# Definition of Essential Activities by the Secretary of Communications and Transport under the Extraordinary Measures of the Health Emergency Declaration (COVID-19)

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We have previously reported on the Order that adopted the extraordinary measures under the COVID-19 health emergency declaration, published on March 31, 2020 (the "Order"), and the subsequent Technical Guidelines regarding certain essential activities described in the Order published on April 6, 2020. (These alerts may be found here and here, respectively.) The Order mandated immediate suspension of all non-essential activities in the public, private, and social sectors until April 30, 2020, and described essential activities not subject to suspension.

On April 8, 2020, the Secretary of Communications and Transport ("SCT") published an order to supplement the Order's definition of essential activities in the subject matters over which the SCT has jurisdiction (the "SCT Order"). Accordingly, the SCT Order defines in greater detail which activities the SCT considers to be essential, as follows:

**A. Infrastructure:**

> The conservation, operation, maintenance, and supervision of the entire federal free and toll road and bridge system.

**B. Air Transportation:**

- Certificates of safe flight.
- Certificates of exportation and airworthiness.
- Issuance of the Air Operator's Certificates ("AOC"), and their renewal and amendment.
- Validation of AOCs issued by foreign authorities, and their renewal and amendment.
- Permits for maintenance facilities and validation of maintenance facilities abroad that provide services to Mexican-licensed airplanes, and modifications to such permits.
- Authorizations for line maintenance and for maintenance to be conducted abroad.
- Authorization of overflights.
- Authorization of rescue flights.
- Authorization of humanitarian flights.
- Airport services.

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- Complementary services.
- Navigation support services.
- Registration and cancellation of public service airplanes.
- Approval of insurance policies.

**C. Rail Transport:**

- The supply of public transportation services for freight and passengers, and auxiliary services, and the support for such services.
- The rehabilitation and maintenance of railways and equipment.
- The work for conservation and maintenance of railway equipment.

**D. Federal Motor Vehicle Transportation:**

- Services for motor vehicle transportation of passengers and freight.
- Maintenance services for the motor vehicle fleet, supply of parts and related services.
- Cleaning and disinfection services for vehicles of any type, passenger terminals, roadside inns, mechanic shops and sale of diesel and gasoline.
- Operation of centers for loading and unloading freight of all kind of goods, and of roadside inns.
- Package and messenger services.
- Vehicle towing services for vehicle breakdown assistance, salvage, and storage.
- Passenger terminals and verification units, ancillary to federal vehicle transportation.
- Health supervision work at the principal central terminals for passenger buses.
- Issuance of temporary authorization to drive without metallic license plates.

**E. Maritime Transportation:**

- The grant of permits and authorizations for vessels or ships that provide services related with the transportation of passengers and freight, and the production and distribution of gas, petroleum, gasoline, or jet fuel:
    - o Temporary permits for cabotage navigation to foreign ships.
    - o Authorizations of permanency of ships to operate in Mexican maritime zones.
    - o Permits for providing transportation services in waterways.
- Authorization of shipping agents and ship consignees.

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- Port work essential to ensure the proper functioning of ports, including private sector port projects whose objective is the creation of strategic infrastructure for the operation of ports and the stimulation of economic activity.
- Humanitarian bridges.

**F. Operation of Ports:**

- The operation of the entry and exit of vessels; loading and unloading of freight and passengers necessary for the continuity of the supply of goods, as well as necessary/basic port services required for vessels and their crew.
- Piloting services and those activities as are inherent to the operation of vessels when in a port.
- The authorization of shift and anchoring maneuvers in ports.

**G. Communications:**

- Actions to guarantee the continuity of telecommunications and radio networks.
- Actions for safeguarding the security of critical infrastructure.
- Continuation of projects of social coverage.
- Dissemination of information to the public about the rational use of the technologies of telecommunications and broadcasting.
- Mail and messenger services of the Mexican Postal Service.
- Satellite services for Telecomm social coverage.
- Services of the Telecomm offices and resource dispersion services for the social programs of “Bienestar” by Telecomm.
- Maintaining the operation of the federal government’s private network.
- Evaluation of technological development projects.

The SCT Order became effective on the date of its publication and will remain in effect for the duration of the Order. Although the SCT Order does not expressly provide for it, we understand, that in carrying out the activities described above, the measures and practices set forth in the Order on social distancing, health, hygiene, and protection of vulnerable groups must be observed.

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Should you have any questions, please feel free to contact any of the attorneys listed below.

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