

# Extraordinary Measures of the Declaration of Health Emergency (COVID-19): New Technical Guidelines

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Effective on April 6, 2020, an Order was published to establish the technical guidelines (the “[Technical Guidelines](#)”) for the activities described in Article 1, Section II, sub-sections (c) and (e) of the order that adopted extraordinary measures to deal with the health emergency caused by the SARS-CoV2 virus” (the “[Order](#)”). (We published an article on the Order, which may be found [here](#).)

The Technical Guidelines provide details on three areas of the Order, as follows:

1. Regarding essential activities under the Order consisting of those “whose suspension could have irreversible effects on their continuation,” and thus are not subject to suspension (Article 1, Section II, sub-section (c) of the Order), the Technical Guidelines establish that those activities are to be understood as the following:

“Companies that produce steel, cement and glass, as well as information technology services that guarantee the continuity of information systems of the public, private and social sectors.”

Also, companies dedicated to the production of steel, cement, and glass are required to maintain a minimum level activity to avoid irreversible effects. They must inform the Secretary of Economy within 24 hours following the publication of the Technical Guidelines and use a form set forth in those guidelines of the total number of employees that they require. They must also comply with all of the Order’s measures on social distance, health, and hygiene. In addition, steel, cement, and glass companies are to continue such of their activities as are necessary to enable them to comply with their short-term commitments to the Federal Government exclusively for these projects: The Dos Bocas refinery, the Mayan Train, the Felipe Ángeles Airport, the Trans-coastal Corridor, and essential contracts with PEMEX and the Federal Electricity Commission (“CFE”).

It would appear that, from the text in the Technical Guidelines, essential activities under the Order consisting of those “whose suspension may have irreversible effects for their continuation” are limited only to the industries described above.

2. As to the essential activity of “messenger services” under Article 1, Section II, sub-section (c) of the Order, the Technical Guidelines include electronic commerce companies and platforms within the category of “messenger services,” as a consequence of which they may continue their operations, provided they comply with the Order’s measures on social distance, health, and hygiene.

3. Finally, as to essential activities necessary for the conservation and maintenance of critical infrastructure to ensure the production and distribution of indispensable services related to electric power (Article 1, Section II, sub-section (e) of the Order), the Technical Guidelines provide that coal mining and coal distribution companies will continue with the minimum activities necessary to satisfy CFE’s demand. Also, they must inform the Secretary of Economy, within 24 hours following the publication of the Technical Guidelines, of the total number of employees that are

indispensable, and they must comply with all of the Order's measures on social distance, health, and hygiene.

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