COLOMBIA

BACKGROUND

A regulation, called an "administrative act" in Colombia, may be one of three types: a Decree, a Resolution, or a Circular. It is entirely at the discretion and experience of the regulator to determine which type of regulation it prepares and whether the proposed regulation will require the President's signature. However, in general, a Decree will require the President's signature, a Resolution may or may not require the President's signature (the decision is exclusively left to the regulator), and a Circular will never require the President's signature. Additionally, independent regulatory entities (known in Colombia as Regulatory Commissions) do not fall under the purview of the President's office and, as such, their proposed regulations never require the President's signature.

In Colombia, the type of regulatory process that a proposed regulation of general applicability must undergo depends on whether the regulation requires the President's signature to enter into force. Regulations that require the President's signature must be proposed and adopted through a specific process required by Colombian law. *See* Title 2 of Decree 1609 of 2015 that amends Title 2 of Decree 1081 of 2015.

Regulations that do not require the President's signature are proposed and adopted using each regulator's own internal procedural rules. *See id.* Regulations that are proposed through a regulatory agency's internal procedural rules must still: 1) adhere to Colombia's Constitution and judicial principles; 2) include a Memoria Justificativa (explained in detail in Section 5 below); 3) take into account the proposed regulation's judicial viability (explained in detail in Section 5 below); 4) be published for public comments; 5) be written clearly, with precision, and in a simple way; and 6) include a citation to the legal authority empowering the regulatory agency to regulate. If the subject matter requires, the regulator must also coordinate with other regulators. *See id.* at Article 2.1.2.1.21.

Because each regulator has different internal regulatory procedures, this analysis focuses on the regulatory framework for proposed regulations that require the President's signature, except where explicitly noted otherwise herein. It is important to note, however, that while the current Decree applies only to acts signed by the President, there is a project underway to expand the applicability to all regulatory projects of the Executive Branch.

There are five main types of regulators in Colombia: (1) Ministries, which focus on regulating in specific areas; (2) Departments within the Ministries that may be authorized to regulate in a particular area covered by the Ministry's jurisdiction; (3) "Superintendencias" that are affiliated with the Ministry and which enforce their respective Ministry's regulations, but also may have the authority to regulate, (4) Administrative Departments ("Departamentos Administrativos") which focus on the interaction between governmental entities and regulate in the area of government administration; and (5) Regulatory Commissions. Except for the Regulatory Commissions, all of the aforementioned regulatory entities are under the purview of the President's office and serve at the direction of the President. Regulatory Commissions are independent from the President's Office and regulate in areas that are highly technical, including, but not limited to, issuing regulations specific to household services like water, sewage, electricity, gas, and telecommunications.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
1. Regulatory Forecast	Under Decree 1081 of 2015, Ministries and Administrative Departments must annually prepare a regulatory agenda that lists the regulations they plan to issue during the following calendar year. By October 31st of each year, each regulatory agency is required to publish on its website, for a 30-day public comment period, its proposed regulatory agenda for the following year. The agency must evaluate the comments received, publish the final agenda on its website by December 31st, and then submit the final agenda to the Legal Department of the Office of the President by January 5th of the following year. *See* Article 2.1.2.1.20, Decree 270 of 2017 that amends Article 2.1.2.1.10, Decree 1081 of 2015. A regulator may amend the regulatory agenda throughout the year, but only after justifying the amendment with the Legal Department of the Office of the President. The agenda and any amendments must remain accessible to the public on the agency's website throughout the year. *See id.* The regulatory agenda must include the following information: 1) The regulator's institutional information, including the name of the agency, the name and title of the official responsible for each proposed regulation, and the names of other relevant regulators that will be required to sign the regulation; 2) Basic information about each proposed regulation, including the regulator's authority to regulate in the area, the objective of the proposed regulation, the regulation that will be modified (if applicable), and the reason for the proposed regulation; 3) The month when a proposed regulation will be available for public comment; and 4) The date when a proposed regulation will be submitted to the Legal Department of the Office of the President.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	See id; see also, Ministry of Health 2018 Agenda at: https://www.minsalud.gov.co/Normativa/Paginas/agenda-regulatoria.aspx. In the near future, each regulatory agency will be required to publish its regulatory agenda on a national online registry called SUCOP (explained in section 2 below). The requirements for Regulatory Commissions are a bit different. By October 30th of each year, each Regulatory Commission must publish on its website, for a 10-day public comment period, a proposed annual regulatory agenda. The Commission must publish a final version of the agenda no later than December 31st. The format of the agenda is different for each Commission but, at a minimum, the agenda must address the areas where the Commission plans to regulate and the corresponding timelines for those regulations. *See* Article 7, Decree 2696 of 2004. Regulatory Commissions must also prepare and publish a regulatory strategic plan at least every five years. The time periods covered by each Regulatory Commission's respective strategic plan may vary and, therefore, so may the deadline for publishing new strategic plans. For example, the Communications Regulatory Commission's current strategic plan ends in 2018, and thus, its next strategic plan will be published later this year and cover the time period between 2019 and 2025. *See* Article 6, Decree 2697 of 2004; *see also*, Communication Regulatory Commission's proposed regulatory agenda at https://www.crcom.gov.co/uploads/images/files/Borrador%20Agenda%20oct%2030%20Final.pdf.
2. National Regulatory Register	Colombia's Official Gazette (Diario Oficial) includes all of Colombia's laws, regulations, and public notices by the President and Congress. Proposed RTs must be published in the Official Gazette before the domestic public comment period begins, but this requirement does not apply to other regulations of general applicability. *See* Article 119, Law 489 of 1998; *see also*, Official Gazette at http://jacevedo.imprenta.gov.co/buscador-diario-oficial.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	The Sistema Unico de Información Normativa ("SUIN") website, managed by Colombia's Ministry of Justice, is a second source for all of Colombia's laws, regulations, and public notices. *See* SUIN website at http://suin.gov.co/index.html. Colombia's Regulatory Improvement Group (Grupo de Mejora Regulatoria or "OMR"), a separate office under Colombia's National Planning Department[1] (Departamento Nacional de Planeacion or "DNP"), is tasked with implementing regulatory improvements across the country to make the rulemaking process more accessible to the public. To that end, OMR is currently developing a website – the Unique System of Public Consultation (Sistema Unico de Consulta Pública or "SUCOP") – that will make available all general administrative acts developed by the executive branch[2] and which will also serve as an archive for all regulations that are adopted and in force. When the system is operational, SUCOP will make available to the public: 1) the Regulatory Agenda; 2) files for specific regulatory projects, including their respective technical documentation; 3) regulatory impact analyses (when an RIA is required or, if not, proof that an RIA is not required); 4) the "Global Report" for each regulation containing the comments received from interested parties; 5) the reports that the DNP issues on each RIA;

[1] DNP is an Administrative Department that is part of Colombia's executive branch and reports directly to the President. DNP is in charge of defining, recommending, and promoting public and economic policies for Colombia.
[2] There will be exceptions for entities that have a special regime/structure, such as Industrial and Commercial Enterprises of the State.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	6) the documents and reports that are required for the issuance of technical regulations in accordance with Decree 1074 of 2015; 7) the documents or reports on competition issues that are required in accordance with the provisions of Law 1340 of 2009; 8) the reports related to the creation or modification of procedures referred to in Law 962 of 2005 and Decree 019 of 2012; 9) the justification reports (see item 5); and 10) ex post evaluations of regulations, when required. SUCOP is still in the pilot stage. Colombia intends to bring it online by the end of 2018.
3. Advanced Notice of Proposed Rulemaking	Colombia does not have a formal process of advanced notice of proposed rulemaking.
4. Opportunity for Public Comment and Participation	With limited exceptions (noted below), a regulator must notify the public about a proposed regulation and make it available on its website for public comment. The public comment period must be at least fifteen (15) calendar days. In exceptional circumstances, however, the public comment period may be open for less than 15 days so long as the agency adequately justifies the shorter comment period and the shorter comment period is reasonable and necessary. Each regulator must establish a system for interested stakeholders to register with the agency to receive notifications of proposed regulations. Proposed regulations that are not legally required to be made available for public comment include: 1) regulations that are urgent because they are related to military or police procedures regarding national defense, security, health, and

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	the free movement of people; 2) regulations deemed confidential by the Colombian Constitution; and 3) regulations that have been expressly exempted from publication by law. *See* Article 2.1.2.1.14, Article 2.1.2.1.24 of Decree 270 of 2017. Interested stakeholders may submit comments directly to the agency by mail, hand delivery, e-mail, or by uploading them to the agency's website (depending on the agency's website capabilities). Submitted comments are available for public inspection by visiting the agency or its website after the comment period is closed. According to OMR, in the near future citizens and interested stakeholders will be able to submit comments through the SUCOP website. All public comments will be centralized and published online alongside the proposed regulations. *See* Article 2.1.2.1.23 of Decree 270 of 2017. For proposed regulations that do not require the President's signature, including those by Regulatory Commissions, the regulator must follow its own internal rules regarding interested stakeholder participation. According to OMR, regulatory agencies proposing regulations that do not require the President's signature will generally open the comment period for 30 business days (but see below on RTs). Once SUCOP is in place, it will expand the applicability of Decree 1078 of 2015 and apply it to all administrative acts of the executive branch. *See* Article 2.1.2.1.23 of Decree 270 of 2017. Regarding technical regulations ("RTs"), the regulatory agency must make a proposed RT available on its website for a domestic comment period, which must be open for at least thirty (30) calendar days. Once the domestic process has been completed, the agency must also provide an international comment period (to meet Colombia's World Trade Organization ("WTO") notification requirements), which must be open for at least ninety (90) calendar days. *See* Article 2.2.1.7.5.5 of Decree 1595 of 2015. MINCIT, which operates Colombia's WTO TBT Enquiry Point and makes the notifications, analyzes the comments received through the WTO notification process. It sends any comments to the regulator that, in MINCIT's estimation,

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	the agency needs to review, and discusses the comments with the agency. The agency may revise the regulation based on the comments. MINCIT then provides responses to the comments through the relevant WTO TBT Enquiry Point(s).
5. Publication of Evidence/ Regulatory Analysis	Each regulatory agency must publish on its website a report called a "Memoria Justificativa" with every proposed regulation. The Memoria Justificativa includes the following information: 1) A list of any existing regulations related to the subject/matter; 2) A justification for regulating the subject/matter; 3) An explanation of how the regulation will be implemented; 4) Preliminary Studies;* 5) The available budget to implement the proposed regulation; 6) An MIR** (when required, as explained below); and 7) A matrix that compiles and summarizes all comments received, a Global Report (Informe Global) in which the regulator responds to the comments received (described in item 6 below), and proof that the proposed regulation was published for comment on the agency's website. * Preliminary Studies are performed by the regulator and include: • a detailed analysis of the agency's legal authority to propose the regulation; the regulations that will be modified, replaced or repealed by the proposed regulation; and a review and analysis of judicial decisions that may impact or are relevant to the implementation of the proposed regulation;

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	• an economic impact analysis (including the potential costs or savings of implementing the proposed regulation); • an environmental impact analysis; and • a cultural impact analysis (when required). OMR is drafting a Decree that will likely supplement the obligation to prepare the Preliminary Studies with an obligation to prepare an RIA. *See* Articles 2.1.2.1.6 and 2.1.2.1.14, Decree 1609 of 2015. ** A regulator must also submit an MIR, also known as a Regulatory Impact Manifest (Manifestación de Impacto Regulatorio), to the Administrative Department of Public Services (Departamento Administrativo de la Función Pública or "Función Pública")[3] in instances when a proposed regulation adds or modifies an administrative burden. An MIR is not a Regulatory Impact Assessment. Rather, an MIR must justify the additional or modified administrative burden by providing information on the implementation costs that may be incurred to add or modify the administrative burden, as well as the regulator's budget and personnel that are required to implement the change. An MIR must also provide a flow chart or description of the process that details the steps, conditions, and timing considerations that the regulated party will need to take once the administrative burden is implemented, the cost of the administrative burden on the regulated party, and a justification for the cost. Based on the proposed regulation and its corresponding MIR, Función Pública prepares an opinion about the administrative burden that the regulation would add or modify. Función Pública's opinion and recommendations about the administrative burden are binding. *See id*. at Articles 2.1.2.1.6 and 2.1.2.1.11; *see also*, Article 7, Resolution 1099 of 2017. An example of a published Memoria Justificativa may be found here: http://www.mincit.gov.co/publicaciones/37748/proyectos_de_decretos_2017.

[3] Función Pública is an Administrative Department that is part of Colombia's executive branch and reports directly to the President. Función Pública is in charge of improving the management of public servants and institutions for Colombia.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
6. Respond to Stakeholder Input	A regulatory agency must draft a comment matrix that compiles and summarizes every comment received during the comment period. Additionally, after the comment period closes, the agency must publish on its website a global report responding to all comments received. To respond to the comments, the agency is allowed to organize the comments in its report according to categories and themes. *See* Article 2.1.2.1.6, Decree 1081 of 2015, amended by Decree 270 of 2017. An example of such a report may be found here: http://www.mincit.gov.co/publicaciones/37748/proyectos_de_decretos_2017.
7. Reasonable period for entry into force	In general, Colombia does not require a reasonable period for entry into force of a final regulation. Once the final regulation is published in Colombia's Official Gazette, it enters into force. However, in the discretion of the regulator, a final regulation may include within its text a period for entry into force. Interested stakeholders may comment on the proposed regulation's entry into force (or lack thereof) during the public comment period. Regarding RTs, however, a final RT cannot enter into force until at least ninety (90) calendar days after the proposed RT is notified to the WTO. *See* Article 2.2.1.8.1.3, Decree 1595 of 2015.
8. Opportunity for Judicial Review	There are two ways that a stakeholder may challenge a regulation in court. First, the regulation may be challenged as unconstitutional and, if the court agrees, it will strike down the regulation. *See* Article 135, Law 1437 of 2011. Second, the regulation may be struck down by a court if the regulation is outside the regulator's jurisdiction, or if there were procedural irregularities in the process of developing the regulation. *See id.* at Article 137.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
9. Clearly Written and Understandable Regulations/ Directives	All regulations must be written clearly and simple to understand. A regulator must also avoid promulgating regulations that are inconsistent with, or contradictory of, other regulations. *See* Article 2.1.2.1.15, Decree 1069 of 2015. Regulations that do not require the President's signature must also adhere to these requirements. *See id.* at Article 2.1.2.1.21.
10. Use of Valid and Reliable Data & Sound Science	Colombia does not have a policy in this area.
11. Risk-Based Approach	In general, Colombia does not require the use of a risk-based approach to regulation. This may change once regulatory agencies are required to prepare an RIA for proposed regulations of general applicability. Regarding RTs, agencies are legally required to prepare an accompanying RIA that, as explained in item 12 below, includes a risk analysis, a cost-benefit analysis, and a cost-efficiency analysis. Moreover, such agencies must identify and categorize the level of risk for each proposed RT. The law provides for three categories of risk: 1) Low Risk: when the risk has a low probability of occurring and there is a low level of impact. 2) Medium Risk: when the risk has a high probability of occurring and a low level of impact or when the risk has a low probability of occurring and a high impact. 3) High Risk: when the risk has a high probability of occurring and a high impact. *See* Article 2.2.1.7.6.3, Decree 1595 of 2015.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	Preparing an RIA for RTs has only been required since January 1, 2018. See item 12 for more details. *See also* Article 2.2.1.7.5.4, Transition Paragraph, Decree 1595 of 2015.
12. Regulatory Impact Assessment (RIA)	Colombia does not require that regulatory agencies prepare formal RIAs for proposed regulations of general applicability (other than RTs). As previously noted, however, a Memoria Justificativa must contain Preliminary Studies, which contain some elements of a formal RIA. *See* Article 2.1.2.1.6, Decree 1609 of 2015. Colombia understands the value of preparing an RIA. OMR is in the process of drafting a Decree that will require regulatory agencies to prepare an RIA for proposed regulations of general applicability that are considered high impact for purposes of DNP's methodology. (Under the decree that is being prepared, DNP will review each RIA and produce a non-binding report. If the agency decides not to follow the report, it will need to document its reasons for doing so.) *See* CONPES 3816. As part of good regulatory practices regarding RTs, Colombian law made preparing an "Análisis de Impact Normativo," or RIA, a requirement on January 1, 2018. *See* Article 2.2.1.7.5.4, Transition Paragraph, Decree 1595 of 2015; *see also* Article 2.2.1.7.5.4, Decree 1595 of 2015. Due to the novelty of the RIA requirement for RTs, there is scarce information on implementation thus far, but there have been a few pilot programs. One example can be found here: http://www.sic.gov.co/sites/default/files/normatividad/062017/Proyecto_Resolucion_AIN_Agua.pdf.
13. Pro-Competitive Analysis	A pro-competitive analysis is required when the results of the Preliminary Studies (as described in item 5 above) indicate to the regulatory agency's legal department that the proposed regulation will cause an economic impact. Colombia has not yet provided guidance for regulatory agencies for determining if a proposed regulation will have an economic impact. According to the Ministry of Commerce, Industry, and Tourism (MINCIT), SIC now reviews all RTs for potential competition issues as a matter of practice.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	If a regulator determines that a proposed regulation will impact competition in the market, the proposed regulation is sent to Colombia's Industry and Commerce "Superintendencia" ("SIC"). SIC performs a competition review of the proposed regulation and prepares an opinion known as the "Abogacía de la Competencia." SIC's opinion about the proposed regulation is not binding, but the regulator must provide an explanation if it chooses not to follow it. Furthermore, SIC's opinion becomes part of the Memoria Justificativa that is submitted to the Legal Department of the Office of the President. *See* Article 2.1.2.1.9, Decree 1609 of 2015; *see also* Article 7 of Decree 1340 of 2009. The pro-competitive analysis includes an analysis of whether the proposed regulation will impact the market. For example, it analyzes whether the proposed regulation will limit the number and type of competitors in the market. An example form can be found here: http://www.sic.gov.co/sites/default/files/files/PC01-F02.pdf.
14. Assessment of International Impact	Colombian law requires that a regulator provide an assessment of international impact in two instances: when the agency's legal department determines that the proposed regulation may have an international impact and/or when the proposed regulation is an RT. Colombia has not yet provided guidance for regulators regarding how to determine if a proposed regulation will have an international impact and/or is an RT. That determination is made based on experience. If a regulator determines that a proposed regulation will have an international impact and/or is an RT, Colombian law requires the regulator to submit the proposed regulation to the office of the Director of Regulation within MINCIT and solicit a prior opinion or "Concepto Previo." To solicit the Concepto Previo, the regulator must provide the following documents to MINCIT: 1) The draft proposed regulation/RT or the procedures for conformity assessment; 2) Technical studies that support the measures that will be adopted through the regulation/RT or the procedures for conformity assessment;

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	3) Evidence that the draft regulation/RT or procedures for conformity assessment were submitted to the Colombian public for comments; and 4) The RIA report, if the measure is an RT. MINCIT's Concepto Previo regarding the international impact and/or RT is binding. *See* Articles 2.2.1.7.5.6 and 2.2.1.7.5.6, Decree 1595 of 2015.
15. Leverage Private Sector in the Development of Standards & Conformity Assessment	Colombia's National Quality System (Subsistema Nacional de la Calidad or "SICAL") is in charge of Colombia's national system of standards, conformity assessment (including accreditation, certification, and inspection), and metrology. Overseen and coordinated by MINCIT, it is comprised of both public and private entities. SICAL's objectives include: 1) Promoting security, quality, confidence, innovation, productivity, and competition in the market; 2) Protecting consumers; 3) Facilitating access to markets; and 4) Protecting the environment and national security. To achieve its objectives, SICAL formulates and executes activities related to standards development, accreditation, and conformity assessment. *See* Articles 2.2.1.7.1.4 and 2.2.1.7.1.5, Decree 1595 of 2015. *See also* MINCIT website at: http://www.mincit.gov.co/minindustria/publicaciones/5312/Regulacion.

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	The entities that comprise SNCA are: 1) the Colombian Institute of Technical Standards and Certification (Instituto Colombiano de Normas Tecnicas y Certificacion or "ICONTEC"); Note: ICONTEC is a private, non-profit organization that studies, adopts, promotes, and oversees compliance with technical standards in Colombia. It also accredits organizations, companies, and individuals that engage in the manufacturing and/or development of products and industrial processes. ICONTEC is a member of the International Organization of Standardization ("ISO"), and is an active partner in other standards organizations, such as the Pan American Standards Commission (Comisión Panamericana de Normas Técnicas or "COPANT") and the International Electrotechnical Commission ("IEC"). 2) the National Metrology Institute (Instituto Nacional de Metrología or "INM"); 3) the National Accreditation Body of Colombia (Organismo Nacional de Acreditación de Colombia or "ONAC"); 4) the Ministry of Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sostenible); 5) the Colombian Metrology Network (Red Colombiana de Metrología or "RCM"); 6) the National Learning Service (Servicio Nacional de Aprendisaje or "SENA"); 7) the SIC; 8) the Household Public Services "Superintendencia" (Superintendencia de Servicios Públicos Domiciliarios or "Superservicios"); and 9) the National Defense Ministry (Ministerio de Defensa Nacional or "MDN").

CHECKLIST CRITERIA	ANALYSIS
	PART I: IMPLEMENTING GOOD REGULATORY PRACTICES
	See SICAL website available at: http://www.sical.gov.co/entidades-integrantes-del-sical. Regulators are encouraged to participate in the work of ICONTEC and SICAL. Under Colombian law, RTs should be based on international standards that have been adopted by international organizations. (The law does not define "international standards" or "international organizations," nor does it contain a hierarchy of standards bodies.) If an international standard is insufficient to address the problem the proposed RT is intended to solve, ICONTEC (described above) may develop its own standard "based on scientific evidence." In cases where a regulator does not intend to use a relevant international standard, the issue can be discussed through the SICAL process. *See* Article 2.2.1.7.3.3(2), Article 2.2.1.7.5.2, and Article 2.2.1.7.3.9, Decree 1595 of 2015.
16. Ex-Post Assessments of Regulatory Impacts	Colombia does not require the preparation of an ex-post assessment for regulations of general applicability. However, OMR is in the process of drafting a Decree that would require regulators to issue ex post assessments for all rules that required an RIA within five years of their publication. DNP would then select some of those assessments for evaluation and issue recommendations. Regulatory agencies must, at least every five years, review RTs that are on the books and prepare ex post assessments. The purpose of the review is to determine whether RTs should be modified or eliminated. If the regulator fails to perform a review of any RT that has been in effect for five years, the RT will expire after the close of the five-year review period. This obligation becomes effective on January 1, 2019, so agencies are currently reviewing regulations that were published in 2014 and earlier. *See* Articles 2.2.1.7.5.4 and Article 2.2.1.7.6.7, Decree 1595 of 2015. Further, Article 13 of Decree 2696, which is part of Decree 1078 of 2015, requires Regulatory Commissions to produce a report that evaluates the impact of current regulations every three years.

CHECKLIST CRITERIA	ANALYSIS
	PART II: CENTRAL COORDINATION
17. Located Close to Important Government Decision Makers	Colombia does not have a central regulatory oversight body. However, three executive branch entities are engaged in some form of regulatory oversight: 1) MINCIT; 2) SIC (which is affiliated with MINCIT); and 3) Función Pública. In addition, OMR is tasked with implementing regulatory improvements across the country to make the rulemaking process more accessible to the public. DNP/OMR drafted a report (CONPES 3816) that sets out Colombia's Regulatory Improvement policy. The report outlines the tools to implement the policy, such as the development of the RIA, SUCOP, and regulatory agendas. OMR coordinates the use of these tools at the direction of DNP. The new Decree being drafted by OMR would give DNP the authority to analyze the ex ante and ex post RIAs issued by regulatory agencies and also administer SUCOP. *See* CONPES 3816. OMR indicates that, in the future, it may become a central regulatory oversight body.
18. Given Formal Authority of Regulatory Oversight	As discussed in item 14, MINCIT has regulatory oversight authority of proposed regulations that have an international impact and/or are proposed RTs. *See* Decree 1595 of 2015. As discussed in item 13, SIC has regulatory oversight authority of proposed regulations that have an impact on competition. *See* Decree 1609 of 2015 and Decree 1340 of 2009. As discussed in item 5, Función Pública has regulatory oversight authority of proposed regulations that add or modify an administrative burden. *See id.*

CHECKLIST CRITERIA	ANALYSIS
	PART II: CENTRAL COORDINATION
19. Staffed with Experts and Given Independence	Colombia does not have a central regulatory oversight body.
20. Given the Necessary Scope of Review to be Effective	Colombia does not have a central regulatory oversight body.
21. Establish and Foster Good Regulatory Practices and Principles of Regulation	Colombia does not have a central regulatory oversight body. However, OMR is tasked with implementing Colombia's Regulatory Improvement policy set forth in the CONPES 3816 report. Much of the report follows the recommendations from a 2013 Organization for Economic Co-operation Development's ("OECD") report, which led to Colombia's creation of SUCOP. Since DNP drafted the CONPES 3816 report in 2014, it has: 1) Hosted courses and seminars for regulatory agency staff with OECD and Mexico's COFEMER; 2) Drafted guidelines regarding RIA preparation and public comment; and 3) Provided virtual courses to train agency staff. *See* DNP Presentation at https://colaboracion.dnp.gov.co/CDT/Mejora%20Regulatoria/Presentaciones/Red%20Latino%20Americana%20de%20Buenas%20Pr%C3%A1cticas%20Regulatorias/2017-03-16%20Implementaci%C3%B3n%20del%20An%C3%A1lisis%20de%20Impacto%20Normativo%20Sim%C3%B3n%20Gaviria_DNP.pdf.

CHECKLIST CRITERIA	ANALYSIS
	PART II: CENTRAL COORDINATION
	Under the CONPES 3816 framework, the DNP, together with other entities, is focused on the following strategies: • implementing RIA as mandatory for high impact regulatory proposals issued by the national government; • developing capacities for the use of regulatory quality tools; • establishing guidelines to improve public consultation, participation, and transparency in the regulatory process, and disseminate these practices throughout all government agencies; and • rationalizing and reviewing the national regulatory stock.
22. Ensure Forward Planning of Regulatory Activity	Función Pública is informally tasked with ensuring that regulatory agencies are drafting and publishing a regulatory agenda (as described in item 1). According to OMR, it will eventually assume the role of ensuring that agencies publish their respective regulatory agendas on SUCOP by December 31st of each year.
23. Review Proposed and Final Regulatory Measures before they are Published	There is no central regulatory oversight body in Colombia. However, the Legal Department for the Office of the President reviews all regulations (and their corresponding Memoria Justificativa) that require the President's signature before they are published. *See* 1609 of 2015. The Decree that OMR is drafting would give DNP the authority to analyze the ex ante and ex post RIAs issued by regulatory agencies and issue non-binding recommendations.
24. Coordinate International	Colombia does not have a central regulatory oversight body. However, DNP coordinates international regulatory cooperation activities with the following countries and entities:

CHECKLIST CRITERIA	ANALYSIS
	PART II: CENTRAL COORDINATION
Regulatory Cooperation	1) COFEMER/Mexico: exchanging experiences and best practices; 2) Office for Product Safety and Standards/United Kingdom: receiving training and support; 3) SENPLADES/Ecuador: creating a regulatory agenda; 4) OIRA/United States: receiving RIA training for Regulator staff; 5) OECD: participating in its Regulatory Policy Committee; and 6) INTER-AMERICAN DEVELOPMENT BANK: participating in a project regarding regulatory costs. *See* DNP Presentation at https://colaboracion.dnp.gov.co/CDT/Mejora%20Regulatoria/Presentaciones/Red%20Latino%20Americana%20de%20Buenas%20Pr%C3%A1cticas%20Regulatorias/2017-03-16%20Implementaci%C3%B3n%20del%20An%C3%A1lisis%20de%20Impacto%20Normativo%20Sim%C3%B3n%20Gaviria_DNP.pdf. Additionally, Colombia is a member of the Andean Community of Nations (Comunidad Andina or "CA"), which also includes Bolivia, Ecuador, and Peru. CA's objective is to create a common market by facilitating trade among its member countries. The relevant cooperation agreements are: 1) Decision 562 – Guidelines for Drafting, Adopting, and Applying Technical Regulations in the Andean Community; and 2) Decision 615 – Information System for Notification and Technical Regulation of the Andean Community. This decision created an online notification system: http://extranet.comunidadandina.org/sirt/public/index.aspx. *See* CA website at http://www.comunidadandina.org/Documentos.aspx?GruDoc=07.