

Dear Friends and Clients,

With our newsletter we would like to inform you of recent and significant legal developments in the field of energy law in Argentina

Best regards,

José A. Martínez de Hoz (Jr.)
Head Energy Practice Group

IN THIS ISSUE

- P.1. INTERVENTION OF FEDERAL ENERGY AGENCY AND FEDERAL GAS AGENCY
- P.2. FEDERAL GAS AGENCY DECLARES NON-BUSINESS DAYS
- P.3. THE COMEBACK OF THE CRIOLLO BARREL? - PART II
- P.4. PROVINCIAL HEALTH EMERGENCY DECLARATION IN THE PROVINCE OF NEUQUÉN
- P.5. BILL ON HAZARDOUS WASTE IN THE PROVINCE OF NEUQUÉN
- P.6. BILL ESTABLISHING ENVIRONMENTAL PROSECUTORS IN THE PROVINCE OF NEUQUÉN
- P.7. BILL TO ESTABLISH A PRIOR CONSULTATION TO NATIVE COMMUNITIES IN THE PROVINCE OF NEUQUÉN
- P.8. BILL ON USE AND ACCESS TO FRESHWATER IN THE PROVINCE OF NEUQUÉN
- P.9. BILL TO PROHIBIT SELF-FUELING IN THE PROVINCE OF NEUQUÉN
- COVID-19: ARGENTINE GOVERNMENT'S MEASURES. TIMELINE

INTERVENTION OF FEDERAL ENERGY AGENCY AND FEDERAL GAS AGENCY

Santiago Hearne
santiago.hearne@mhrlegal.com

Valeria Celesti
valeria.celesti@mhrlegal.com

By means of Decrees No. 277 and No. 278 (the "**Decrees**") published in the Official Gazette on March 17, 2020, the Federal Executive (the "**Executive**") ordered the intervention of the Federal Electricity Agency ("**ENRE**") and the Federal Gas Agency ("**ENARGAS**"), respectively, until December 31, 2020.

The Executive appointed Federico José Basualdo Richards as the controller of the ENRE and Federico Bernal as the controller of the ENARGAS (the "**Controllers**") and suspended without pay the members of the Board of Directors of both agencies, for the duration of the intervention.

Pursuant to the Decrees, the Controllers must within 180 days commence a review of the process undertaken for the appointment of the (now suspended) members of the Board of Directors of each agency. In the event that, following such review, any of such appointments are annulled, or upon the expiration of the term of office of any of the Board members, the Controllers shall commence the process for the appointment of their replacements.

Pursuant to the Decrees, the Controllers shall have governing and management authority over the ENRE and the ENARGAS, and such other authority as may be necessary for

the achievement of the objectives set forth in Article 5 of the Solidarity and Productive Reactivation Law No. 27,541 (the "**Solidarity Law**"). Further, the Controllers shall carry out an audit and a technical, legal and economic due diligence over each agency, in order to evaluate their handling of energy matters regulated by the Solidarity Law.

The Controllers must inform the Executive of any irregularity or circumstance they consider relevant, provide all relevant information and documents in connection therewith, and propose any measures that they deem appropriate.

FEDERAL GAS AGENCY DECLARES NON-BUSINESS DAYS

Santiago Hearne
santiago.hearne@mhrlegal.com

Valeria Celesti
valeria.celesti@mhrlegal.com

By means of Resolution No. 99 (the "**Resolution**") published in the Official Gazette on March 17, 2020, the Federal Gas Agency ("**ENARGAS**") declared as non-business days the

ten days following its publication date (i.e. March 18, 2020 until March 31, 2020). This will probably be extended until the end of the mandatory quarantine.

THE COMEBACK OF THE CRIOLLO BARREL? - PART II

Tomas Lanardonne
tomas.lanardonne@mhrlegal.com

In [our previous Newsletter](#) we informed of a letter submitted by the Federal Organization of Hydrocarbons Producing Provinces ("**OFEPHI**") to the Federal Secretariat of Energy, which *-inter alia-* requested that the price of domestic crude oil be fixed at USD54 per barrel.

During the last week, several media outlets mentioned that the primary goal of the Federal Government is to reach a

consensus with refineries and producers (both integrated and non-integrated), rather than unilaterally issue a Decree or Administrative Resolution establishing the domestic price. Such consensus would set a fixed price in the region of USD45/Bbl. In parallel, the Federal Government expects to issue (in the very short term) a resolution reducing to zero percent (0%) the export tax (currently set at 12%) whenever the international price is USD30/Bbl or lower.

PROVINCIAL HEALTH EMERGENCY DECLARATION IN THE PROVINCE OF NEUQUÉN

Sofía Pellizzaro Arena
sofia.pellizzaro@mhrlegal.com

Santiago Hearne
santiago.hearne@mhrlegal.com

By means of Provincial Law No. 3,230 (the "**Law**"), published on March 26, 2020 in the Public Gazette of the Province of Neuquén, the Legislature of the Province of Neuquén declared a health emergency in the territory of the Province of Neuquén for a period of 180 days as from the entry into force of the Law, following the global Covid-19 pandemic

declaration by the World Health Organization on March 11, 2020.

The Law establishes, *inter alia*, the following measures in order to contain and mitigate the advance of the virus:

- Empowers the Provincial Executive (through the appointed

enforcement authority or emergency committee) to:

- adopt the necessary measures to cope with the outbreak;
- coordinate the functioning of the health private sector and medical insurances, and to ensure the normal operation of the food sector and other necessary sectors;
- access and dispose of those funds created by specific provincial laws and resources produced from the exploitation of the activities established in Law 2,751;
- implement the necessary measures in order to obtain funding and carry out payments owed by the province, in order to ensure the functioning of the provincial institutions;
- issue public bonds in order to cancel the payment obligations of the Provincial Treasury. The term of the public bonds issued under the Law may exceed the fiscal year in which they were issued;
- carry out public financing transactions up to United States Dollars one hundred and forty million (USD 140,000,000) or its equivalent in Argentine Pesos or other currencies at the time of issue, to be allocated to the health emergency;
- exempt taxpayers from payment of (i) monthly gross income tax minimums and (ii) taxable amounts under the simplified

program established in the Provincial Tax Code.

- Empowers the enforcement authority to apply fines to those who fail to comply with the health emergency regulations;
- Enables the reception of complaints before the Provincial Public Ministry regarding infringements of the health emergency regulations;
- Empowers public police forces to apprehend persons in flagrant breach of the health emergency regulations;
- Requires the Emergency Committee (created by Provincial Decree N° 366/2020 on March 13th, 2020) to draft ongoing reports to be submitted to the Provincial Legislature monitoring the health situation and the actions taken;
- Suspends evictions and executions related to those activities or sectors to be determined by the Law's implementing decree;
- Eliminates the accrual of interest on defaults under Article 57 of Public Works Law;
- Suspends the execution of sentences that establish the payment of sums of money against the provincial state, municipality, decentralized agencies.

BILL ON HAZARDOUS WASTE IN THE PROVINCE OF NEUQUÉN

Santiago Hearne
santiago.hearne@mhrlegal.com

Josefina Bercetche
josefina.bercetche@mhrlegal.com

On February 12, 2020, representatives of the political party *Frente de Todos* (“**FDT**”) submitted Bill of Law No. 13,109 to the Legislature of the Province of Neuquén proposing a new law regarding the disposal of hazardous waste (the “**Bill**”).

In the Bill, FDT made reference to the existence of treatment plants near residential areas and low-income communities,

as well as to the constitutional right to live in a healthy environment.

Under the Bill, FDT seeks the prohibition of treatment and/or final disposal of hazardous waste, as defined by Law No. 24,501, within the municipal center and at a minimum distance of 10 kilometers from urban areas and five kilometers from factories.

BILL ESTABLISHING ENVIRONMENTAL PROSECUTORS IN THE PROVINCE OF NEUQUÉN

Francisco Lobos
francisco.lobos@mhrlegal.com

Sofia Pellizzaro Arena
sofia.pellizzaro@mhrlegal.com

On February 21, 2020, representatives of the political party *Frente de Todos* (the “**Legislators**”) submitted to the Legislature of the Province of Neuquén Bill of Law No. 13,102 (the “**Bill**”) establishing the creation of Environmental

Prosecutors within the Neuquén jurisdiction.

The Legislators consider the enactment of the Bill to be necessary since the Province of Neuquén faces constant

environmental issues resulting from the Province's main activity, i.e., the hydrocarbons industry. They further stated that the creation of Environmental Prosecutors in countries such as Brazil, Spain, Mexico, Venezuela has helped to significantly reduce environmental wrongdoing and improve the protection of natural resources.

Under the Bill, the Environmental Prosecutors shall have the authority, inter alia, to:

- request reports and submit filings before provincial, municipal or national authorities in order to protect the environment;
- receive environmental complaints;
- issue legal opinions on all the environmental cases before the provincial courts;
- attend public hearings on environmental matters;

- ensure effective compliance with rulings issued by the provincial courts on environmental issues;
- require the intervention of the Scientific Research Board (as described below); and

- investigate and prosecute crimes that undermine the environment.

The Scientific Research Board shall be established in order to assess the Environmental Prosecutors by elaborating reports and technical opinions. This Scientific Research Board will be composed of university professionals in the scientific field with specialization in environmental sciences and at least five years of practice.

Lastly, the Bill sets out the amendment of Articles 56, 57 and 61 of Provincial Law No. 1,436, regarding the organization of the Judicial Power, in order to reflect the creation of the Environmental Prosecutors.

BILL TO ESTABLISH A PRIOR CONSULTATION TO NATIVE COMMUNITIES IN THE PROVINCE OF NEUQUÉN

Tomas Beltramo
tomas.beltramo@mhrlegal.com

Santiago Hearne
santiago.hearne@mhrlegal.com

On February 12, 2020, representatives of the political party *Frente de Todos* (the “**Legislators**”) submitted to the Legislature of the Province of Neuquén Bill of Law No. 13,104 (the “**Bill**”), establishing the right of Neuquén’s native communities and the indigenous confederation (including *Mapuches communities, Xawvn Ko, Ragiñce, Wjjicw, Pikunce and Lafkence*) (the “**Native Community/ies**”) to a hearing prior to the approval of any provincial law or administrative act that directly affects Native Communities (the “**Prior Consultation**”).

The Legislators consider the enactment of the Bill necessary since the Native Communities’ rights (including the property right over the land occupied by their ancestors) have been recognized by the Federal Constitution, Neuquén Constitution and international organizations in which Argentina is a member. Specifically, the Legislators provide grounds for the Bill on the basis of: (i) Article 6 of the International Labor Organization Convention No. 169 (i.e. Indigenous and Tribal Peoples Convention, ratified by Argentina through Law No. 24,071), which establishes the right of native communities to consultation prior to the approval of any law or administrative act that could directly affect them; and (ii) the Argentine Supreme Court finding in the case “*Confederación Indígena*

del Neuquen c/ Provincia del Neuquen s/ acción de inconstitucionalidad File N° C. 3262 XLII, by means of which the Argentine Supreme Court sentence the Province of Neuquén for failing to provide a prior consultation to the Native Community plaintiff.

Under the Bill, all the administrative authorities of the three branches of government of Neuquén, as well as decentralized agencies and municipal governments, must comply with the Prior Consultation requirement before the approval of any provincial law or administrative act that could directly affect a Native Community. The Prior Consultation must be performed in good faith and pursuant to the circumstances, in order to reach an agreement with respect to the proposed measures.

Moreover, the Bill states that if any provincial law or administrative act is enacted without the Prior Consultation, it shall be deemed null and void.

Finally, the Bill establishes that for the treatment of any bill that could directly affect the Native Communities, they shall be called to a meeting with “*Committee A*” of the Legislature of the Province of Neuquén and the same procedure must be followed before the municipal legislatures.

BILL ON USE AND ACCESS TO FRESHWATER IN THE PROVINCE OF NEUQUÉN

Adrián N. Gorostiaga
adrian.gorostiaga@mhrlegal.com

Nicolás F. Cantero
nicolas.cantero@mhrlegal.com

On February 21, 2020, representatives of the political party *Frente de Todos* (the “**Legislators**”) submitted Bill of Law No. 13,097 to the Legislature of the Province of Neuquén for the purpose of guaranteeing public use of and access to all provincial water sources (the “**Bill**”). The Ministry of Energy, Public Services and Natural Resources of the Province of Neuquén was appointed as enforcement authority (“**Enforcement Authority**”).

The Bill seeks to ensure the free and public access, without restrictions, to the coasts of rivers, streams, lagoons, and lakes, for recreational purposes. The main provisions of the Bill establish the following:

- the right to free access and transit through beaches, coasts, shores or navigational waters; and
- the right to use for recreational or sporting purposes fresh water sources, beaches, shores, coasts and banks of rivers, streams, canals, lakes and lagoons in the provincial territory.

The Bill establishes that those rivers, streams, channels or other water bodies that goes cross the natural beds belong to the public eminent domain pursuant Section 235 of the Argentine Civil and Commercial Code.

Furthermore, the Bill establishes that the right to use these public areas will imply a restriction on the property rights of riverside property owners, except (i) those property owners subject to a special use or protection regime; and (ii) banks, coasts or riverbeds declared priority for national security purposes.

In rivers and streams, access must be guaranteed every 10 kms of riverside, and in large lakes at least four different accesses must be established.

Owners of riverside land must agree with the Enforcement Authority on the location of public access points to the coasts, margins and banks; otherwise, it will be established by the Enforcement Authority.

THE BILL DEEMS THE FOLLOWING BEHAVIOR AS UNLAWFUL:

- impediment of access to any person;
- impediment of access to any person with threats or use of violence; and

- damages to access points.

THE BILL SETS OUT THE FOLLOWING SANCTIONS:

- Admonishment;
- Fines; and
- Loss of land use permission or concession (for the cases of threats or violence).

When the offending party is a legal entity, managers will be jointly liable.

The Legislators consider the enactment of the Bill necessary since the Native Communities' rights (including the property right over the land occupied by their ancestors) have been recognized by the Federal Constitution, Neuquén Constitution and international organizations in which Argentina is a member. Specifically, the Legislators provide grounds for the Bill on the basis of: (i) Article 6 of the International Labor Organization Convention No. 169 (i.e. Indigenous and Tribal Peoples Convention, ratified by Argentina through Law No. 24,071), which establishes the right of native communities to consultation prior to the approval of any law or administrative act that could directly affect them; and (ii) the Argentine Supreme Court finding in the case “*Confederación Indígena del Neuquen c/ Provincia del Neuquen s/ acción de inconstitucionalidad*” File N° C. 3262 XLII, by means of which the Argentine Supreme Court sentence the Province of Neuquén for failing to provide a prior consultation to the Native Community plaintiff.

Under the Bill, all the administrative authorities of the three branches of government of Neuquén, as well as decentralized agencies and municipal governments, must comply with the Prior Consultation requirement before the approval of any provincial law or administrative act that could directly affect a Native Community. The Prior Consultation must be performed in good faith and pursuant to the circumstances, in order to reach an agreement with respect to the proposed measures.

Moreover, the Bill states that if any provincial law or administrative act is enacted without the Prior Consultation, it shall be deemed null and void.

Finally, the Bill establishes that for the treatment of any bill that could directly affect the Native Communities, they shall be called to a meeting with “*Committee A*” of the Legislature of the Province of Neuquén and the same procedure must be followed before the municipal legislatures.

BILL TO PROHIBIT SELF-FUELING IN THE PROVINCE OF NEUQUÉN

Milagros Lezica
milagros.lezica@mhrlegal.com

On February 12, 2020, representatives of the political party *Frente de Todos* (the “**Legislators**”) filed before the Legislature of the Province of Neuquén Bill of Law No. 13,107 (the “**Bill**”) in order to prohibit self-service fueling of gasolines and compressed natural gas in service stations located in the Province of Neuquén.

The Bill establishes that only registered and previously trained fuel station personnel are authorized to provide fueling service, and that those service stations that do not comply therewith will be shut down.

The Legislators argued that self-service fueling threatens customer safety and employment in the Province.

CONTACTS

For your further inquiries the following contact persons are available:



**JOSÉ A.
MARTÍNEZ DE HOZ**

jose.martinezdehoz@mhrlegal.com

+INFO



PABLO RUEDA

pablo.rueda@mhrlegal.com

+INFO



JUAN CRUZ AZZARRI

juancruz.azzarri@mhrlegal.com

+INFO



TOMÁS LANARDONNE

tomas.lanardonne@mhrlegal.com

+INFO

This publication is solely intended for general information purposes and does not substitute legal or fiscal consulting.

COVID-19 OUTBREAK FEDERAL GOVERNMENTAL MEASURES

This timeline includes a detail of the main regulations issued as of the date of this report. These measures which include restrictions on travel, movement, and large gatherings (and are expected to become more stringent in the short term) have resulted in significant business interruption with impact in many sectors of the economy.



Decree N° 260/2020

- Extends the health emergency set forth under Law N° 27,541.
- Grants special powers to the Federal Executive and the Health Ministry to tackle the effects of the outbreak.
- Imposes a mandatory 14-day quarantine for certain individuals (infected persons, persons entering the country from affected zones, persons in near contact with the previous persons, etc.).
- Sets forth the population's obligation to report symptoms.
- Imposes a 30-day suspension of flights from affected zones.

Disposition N° DNM 1644/2020

Suspends visa applications for temporary residency, special travel authorization and other visas, in connection with individuals from affected countries.

Resolution SGEP N° 3/2020

Regulates the granting of a 14-day license for certain public employees of all governmental agencies.

Resolution MS N° 567/2020

Prohibits for a term of 30 days the entry of foreigners that during the 14 days prior to their arrival have traveled through the affected zones.

Resolution ML 202/2020

Suspends the obligation to attend to work of those persons covered by section 7 of Decree 260/2020 (i.e. infected persons, persons entering the country from affected zones, persons in near contact with the previous persons, etc.).

Decree 274/2020

Prohibits the entry of foreigners for a term of 15 days except for very limited exceptions (foreign trade, crews, etc.)

Supreme Court Decision 4/2020

Suspends procedural terms in court proceeds from March 16 to March 31, 2020.

Resolution ML 207/2020

Suspends the obligation to attend to work for a term of 14 days of workers belonging to the risk-groups (pregnant women, persons with respiratory diseases, etc.).
Suspends the obligation to attend to work of parents while the suspension of schools is pending.
Recommends employers to adopt measures to reduce the number of employees present at the workplace to exclusively those required for the adequate functioning of the plant or company.

Resolution SRT 21/2020

Regulates certain reporting obligations to be complied by the employers (information to the Labor Risk Insurance Provider) regarding workers carrying out home office.

Administrative Decisions 371/2020 and 390/2020

Regulates the licenses to be granted to public officers and employees

Resolution MSec 40/2020

Authorizes the Federal Police, TSA and the Armed Forces to assist the health authorities at the borders and at any other places in which such authorities need to enforce the hygiene and safety measures enacted by the Government.

Resolution IGJ 10/2020

Suspends until March 30, 2020 the term to file answers and submit documentation.

Resolution AFIP 4682/2020

Suspends of all terms in fiscal proceedings until March 31, 2020.

Disposition DNM 1709/2020

Exempts passengers in transit to another country from the prohibition to enter Argentina set forth under Decree 274/2020.

Disposition DNM 1711/2020

Extends the effectiveness of temporary and transition residency visas for a term of 30 days as from their date of expiration.

¹ The Government has adopted many other measures (e.g. those applying to education, those limiting the functioning of public offices and governmental agencies, etc.) that are not described in this report.

COVID-19 OUTBREAK

FEDERAL GOVERNMENTAL MEASURES

Mandatory Quarantine in Argentina

March 20 2020

March 20 Mandatory Quarantine in Baviera

Decree 297/2020

- Imposes a mandatory social isolation until March 31, 2020, prohibiting individuals from moving from the place in which they were at 00.00 hs. of March 20.
- The only movements allowed are those minimum movements to procure basic supplies.
- The police and armed forces shall permanently control compliance with the above.
- The prohibition to circulate does not apply to employees from different areas, considered essential, that include inter alia: 1) security forces, 2) high rank officers of the federal, provincial and municipal governments, 3) media; 4) public works; 5) supermarkets, pharmacies, hardware stores, 6) food, cleaning products, health equipment, vaccines, other health supplies manufacturing industries and their supply chain, 7) unavoidable activities related to foreign trade, 8) goods, oil, fuels and LPG transportation, and 9) minimum shifts ensuring the operation and maintenance of oil and gas wells, oil and gas treatment plants and refineries, power transmission and distribution, gas stations and power generators.

Decree 298/2020

Suspends until March 31, 2020 all procedural terms in administrative proceedings at the federal level.

Decree 300/2020

Provides certain benefits from a social security contributions and tax on bank debits and credits for companies in the health sector.

Resolution SCI 100/2020

- Sets forth for 30 days maximum prices for various products by reference to the prices in effect as of March 6, 2020.
- For a term of 30 days orders companies belonging to the supply chain of those products to increase production to its maximum capacity and adopt the measures required to ensure transportation and supply thereof.

Disposition N° 3/2020 of the Consumer Defense Undersecretariat

- Creates a reporting regime for maximum prices for certain basic products available at www.preciosmaximos.produccion.gov.ar.
- Sets forth a claim mechanics proceeding for violations to the maximum prices.

Resolution Enargas 1/2020

- Suspends public concurrence to its offices until April 3, 2020.
- Requires agents to inform an electronic address for purposes of all notices to be carried out during such period.

Resolution ML 219/2020

Regulates the requirement to be met in connection with employees from activities exempted by Decree N° 297/2020 from the mandatory quarantine.

Administrative Decision JGM 429/2020

Includes additional exceptions to the mandatory quarantine set forth under Decree 297/2020, including inter alia: 1) subject to an authorization to be requested to the Industry Secretariat, industries with continued processes the interruption of which may cause structural damages in the production lines, subject to a reduction of their activity and personnel to the minimum; 2) biofuel production and distribution, 3) nuclear plants, 4) hotels working in relation with the sanitary emergency; 5) the Argentine SEC, 6) airports, and 7) activities linked to the mining activity environmental protection.

Resolution DNV 98/2020

Suspends collection of tolls corresponding to certain highways until March 31, 2020.

Resolution AFIP 4683/2020

Extends until June 30, 2020 certain payment facility programs.

Resolution AFIP 4684/2020

Suspends until June 30, 2020 the order of injunction measures against micro, small and medium companies (PyMEs) due to tax debts.

Resolution AFIP 4685/2020

Orders until June 30, 2020 the mandatory use of the Digital Submissions platform (tax password required) for the making of different submissions including inter alia retroactive registration and deregistration in taxes, change of corporate domicile, deregistration by reason of death, tax exemption certificates, withholding obligation exemption certificates, VAT refund certificate, tax residency certificate, binding consultations, challenges, modification of productive capacity, filing of appeals, export VAT refunds, corporate reorganizations.

Central Bank Board Resolution 117/2020

Suspends all procedural terms in financial and criminal FX proceedings sitting before the Central Bank.

Supreme Court Resolution 6/2020

Declares an extraordinary court holiday (feria) of all national and federal courts until March 31, 2020 which shall be extended in the same term of any eventual extension of the quarantine set forth under Decree 297/2020.

National Procurement Office Disposition 48/2020

Supplements the special rules on procurement during the sanitary emergency set forth under Administrative Decision 409/2020.

Communication BCRA « A » 6942

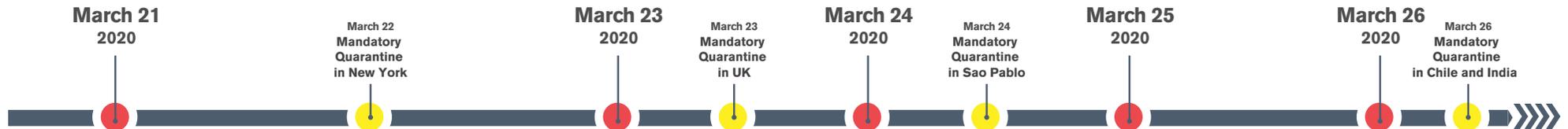
- Sets forth special rules applying to banks until March 31, 2020:
- No face to face customers services. Bank offices to be closed.
 - Rendering of customary remote banking services.
 - Adopt the necessary measures to ensure supply of bills in ATMs.
 - The payment date of financings maturing between March 20 and March 31, shall be moved to April 1.
 - No checks clearing until March 31, 2020. The days between March 20 and March 31 shall not be computed for purposes of the check maturity.
 - Remote FX transactions allowed.
 - Remote capital markets transactions are permitted.
 - The following services must be maintained operative: clearing, MEPS, electronic wire of funds, credit and debit card administration, electronic payment processing schemes, payment service suppliers, and related suppliers.

² Per Administrative Decision 429/2020 it is clarified that not only manufacturers of these products are exempted but also does companies forming part of the supply chain of those manufacturers.

³ Decentralized entities of the Public Administration also suspended procedural terms through separate regulations (e.g. Labor Risk Superintendence, National Ports Administration, etc.).

COVID-19 OUTBREAK

FEDERAL GOVERNMENTAL MEASURES



Resolution MDS 132/2020

Establishes special exceptional rules for the social quarantine in the case of children with divorced parents.

Resolution ENRE 3/2020

Orders EDENOR and EDESUR to:

- Suspend face-to-face customer services and close all commercial offices.
- Establish an electronic customer service and claims system.
- Mobilize only the minimum human resources needed for the rendering of the power distribution service, with regard to technical and operational matters.

Resolution SRT 29/2020

- Orders all Labor Risk Insurers (ARTs) to electronically deliver certain informative notices regarding COVID-19 prevention measures to all affiliated employers, approved through the resolution.
- Orders employers to include at least one copy of the informative notices in all workplaces.

Joint Resolution MDP and MS 1/2020

- Identifies certain essential medical supplies and orders all manufacturers, distributors, marketers and companies belonging to the supply chain of those products to increase production, distribution and commercialization of the same up to their maximum installed capacity and adopt the measures necessary to ensure supply to the population and health providers.
- Orders distributors and marketers of these products to prioritize supply of the same to health providers.
- Orders manufacturers of these goods to inform to the Internal Trade Secretariat (i) every 5 calendar days the quantities of goods produced and the purchasers; and (ii) the production plan for the next 3 months.
- Compliance of the rules set forth under this resolution shall be subject to the rules and sanctions of the Supply Law 20,680.
- The rules set forth under this resolution shall be in effect for 90 days as from publication.

Administrative Decision 431/2020

- Requires public agencies, jurisdictions and entities to share between themselves, under the supervision of a special unit, all information in their records in order to adopt useful measures to protect public health during the duration of the sanitary emergency.
- All public officers involved in the assignment and treatment of the aforementioned information must comply with all applicable data protection regulations and tax secret.

Disposition SRT 3/2020

Approves recommendations for work in the telecommunications sector.

Disposition SRT 3/2020

Approves recommendations for work in the telecommunications sector.

Communication "A" 6944

Amends Communication "A" 6942 clarifying the services/transactions that may continue to be performed by banks during the quarantine and reducing the suspension term of checks clearing until March 25, 2020.

Decree 311/2020

- For a 180-day term counted as from publication prevents gas and power distributors, water companies, telcos, internet providers and cable providers from suspending service to certain users with a debt of at least 3 monthly invoices maturing as from March 1, 2020. Similar rules apply to users with pre-paid services.
- The beneficiaries of these measures are certain individuals included in special categories such as AUH beneficiaries, social mono-tax regime, retired individuals from the lower categories, beneficiaries of the unemployment insurance, MiPyMEs as set forth in the supplementing regulations, registered cooperatives, health entities, and public entities contributing to the manufacture and distribution of food.
- In all cases the companies will need to make available to the aforementioned users payment facility schemes.
- Freezes the price of LPG marketed through cafes for 180 days.

Decree 312/2020

- Suspends until April 30, 2020 the obligation of banks to close bank accounts of issuers of unfunded checks and the applications of fines as set forth in the regulations.
- Suspends until April 30, 2020 the obligation of banks to request, as a CP to the granting of financing, evidence of compliance with all social security contributions payment obligations.

Resolution MT 74/2020

Approves the form of certification for the activities listed in section 6(15) and (18) of Decree 297/2020 as activities exempted from the quarantine (essential activities linked with foreign trade, public transportation, transportation of goods, oil, fuel and LPG).

Resolution ENACOM 304/2020

Authorizes to consider as duly delivered certain postal services without the need of the addressee's signature in the delivery and establishes additional measures which vary depending of the type of service.

Disposition DNM 1771/2020

Requires all persons entering the country to use, for a minimum term of 14 days, the app "COVID 19-Ministerio de Salud" in its web version or version for mobile phones.

Resolution IGI 11/2020

Subject to the compliance of certain conditions set forth in the resolution, authorizes companies - during the duration of the mandatory quarantine set forth by Decree 297/2020 (as extended) - to carry out board meetings and shareholder meetings through digital or electronic means or platforms, even if the companies' bylaws do not expressly provide for such possibility.

COVID-19 OUTBREAK

FEDERAL GOVERNMENTAL MEASURES

March 26
2020

March 27
2020

March 28
2020

March 29
2020

Communication BCRA "A" 6942

Until June 30, 2020 banks may not apply charges or commissions for transactions (deposits, extractions, consultations, etc.) carried out through ATMs, irrespective of the amounts or number of transactions, or of whether the individual is a client or not of the relevant bank.

CNV Communication to issuers 1/2020

The CNV informs issuers that 1) the obligation to submit information through the AIF, as established in the regulations, is maintained, 2) submissions to the CNV will need to be made to the address mesadeentradasEmisoras@cnv.gov.ar; 3) the only submissions that will be considered valid will be those made from email addresses previously validated through AIF; and 4) describes the conditions that each submission will need to meet.

Decree 313/2020

Extends the prohibition to enter the country until March 31, 2020 (as such term may be extended) to Argentine residents and Argentine nationals with foreign residency.

ENARGAS Resolution 2/2020

- Prohibitions distribution company from rendering face to face customer services. Customer services must be rendered through other channels.
- Gas transmission and distribution companies may only mobilize the minimum number of employees requires to ensure the continuity of the services from a technical and operational point of view.

Resolution MT 78/2020

Abrogates Resolution MT 74/2020 and approves a new form of certificate of authorization for exempted activities with regard to the transportation of goods, oil, gas and LPG.

Resolution IGJ 11/2020

Amends the requirements allowing companies to carry out distance board of directors or shareholders meetings. As an exception, and during the duration of the mandatory quarantine, authorizes companies that do not have such a possibility in their bylaws, to carry out distance board and shareholders meetings provided the requirements set forth in the resolution are met.

Resolution MADS 93/2020

Extends until April 30, 2020 the effectiveness of the Environmental Annual Certificates expiring between March 1 and April 30, 2020 granted to transporters and operators of hazardous waste under Law 24,051 with regard to activities exempted from the mandatory quarantine.

Sets forth the rules applying, during the quarantine, for the obtention of hazardous waste transportation manifests.

Communication BCRA "B" 11980

With regard to payment services during the mandatory quarantine, the Central Bank clarifies that there are no impediment for the operation of non-banking payment systems located in stores exempted from the mandatory quarantine (such as supermarkets, pharmacies, gas stations, etc.) provided that the services are rendered by the same cashiers and with the same employees of the relevant store. Exclusive cashiers for these services are not allowed.

Decree 316/2020

Extends until June 30, 2020 the tax moratorium set forth under Law N° 27,541 for PyMEs.

Decree 317/2020

Sets forth the need to obtain an export permit for the export of certain health supplies (linked to COVID treatment).

Resolution SENASA 295/2020

Extends until July 31, 2020 the effectiveness of permits and registrations corresponding to transportation of animal-originated goods, manufacturers of food for animals, wholesale, concentration, storages and marketers of fruits and vegetables, and fruit and vegetable packaging plants, among others.

Resolution SCI 102/2020

With regard to the maximum prices set forth by Resolution SCI 100/2020, this regulation obliges the corresponding stores to have, in all sales points, the list of prices effective as of March 6, 2020 for each applicable product. The resolution also establishes the minimum information to be included in the relevant price lists.

Disposition SRT 5/2020

Approves, among other recommendations, (i) the special recommendations applicable to activities exempted from the mandatory quarantine; and (ii) recommendations from trips to and from work.

Decree 319/2020

Sets forth special rules regarding certain mortgage credits over real estate property for single residential use (suspension of foreclosures, freeze of installments until September 30, 2020, manner of payment of the difference, etc.).

Decree 320/2020

Sets forth special rules regarding certain lease contracts (with regard to leases of properties applied to the rendering of services, commerce or industry these rules only apply to cases in which the tenant is an individual registered with Monotributo, autonomous professionals or MIPyMEs). These rules include extension of contractual terms until September 30, 2020, freezing of lease prices until September 30, 2020, special rules for the payment of the different between the contractual prices and the frozen prices, rules on the payment of debts for outstanding leases, suspension of evictions.

Resolution MI 48/2020

Implements the Single Circulation Permit (Certificado Unico Habilitante para Circulación) for any person included in the exceptions to the mandatory quarantine. The certificate shall be personal and non-transferable and must be obtained through the Trámites a Distancia platform. The Certificate shall have an effectiveness of 7 calendar days and may be renewed. The certificate shall not be required in the case of individuals that need to transit due to force majeure reasons in which case they will need to evidence the reasons through the proper documentation.

COVID-19 OUTBREAK

FEDERAL GOVERNMENTAL MEASURES

March 31
2020

April 1
2020

Resolution AFIP 4689/2020

Sets for the week of May 18 to May 22, 2020 the term to submit the transfer pricing reporting regime for the fiscal periods closed between December 31, 2018 and September 30, 2019.

Decree 325/2020

Extends the mandatory quarantine set forth under Decree 297/2020 until April 12, 2020, inclusive.

Decree 326/2020

- Instructs the creation of a Special Purpose Fund to grant guarantees to facilitate MiPyMEs registered with the MiPyME registry to access to credit facilities to finance working capital needs.
- The issuance of the guarantees shall be subject to the following guidelines: 1) Addressees: financial entities, non-financial entities developing financing tools, SGRs, and national, provincial or regional public funds complying with certain conditions to be established; 2) Purpose of the guarantees: secure repayment of working capital loans; 3) Beneficiaries: MiPyMEs registered with the MiPyMES Registry holding an effective MiPyME Certificate.

Decree 327/2020

Extends the suspension of administrative terms established by Decree 298/2020 until April 12, 2020, inclusive.

Decree 329/2020

- Prohibits layoffs without cause or by reason of reduction of activity or force majeure, for a term of 60 days counted as from March 31, 2020.
- Prohibits suspensions due to reduction of activity or force majeure for a term of 60 days as from March 31, 2020, except for suspensions under Section 223 bis of the Labor Contract Law (agreed suspensions validated by the labor authority).
- Layoffs and suspensions in violation of the aforementioned prohibition shall have no effect.

Decree 330/2020

- Extends until April 30, 2020 the term to repatriate external assets for purposes of avoiding the application of the increased rate of Personal Assets Tax.
- With regard to the obligation to apply the repatriated assets to authorized uses of funds before December 31, 2020 it clarifies that the application to such uses may be indistinctly and successively to any one of them.

Decree 331/2020

- Extends until April 12, 2020 the prohibition to enter the country set forth under Decree 274/2020.
- Instructs the Foreign Affairs Ministry and other ministries to adopt the necessary actions to allow for the gradual return of Argentine residents and Argentine nationals residing abroad that were not able to enter the country.

Administrative Decision 446/2020

- Amends the regulations governing the Single Circulation Permit set forth under Resolution MI 48/2020.
- States that as from April 6, 2020 the Single Circulation Permit shall be the only valid document to evidence exceptions to the mandatory quarantine. The Certificate shall be in effect until the end of the mandatory quarantine.
- The following cases are exempted from the obligation to obtain the Certificate and shall evidence the corresponding exemption in accordance with the applicable regulations: (i) individuals included in the exceptions set forth in subsections 1 to 5 (health workers, security forces, armed forces, court workers and persons assisting the disabled), 8 (refectories), 9 (media services), 13 (agriculture, cattle and fishing activities), 14 (internet), 15 (foreign trade), 16 (waste collection, transportation and treatment), 17 (basic public utilities), 18 (transportation of persons, goods, fuel, LPG and oil), 21 (postal and package services) and 24 (activities authorized by the Central Bank, ATM services, money transportation) of section 6 of Decree 297/20 and section 1, subsection 2 (biofuel production and distribution) of Administrative Decision 429/2020; and (ii) persons that need to transit due to force majeure reasons (subsection 6 of section 6 of Decree 297/2020), who shall evidence the exemption through the force majeure event documentation.
- With regard to activities that are subject to the obtention of the Certificate, any previous certificate or authorization shall expire on April 6, 2020.

Resolution MS 695/2020

Prohibits air ventilators manufacturers to deliver the products without the prior authorization of the Ministry of Health, irrespective of whether a contract or purchase order exists.

Resolution MS 696/2020

Sets forth the rules for the issuance of prescriptions through text message or electronic means during the mandatory quarantine.

Resolution MDP 132/2020

Creates the Support Program for the Health Supplies and Technological Solutions National Productive Sector in order to assist and finance the public health sector and private companies, entrepreneurs and public institutions. The regulation only sets forth the program goals.

Resolution SCI 104/2020

- Extends the duration of the Ahora 12 program until June 30, 2020, establishing the possibility of purchasing products in 3, 6, 12 and 18 fixed installments (depending on the type of product).
- Amends the conditions of the Ahora 12 program accepting all payment mechanisms – including virtual or electronic payment means – and establishes special rules for digital payment systems.

Resolution MT 279/2020

Replaces the rules set forth by Resolution MT 219/2020 regulating the activity of workers during the mandatory quarantine and the workers of exempted activities. In accordance with the new rules, it:

- Maintains (i) the suspension of the obligation to attend the workplace of workers not covered by the exceptions to the mandatory quarantine, and (ii) the obligation to work from home, if possible due to the nature of the relevant activity.
- Abrogates the rule in Resolution MT 219/2020 that established that in the case of workers that due to the nature of their activities it was not possible to work from home, the amounts paid as salary would not be subject to social security contributions.
- Maintains the qualification of “essential personnel” of the workers of exempted activities and the continuation of their activities as a national economy requirement.
- Maintains the employers’ power to reorganize the workday in order to ensure the continuity of the essential activities in accordance with adequate health and safety conditions.
- Clarifies that, in the case of non-exempted activities, the mandatory quarantine (which implies a prohibition to work) does not constitute a day of rest or holidays but the result of a public health decision and, as a consequence, the holiday-related additional remunerations set forth under the applicable laws shall not apply.

COVID-19 OUTBREAK

FEDERAL GOVERNMENTAL MEASURES

April 1
2020

April 2
2020

Resolution AFIP 4690/2020

Extends the terms of the MiPyMEs tax moratorium set forth under Law 27,541 and amends some of the applicable conditions.

Communication BCRA "A" 6949

Supplements the rules set forth by Communication "A" 6942.

- Extends until April 12, 2020 the measures established in the following sections of Communication "A" 6942:
 - 1 - Maintains the prohibition of face-to-face customer service; as an exception, as from April 3, allows banks to open to carry out payments to the retired and beneficiaries of social plans. Special measures must be adopted to protect the customers and the employees.
 - 2 - Continuity of remote banking services.
 - 5 - Remote FX operations.
 - 6 - SIOPEL.
 - 7 - Continuity of payment systems and ATM transactions.
 - 8 - Remote capital market transactions.
- In the case of financings, any outstanding amounts corresponding to financings maturing between April 1 and June 30, 2020 may only accrue compensatory interest in accordance with the applicable contracts.
- In the case of financings, and any outstanding amounts corresponding to financings (excluding credit card financing) maturing between April 1 and June 30, 2020, the bank must incorporate the relevant installment in the month following the maturity of the financing, subject to the accrual of compensatory interest.
- In the case of credit card financings, any credit card statements maturing between April 1 and April 12, 2020 may be paid on April 13, 2020 without any penalty or additional cost.
- Banks must make available deposit boxes and a cash receipt system for larger amounts.
- Sets in 49% the maximum interest rate applying to credit card financings by banks.

Decree 332/2020

- Creates the Employment and Production Emergency Assistance Program pursuant to which employers and workers may obtain certain benefits, subject to the compliance of certain conditions.
- Benefits:
 - Extension of payment terms or reduction of up to 95% of the social security contributions corresponding to April 2020: the reduction will only be available to employers of up to 60 employees (as of February 29, 2020). Employers with a larger number of employees must initiate Procedimiento Preventivo de Crisis de Empresas set forth under Law 24,013 as a condition to obtain the reduction benefit. AFIP must establish special payment terms and mechanisms.
 - Salary Supplement: to be paid by ANSES for all workers under the collective bargaining regimen of Law 14,250 in companies of up to 100 workers. The supplement shall be set as follows: (i) companies of up to 25 employees: 100% of the gross salary subject to a maximum amount equal to 10% of the SMVM; (ii) companies between 26 and 60 workers: 100% of the gross salary subject to a maximum amount equal to 75% of the SMVM; and (iii) companies between 61 and 100 workers: 100% of the gross salary subject to a maximum amount equal to 50% of the SMVM. The supplement shall be considered a payment on account of the remuneration of the relevant workers and the balance shall be payable by the employer.
 - REPRO Health Emergency Assistance: payment of a non-remunerative amount between \$ 6,000 and \$ 10,000 payable by the State for workers corresponding to the collective bargaining regimen of Law 14,250 in companies of more than 100 workers.
 - Unemployment benefits: workers may accede to an unemployment benefit during the quarantine of between \$ 6,000 and \$ 10,000 subject to certain conditions to be established in the implementing regulations.

- In order to qualify for these benefits, one or more of the following conditions must be met: 1) economic activities critically affected in the geographic areas in which they are developed; 2) relevant number of employees infected with COVID 19 or undergoing mandatory isolation or enjoying the work obligation release due to being part of one of the risk groups or having to take care of family members, and 3) substantial reduction of its sales after March 20, 2020.
- The aforementioned benefits are not available for (i) companies engaged in activities exempted from the mandatory quarantine, and (ii) those companies that although not exempted, do not evidence actual problems showing a significant reduction if the level of activity.
- The employers must evidence before AFIP the affected payroll. The Labor Ministry may require additional information and carry out inspections to confirm the information supplied by the applicant.
- The Decree applies with regard to the companies' economic results between 20.03.2020 and 30.04.2020, inclusive.

Supreme Court Resolution 8/2020

Declares an extraordinary court holiday (feria) for all national and federal courts until April 12, 2020 which shall be extended in the same term of any eventual extension of the quarantine set forth under Decree 297/2020.

Decree 333/2020

Reduces to 0% the import duty rate applicable to the import of certain COVID 19-related health supplies and equipment and exempts such imports from the application of the Statistical Fee.

Resolution SMCP 272/2020

Suspends until April 30, 2020 the requirement that in order to receive governmental advertising the relevant content producer or means of communication must be registered with the Registro Nacional de Proveedores de Publicidad Oficial. Sets forth the conditions to be met by recipients of public advertising during the mandatory quarantine.

Resolution SSS 281/2020

Extends the validity term of prescriptions for chronic use drugs, subject to certain conditions.

Resolution SSS 282/2020

Sets forth certain recommendations for health agents and private health companies with regard to remote services and related duties (data protection, external audits, etc.).

Resolution AFIP 4691/2020

Amends the supplemental regulations applying to the repatriation of external assets for purposes of avoiding the incremental Personal Assets Tax rate: 1) extends the maturity date of the obligation to make the advanced payment to May 6, 2020; and 2) authorizes the filing of the advance payment exemption obligation until May 6, 2020.

Resolution IGJ 13/2020

Extends the suspension of terms set forth under Resolution IGJ 10/2020 until April 12, 2020.