that the conditions, obligations and requirements with which the authorization was obtained are maintained over time.

The revalidation will be carried out periodically, within a period of two (2) years after the authorization resolution as Authorized Economic Operator is issued. The above is notwithstanding the power to perform visits when any of the control authorities deem it appropriate.

CHAPTER III. ON BENEFITS.

ARTICLE 18. *BENEFITS GRANTED TO THE AUTHORIZED ECONOMIC*

OPERATOR. In accordance with the provisions of article 8 of Decree 3568 of 2011, modified by article 7 of Decree 1894 of 2015, the benefits the Authorized Economic Operator will enjoy will have the following scope:

1. Recognition as a safe and reliable Authorized Economic Operator will be understood as having been granted with the duly executed administrative act granting the authorization.
2. The assignment of the operations officers defined in article 2 of Decree 3568 of 2011 will be carried out by each control authority, in each one of the sectional, regional and departmental headquarters, as the case may be.
3. The benefits established in clauses 8.1.6 and 8.1.7 of article 8 of Decree 3568 of 2011, modified by article 7 of Decree 1894 of 2015, will be implemented by the control authorities through documentary inspections, as long as the operating conditions and risk analysis systems allow it. Management of the procedures carried out by the Authorized Economic Operators will be prioritized.
4. The reduction in the amount of Global Guarantees created before the Colombian Tax and Customs Authority, which is discussed in clause 8.1.10 of article 8 of Decree 3568 of 2011, modified by article 7 of Decree 1894 of 2015, will be twenty percent (20%) of the final total amount resulting from the calculation for creating or renewing quality guarantees that corresponds to the type of customs user.
5. For the AEO security and health facilitation category, the inspection at the exporter's facilities referenced in clause 8.1.11 of article 8 of Decree 3568 of 2011, modified by article 7 of Decree 1894 of 2015, and provided in clauses 8.2.1 and 8.2.4 of article 8 of Decree 3568 of 2011, modified by article 7 of Decree 1894 of 2015, will proceed as long as the physical inspection stated therein is carried out in a coordinated and simultaneous manner between the different control entities, taking into account the type of merchandise to be inspected and the powers of each Control Authority.

PARAGRAPH 1. The assignment of operations officers defined in article 2 of Decree 3568 of 2011 will not generate any type of economic cost for the Authorized Economic Operator.

PARAGRAPH 2. The assignment of operations officers does not cancel the individual or legal entity's obligation to comply with their responsibilities, or the obligations that correspond to the Authorized Economic Operator.

ARTICLE 19. *SUSPENSION OF BENEFITS.* In developing the provisions of article 12 of Decree 3568 of 2011, imposing the precautionary measure of provisional interruption suspends the benefits granted to the Authorized Economic Operator. When it comes to suspending the benefit of reducing the amount of the guarantee referenced in clause 8.1.10 of article 8 of Decree 3568 of 2011, modified by article

7 of Decree 1894 of 2015, the user must make the corresponding adjustment to the global guarantee to be able to continue carrying out the foreign trade operations covered by said guarantee.

CHAPTER IV. OBLIGATIONS OF THE AUTHORIZED ECONOMIC OPERATOR.

ARTICLE 20. INFORMATION REPORTS. The reports discussed in clause 2 of article 15 of Decree 3568 of 2011 must be communicated to the Colombian Tax and Customs Authority through the electronic computer services and e-mail available for this purpose on the Authorized Economic Operator's website, at the latest within five (5) days after becoming aware of the fact. The reports indicated in clause 4 of article 15 of Decree 3568 of 2011 must be reported to the competent authority.

CHAPTER V. CONSULTATION, COORDINATION AND DECISION-MAKING BODIES.

ARTICLE 21. ADVISORY GROUP. In accordance with the provisions of article 18 of Decree 3568 of 2011, the methodology and guidelines for its operation are established:

1. Structure. The advisory group will be made up of four (4) private sector representatives involved in different links of the international supply chain. Two (2) members of the advisory group will rotate each year, for which the type of user and gradual implementation of the Authorized Economic Operator Program will be considered.

2. Frequency. In order to strengthen the partnership between the public and private sectors, the advisory group will support and propose improvement actions develop the program and meet twice (2) a year with the Authorized Economic Operator's control authorities by means of a call by the Colombian Tax and Customs Authority, or, in special circumstances that require it, at the request of the advisory group.

PARAGRAPH. In no case may the advisory group intervene in decisions of acceptance, rejection, authorization, denial, interruption, cancellation or revalidation of an Authorized Economic Operator.

ARTICLE 22. TECHNICAL COMMITTEE OF THE AUTHORIZED ECONOMIC OPERATOR. In accordance with the provisions of article 19 of Decree 3568 of 2011, the committee will be made up of:

1. The Director of the Colombian Tax and Customs Authority or their delegate.
2. The Director of the National Institute for Food and Drug Monitoring, or their delegate.

3. The General Manager of the Colombian Agricultural Institute, or their delegate.

4. The Director of the National Police or their delegate.

The Director of the General Maritime Directorate or their delegate; the Superintendent of the Superintendence of Ports and Transportation or their delegate; and the Director of the Special Administrative Unit of Civil Aeronautics or their delegate, will be part of the Technical Committee in the cases in which they exercise their functions as control authorities, in accordance with the provisions of article 4 of this Resolution.

The Committee will meet as frequently as required to carry out their functions and make decisions on the cases provided in article 19 of Decree 3568 of 2011 and the others established in this Resolution and internal regulations.

In the Committee's sessions, the Technical Secretary will resent the report of the cases under study with their corresponding supporting documentation, to make sure the Committee members have the necessary elements to make the corresponding decisions.

The Committee will meet and adopt decisions and recommendations unanimously.

CHAPTER VI. FINAL PROVISIONS.

ARTICLE 23. GRADUALNESS IMPLEMENTING THE AUTHORIZED ECONOMIC OPERATOR PROGRAM. In compliance with the gradual implementation referenced in article 24 of Decree 3568 of 2011, the Authorized Economic Operator Program will be developed in various coverage instances, taking into account the operational capacity of the control authorities.

The control authorities, in accordance with the development and operational and logistical evolution of the program, will establish the coverage instances through a General Resolution, ensuring the participation of the different types of users that are part of the international supply chain. The gradual implementation of the Authorized Economic Operator Program will operate both for the AEO categories and for the types of users of the international supply chain.

The first instance will apply to exporters and operate both for the AEO security and facilitation category and for the AEO security and health facilitation category.

<Section added by article 2 of Resolution 67 of 2016. The new text is as follows:> The second phase will apply to importers and operate both for the AEO security and facilitation category and the AEO security and health facilitation category.

<Section added by article 2 of Resolution 4089 of 2018. The new text is as follows:> The third phase will apply to customs agencies and operate for the AEO security and facilitation category.

~~Add a sixth paragraph to article 23 of Resolution 000015 of February 17, 2016, as follows:-~~

<Section added by article 3 of Resolution 000048 of May 15, 2020, in effect as of November 20, 2020. The new text is as follows:> The fourth phase will apply to port facilities and port operators and operate for the AEO security and facilitation category.

ARTICLE 24. EVALUATION AND FOLLOW UP ON THE AUTHORIZED ECONOMIC OPERATOR. The methodology will be developed based on studies and evaluations, to measure the effectiveness of the program.

ARTICLE 25. CONTINGENCY PROCEDURES. When there are failures in the operation of the Colombian Tax and Customs Authority's electronic computer services that prevent starting, continuing or completing the authorization, revalidation, interruption, cancellation procedure or other aspects related to developing the Authorized Economic Operator Program, these may be carried out within the terms established in this Resolution. It may be done manually using documentary, physical or magnetic media, notwithstanding the obligation to include such actions through electronic computer services once the service is restored, when so determined.

The procedures not systematized when this Resolution comes into effect will be carried out manually under the terms and conditions provided in this article.

ARTICLE 26. TRANSITORY PROVISIONS. In order to contribute to preparing those interested in starting the process of submitting an authorization request to be Authorized Economic Operators, the Colombian Tax and Customs Authority and other control authorities, with the support of members of the private sector that make up the Advisory Group, will hold dissemination sessions regarding the scope of the Decree and its regulations, the authorization procedure, requirements and other aspects related to carrying out the program.

Additionally, they will make a computer tool available that facilitates the self-assessment and diagnosis process for the level of compliance with conditions and requirements.

Taking into account the entry of new types of users and AEO categories applying to the gradualness of the program, the necessary dissemination sessions mentioned in this article will be held in a timely manner.

This Resolution will apply to requests for authorization as Authorized Economic

Operators submitted after it came into effect. The provisions of this Resolution will apply to the requests being processed from their current procedural stage.

Authorizations as Authorized Economic Operators granted before the validity of this Resolution will apply to the provisions herein from the moment the revalidation discussed in article 11 of Decree 3568 of 2011 is carried out.

ARTICLE 27. VALIDITY AND REPEALING PROVISIONS. This Resolution comes into effect fifteen (15) calendar days after the date of its publication in the *Official Gazette* and repeals Resolutions 11434 of 2011, 11435 of 2011 and 104 of 2012 in their entirety.

To be published and enforced.
Issued in Bogotá, D.C. on February 17, 2016.

The General Director of the Colombian Tax and Customs Authority,
SANTIAGO ROJAS ARROYO.

The General Director of the National Police,
GENERAL RODOLFO PALOMINO LOPEZ

The General Manager of the Colombian Agricultural Institute,
LUIS HUMBERTO MARTINEZ LACOUTURE.

The Director of the National Institute for Food and Drug Monitoring,
JAVIER HUMBERTO GUZMAN CRUZ.