Additional Measures to Mitigate and Control Health Risks and Declaration of Health Emergency due to Force Majeure from COVID-19

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On March 31, a Decree (the "***Decree of Health Emergency***") establishing extraordinary measures to face the health emergency caused by the SARS-CoV2 virus (COVID-19) was published by Mexico's Secretary of Health, which includes the measures outlined below. These measures amplify, ratify, or modify the measures previously adopted in the Decree published on March 24 by the Secretary of Health, which established the preventative measures that must be implemented in the public, social, and private sectors (the "***Initial Decree***") as well as the decree of the Council on General Health published on March 30, by which the epidemic of the illness caused by the SARS-CoV2 virus (COVID-19) was declared as a force majeure health emergency.

The following are among the measures implemented and indicated in the Decree of Health Emergency:

1. Suspension of non-essential activities in the public, social, and private sectors from March 30 until April 30, 2020, thus extending the original term of the Initial Decree.

The following activities are considered essential and thus are not to be suspended:

a) Those that are directly necessary to deal with the health emergency, such as work activities in the medical, paramedical, administrative, and support areas in the entire public and private health sector, including those that participate in its supply and services, among which is emphasized in the pharmaceutical sector and medical supplies sector (production and distribution).

b) Public safety and protection of citizens; defense of sovereignty; law and justice enforcement and legislative activities.

c) The following sectors deemed as essential for the economy to function:

i. the financial sector;

ii. the tax collection sector;

iii. the distribution and sale of energy products, gasoline, and gas;

iv. the generation and distribution of potable water;

v. the food and non-alcoholic beverages industry;

vi. food markets, supermarkets, self-service stores, convenience stores, and sale of prepared foods.

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vii. passenger and freight transportation services;

viii. agricultural, fishing and livestock production;

ix. agricultural, chemical, and cleaning products industries;

x. hardware stores;

xi. messenger services;

xii. private security guards;

xiii. daycare centers and residences for children; asylums and residences for senior citizens and shelters for women who are victims of violence;

xiv. telecommunications and information media services;

xv. private emergency, funeral, and burial services;

xvi. storage and refrigeration of essential supplies and consumables;

xvii. logistics (airports, ports, and rail); and

xviii. activities whose suspension could have irreversible effects on their continuation.

d) Activities directly related to the operation of the government's social programs.

e) Activities needed for conservation and maintenance of critical infrastructure that ensures the production and distribution of indispensable services, such as potable water, electricity, gas, petroleum, gasoline, jet fuel, basic hygiene, public transportation, hospital and medical infrastructure, among others that might be defined under this category.

Regarding Section c) ii above, governmental activity related to "tax collection" will not be suspended, which implies that the tax authorities may initiate or continue exercising authority of physical verification (audits or review of offices, issue requirements, etc.), even though it could do so through a tax mailbox (electronic). Also, it is subject to interpretation whether such activities refer only to tax collection or encapsulate the entirety of the tax administration.

2. In the places where essential activities will continue, there cannot be gatherings of more than 50 people and they must continue to apply the existing measures of hygiene and safe distance.

3. The entire population in Mexican territory and persons who arrive from outside Mexican territory are urged to maintain shelter at home, remaining at home voluntarily most of the time from March 30 until April 30, 2020.

4. Shelter at home will be applied strictly for adults older than 60 years, pregnant or lactating women, and groups of persons at risk, even if they participate in essential activities. Persons older than 60 years, but whose activities are of public interest, may continue working voluntarily.

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5. Once the period from March 30 to April 30, 2020 ends, the necessary decrees will be issued in a staggered fashion for the return to activities and termination of shelter at home.

6. Electoral processes and the census are suspended until new notification.

7. All of the preceding measures must be applied with respect to Human Rights.

This declaration of health emergency coexists with other declarations issued by local governments and authorities. Accordingly, the application of these declarations will have to be reviewed in light of what the federal government has published. Also, the declaration of health emergency does not establish a suspension of the employment relationship for health contingency pursuant to article 427, section VII of the Federal Labor Law, thus, in principle, the rights of workers would not be affected.

In case of non-compliance with these measures, the following administrative sanctions may be imposed pursuant to the General Health Law:

- A warning.
- Fines ranging from 6,000 to 16,000 minimum wages (MXN$740,000.00 to MXN$1,971,520.00 or equivalent to USD$29,600.00 and USD$78,860.80, respectively, using the exchange rate of MXN$25 per USD$1).
- Temporary or permanent closure, which may be partial or total.
- Arrest for up to 36 hours.

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If you have any questions, please contact any of the attorneys listed below.

Preventive Measures Issued by the Mexican Ministry of Health Related to COVID-19 – March 26

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