



INFORMATIVE BULLETIN ABOUT CORONAVIRUS

17 | APRIL | 2020



POSSE | HERRERA | RUIZ

CONTENT

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REAL ESTATE AND URBANISM LAW

Notaries and Registry of Public Instruments during the extension of preventive isolation - Notaries operation is expanded and online registration is enabled

The Superintendency of Notaries and Registry has issued Resolutions 3323, 3324 and 3325 of 2020 through which it regulates the operation of the Registry Offices of Public Instruments and the notaries of the country during the extension of the preventive isolation decreed by the National Government through Decree 531 of 2020. Below we highlight the most relevant points of these resolutions.

Registry Offices of Public Instruments

- Suspension of terms in the procedures, administrative actions, disciplinary actions and registration processes that are in progress in the Registry Offices of Public Instruments of the country. The terms of the actions that are in progress or that begin during the health emergency will be extended taking into account its duration.
- The Superintendency will notify or communicate, as appropriate, by email the administrative acts it issues; however, the term to present an appeal will be understood as suspended.

- The virtual online filing tool (REL) was enabled, which will enable remote non-face-to-face filing points in the Registry Offices of Public Instruments of Bogotá South Zone, Bogotá Central Zone and Bogotá North Zone, as in the eighty (80) notaries of the city of Bogotá that register in these three offices. This tool will be enabled until the filing phase in the corresponding Registry Office. Through this means, deeds may be filed during the preventive isolation of the properties located in Bogotá D.C.
- The Superintendency will set up remote filing points in person, in which the process of filing public deeds in the missionary systems of the Registry Offices of Public Instruments that are enabled by the Entity will be carried out.

Notaries

- In notary circles that have a single notary office, the service will be provided on Monday, Wednesday and Friday from 8:00 am to 1:00 pm in the territories of warm and temperate climate and from 10:00 am to 3:00 pm in the territories of cold climate. If urgent situations arise in these notary circles in which any user requires the provision of the service outside the established hours and days, especially vulnerable people and subjects of special constitutional protection,

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the notary must enable it in a timely and effective in order to satisfy the situation.

- The days and times in which the notaries of the country will be able to provide their services to the public were established, find in the following link the resolutions where you can consult the opening dates of the notaries: [LINK](#)
- In the particular case of the city of Bogotá, the 80 notaries may operate between 10:00 am and 3:00 pm based on the following calendar:

NOTARIAS	13	14	15	16	17	18	19	20	21	22	23	24	25
1.12.23.34.45.56.67 y 78.	X	X	X	X	X	X	X	X	X	X	X	X	X
2.13.24.35.46.57 y 60.		X	X	X	X	X	X	X	X	X	X	X	X
3.14.25.36.47.58 y 69.			X	X	X	X	X	X	X	X	X	X	X
4.15.26.37.48.59 y 70.				X	X	X	X	X	X	X	X	X	X
5.16.27.38.49.60 y 71.					X	X	X	X	X	X	X	X	X
6.17.28.39.50.61 y 72.						X	X	X	X	X	X	X	X
7.18.29.40.51.62 y 73.							X	X	X	X	X	X	X
8.19.30.41.52.63 y 74.								X	X	X	X	X	X
9.20.31.42.53.64 y 75.									X	X	X	X	X
10.21.32.43.54.65 y 76.										X	X	X	X
11.22.33.44.55.66 y 77.											X	X	X
79.												X	X
80.													X

- On days when the notary office does not have a shift assigned to provide the service, and if so required, it may work behind closed doors in order to carry out administrative procedures, as long as all necessary measures are taken to prevention and protection of COVID-19, in order to minimize the risks of its workers.
- All the notaries of the country will be able to provide their service at home, especially to people in vulnerable situations and subjects of special constitutional protection. But it maintains the suspension of this service with respect to hospitals, clinics and penitentiary and prison establishments.

The requirement of insinuation in donations aimed at overcoming or mitigating the health emergency is temporarily suspended

On April 13, 2020, the Presidency of the Republic issued Decree 545, which temporarily suspends the requirement of the formal insinuation requirement, applicable to donations that exceed 50 current minimum monthly wages (by 2020 COP

\$43,890,150), established in the first paragraph of article 1458 of the Civil Code.

The measure will only operate with respect to donations whose purpose is to overcome or mitigate the crisis generated by the health emergency situation caused by Covid-19, which was declared in the national territory through Resolution 385 of 2020 of the Ministry of Health and Social Protection, and which will initially last until May 30, 2020. Consequently, the only requirements for donations that meet this purpose are: (i) that the donor and the grantee have full capacity; (ii) that the act of donation is not carried out in contravention of any legal provision; and (iii) that the formalities for the transfer of the right of ownership of the goods subject to donation are complied with, when appropriate (ex. granting and registration of public deed for the donation of real estate).

It is appropriate to indicate that all donations that have another purpose than that mentioned in Decree 545, and those that still have the same are made after the end of the health emergency situation, must meet the requirement of insinuation in the terms of article 1458 of the Civil Code, under penalty of its nullity.

The measure seeks to facilitate the making of donations, making the process more agile and expeditious, considering the time restrictions to which the notary service has been subjected by order of the Superintendency of Notary and Registry during the validity of the mandatory preventive isolation measures.

Lease agreements and horizontal property (Decree 579, 2020)

Decree 579 of 2020, which seeks to regulate, especially, the temporary lease contracts in the framework of the social, economic emergency by the Covid-19 has established transitional rules applicable to urban housing lease contracts and contracts for lease held on real estate that has a commercial destination, and in which the lessee is a natural person, micro, small or medium company.

This measure will apply to all companies that for the

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year 2019 have had income from ordinary activities equal to or less than the following:

- Manufacturing sector. COP \$ 59,512,082,550 (approximately USD \$ 15,000,000).
- Service sector. COP \$ 16,553,575,180 (approximately USD \$ 4,000,000).
- Commerce sector. COP \$ 74,046,914,840 (approximately USD \$ 18,000,000).

The main provisions of the transitional regulations are:

- **Postponement of leasing fees readjustment.** The readjustment of the leasing fees that take place between the date of issuance of the decree is postponed until June 30, 2020 (which we will call the "Protection Period"). At the end of this term, the lessee shall pay the rental with the corresponding readjustment during the established period, including in said fees the percentage value of the uncollected adjustment during the Protection Period.
- **Agreements.** The parties must reach direct agreements for the conditions of payment of the rental fee during the Protection Period. These agreements may not include (i) default interest; (ii) penalties; (iii) compensation; nor (iv) sanctions arising from agreements between the parties or the law. The agreed agreements will form an integral part of the lease. In the event that the parties do not reach a direct agreement, the lessee will pay said monthly payments under the following conditions:
 - There will be no default interest or penalties for these fees.
 - The lessee shall pay the lessor current interest at a rate equivalent to 50% of the Current Bank Interest, in the consumer and ordinary modality, certified by the Financial Superintendency of Colombia, on the amounts not paid on time, during this period.

- **Expiration of contracts.** Contracts whose terms expire after the declaration of emergency or during preventive isolation will be understood to be extended until June 30, 2020. In this case, during the extension, the lessee will continue to be obliged to pay the rental fee. The foregoing may be agreed to the contrary by the parties to the contract.
- **Delivery.** The lease contracts whose start and delivery of the property, was agreed for some date within the emergency period or the preventive isolation measure, will be suspended until June 30, 2020. If the parties subsequently do not reach an agreement for the beginning of the contract on that date the obligations of the contract will become enforceable. The foregoing may be agreed to the contrary by the parties.
- **Suspension of processes and evictions.** During the Protection Period, the order or execution of evictions to tenants is suspended. This includes those contracts in which a term or form of payment of less than one month has been agreed.

Horizontal property

During the Protection Period:

1. The payment of administration fees for common areas may be made at any time of each month without incurring late payment, penalty or penalty interest.
2. Annual increases to administration fees cannot be made. Once this period is over, the monthly payments will be paid with the corresponding readjustment.





LABOR AND IMMIGRATION LAW

The pension contribution and pension protection measure are temporarily reduced

The Ministry of Labor issued Decree 558 of 2020, implementing measures to temporarily decrease the contribution to the General Pension System ("SGP") and protect pensioners under the modality of programmed withdrawal with a monthly allowance of 1 legal monthly minimum wage ("SMLMV").

- For the contributions of the months of May and June 2020, those who choose this relief will pay as contribution 3% of the contribution to the SGP, as follows: 75% the employer, 25% the worker and 100% the independent workers.
- The Ministry of Health and Social Protection will make the temporary modifications that correspond to the Integrated Payroll Settlement Form - PILA.
- The base contribution income will continue to be that established in the current regulations, in any case it will be a minimum of 1 SMLMV and a maximum of 25 SMLMV.
- The Administrators of the SGP must take into account the weeks corresponding to these two months of contributions and count them for

accreditation of compliance with the weeks requirement to access the minimum pension guarantee in the Individual Savings with Solidarity Regime, in the Premium Regime Half; as well as to access a disability and survival pension and provisional insurance coverage.

- The Administrations of Pension and Unemployment Funds in relation to pensioners under the programmed withdrawal modality with a pension allowance equivalent to 1 SMLMV who do not have sufficient resources in the pension account to continue paying the pension must contract a life annuity of 1 SMLMV.
- The resources or assets of the Special Programmed Retirement Fund must be transferred by the Administrators, within a period not exceeding 4 months, to Colpensiones, informing the pensioners in question, who will accredit them in the Common Fund, administer the portfolio, make the payments of the recognized pensions and will verify that the transfer corresponds to the actuarial calculation, otherwise the Administrator must transfer the shortfall.
- The liability of Colpensiones will be limited exclusively to the payment of the transferred pensions and for other activities or operations the AFP will be responsible.



CRIMINAL LAW

Release Decree (546 of 2020)

Decree 546 of April 14, 2020 is the measure adopted by the National Government to mitigate the risk of contagion in the country's prisons and to temporarily release vulnerable subjects of liberty facing the disease COVID-19. This is a humanitarian measure that will allow vulnerable individuals who are detained or convicted of non-serious crimes to be released from prisons in the country, while those detained or convicted of serious crimes, including corruption, will remain in prisons.

From the beginning of the emergency, the need to manage the impact of the risk that COVID-19 could imply for the country's prison population had been discussed in specialized forums and in the Government. It was for this reason that a draft decree had been under discussion for weeks and was the subject of pronouncements by the Attorney General of the Nation, the General Procurator of the Nation and the Ombudsman. Finally, on April 14, 2020, Legislative Decree 546 of 2020 was promulgated by the Ministry of Justice and Law.

Thus, the adoption of a catalog of crimes and conditions of transitory release for 6 months was decreed, along with a catalog of exclusion of said benefit, in order to avoid the spread and spread of

the coronavirus in prisons, and the consequences that can be derived from it.

The following persons were determined to be recipients of the benefit of prison or house arrest:

- a. People who have reached the age of 60.
- b. Pregnant mother or mother with a child under 3 years of age in prison.
- c. People sick with cancer, HIV, chronic kidney failure, diabetes, insulin-dependent, lung disorder, anticoagulation, hepatitis B and C, hemophilia, rheumatoid arthritis, diseases treated with immunosuppressive drugs, coronary heart disease, people with transplants, autoimmune diseases, orphan diseases and any other illness that seriously jeopardizes the life or health of the inmate, in accordance with the inmate's medical history and certification of the social security system on health or medical personnel of the prison.
- d. People with reduced mobility.
- e. Persons convicted or detained preventively for wrongful crimes.
- f. Sentenced to prison terms of up to 5 years.
- g. People who have served 40% of their sentence, attending the due discounts to which they are entitled.

In the event that a capture is carried out for the

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purposes of an insurance measure or for the purpose of serving a sentence, the decree provides that the measures established in the decree will be adopted as long as the subject is on the list of beneficiaries and is not within the exclusion list.

However, when a taxpayer is classified as high risk, the DIAN section management must decide within 15 days from the filing date of the application (i) whether to suspend the process and the terms of return and/or compensation, of the balance in favor when it is feasible to identify a risk of tax fraud and/or a specific risk against the particular request; or (ii) if it authorizes the automatic return and/or compensation, informing the inspection area to initiate the corresponding investigation.

On the other hand, in relation to inmates who contract the coronavirus, the decree establishes that they must be transferred by the INPEC to the places that are most suitable for their treatment or to the health institutions provided by the competent authorities. They will be sent to prison or house arrest if the health authorities so provide, and in any case, provided they are on the above list and are not on the exclusion list.

Persons investigated or convicted of the following crimes are excluded from the measures of transitory house arrest or detention:

- Genocide, war crimes and crimes against humanity.
- Intentional and aggravated homicide.
- Femicide.
- Personal injuries with anatomical or functional loss aggravated.
- Acid personal injury.
- Simple and aggravated forced disappearance.
- Simple, extortive and aggravated kidnapping.
- Seizure and diversion of ship or aircraft.
- Torture and aggravated torture.
- Simple and aggravated forced displacement.
- Any crime related to organized armed groups or organized criminal groups.
- Migrant smuggling, human trafficking and child trafficking.
- Use of minors for crimes.
- Threatens human rights defender.
- Sexual offenses.

- Domestic violence.
- Theft qualified, numerals 2 and 3, and with violence on people.
- Aggravated theft numbers 3, 4, 12, 13, and 15.
- Cattle with violence on people.
- Extortion.
- Private corruption.
- Theft by computer means.
- Massive and habitual collection of money.
- Aggravated and hydrocarbon smuggling, and favoring aggravated smuggling.
- Simple and aggravated money laundering.
- Testaferato and illicit enrichment of individuals.
- Hydrocarbon seizure.
- Simple and aggravated crime concert.
- Training for illegal activities.
- Simple, aggravated terrorism, terrorist financing and resource management related to terrorist activities.
- Aggravated threats.
- Carriage, possession, manufacture, trafficking, employment, or release of dangerous substances.
- Carriage, possession, manufacture or trafficking of arms.
- Manufacture, carriage, trafficking, importation of chemical, biological or nuclear weapons.
- Employment, production or marketing of antipersonnel mines, or their help or induction.
- Corruption of food, medical products or prophylactic material.
- Crimes related to drug trafficking.
- Embezzled by appropriation.
- Concussion.
- Made in all its forms.
- Crimes related to the improper conclusion of contracts.
- Public and private server influence traffic.
- Illicit enrichment of public servant.
- Prevarication by action.
- Misuse of privileged official information.
- Transnational bribery.
- False testimony, bribery, bribery in criminal proceedings, threat to witness and aggravated reception.
- Espionage.
- Rebellion.
- Crimes of intentional homicide, willful personal injury, sexual crimes or kidnapping against a minor.



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- People convicted of intentional crime within the previous 5 years.
- The type of attempt of any of the crimes listed.

The persons consigned in paragraphs a, b and c of the catalog of beneficiaries who are deprived of liberty for a crime consigned in the catalog of exclusions, must be transferred to a place of the prison establishment that minimizes the risks derived from the coronavirus.

In cases where the accused or convicted beneficiary of the measures of the decree belongs to the victim's family group, the benefit will only be granted if it is proven that the place of house arrest is different from that of the victim.

In this way, the National Government seeks to manage the negative impact that the coronavirus may have on the prison population, historically overcrowded. However, the competent judges foresee an avalanche of requests that will generate a great judicial congestion.





TAX LAW AND CUSTOMS

Modification of deadlines for filing tax returns: Decree 520 of 2020

On April 6, Decree 520 was announced, through which the deadlines for filing the tax return for large taxpayers and legal entities were modified and important details were made on the way to determine the outstanding fees.

Big contributors

Large taxpayers should consider that there was no change regarding the payment schedule of the three income tax installments (modified by Decree 435 of 2020). However, the expiration date of the term to file the income statement was modified, since this obligation expired on the date of payment of the second installment (April and May), and will now expire on the date of payment of the third installment (June). The drafting of the decree is problematic because it seems to condition the new deadline for filing the income tax return to the payment of the second installment, which could raise doubts for those taxpayers who do not have the obligation to liquidate and pay it. A pronouncement from the DIAN is expected clarifying this aspect, since the new maturity schedule is intended to be applicable to all large taxpayers.

Another relevant aspect is related to the way of determining the installments which are pending of payment. Regarding the second installment, consider the following three scenarios in which your company could be found: (1) the first scenario established by Decree 520 is that large taxpayers will be able to settle the second installment as 45% of the value of the balance to be paid during the 2018 taxable year, which would only be applicable if the company existed during that year and such balance to be paid was generated; (2) The second scenario occurs when the taxpayer has prepared the income statement at the time of the payment of the first installment (February) and has determined with certainty that his statement yields a balance in favor, in which case it would be understood that there would be no place the payment of no fee (although the decree refers only to the first fee); (3) The third scenario would take place if the taxpayer files the return before the payment of the second installment, in which case he could take the tax to pay, subtract the value of the first installment, and pay 50% of the result as second installment.

Regarding the third installment, keep in mind that the alternatives depend on what the company decides regarding the second installment. In the first scenario, the third installment will be the

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balance pending payment at the time of filing the return. In the second scenario, it could be understood that there would be no place to settle the third installment (although the decree refers exclusively to the first installment). In the third scenario, the remaining 50% will correspond to the value to be paid for the third installment.

Another relevant aspect for large taxpayers was the change in the filing schedule for the annual declaration of assets abroad, which will now go from June 9 to June 24, 2020.

Legal persons

For the payment of income tax fees, legal entities must take into account that Decree 520 indicates two possible scenarios. On the one hand, if the taxpayer existed in the 2018 taxable year and his income statement returned a balance to be paid, the first installment of the income tax of the 2019 taxable year must be 50% of the balance to be paid of the income statement of the 2018. However, if the taxpayer files the income tax declaration before the payment of the first installment is due, this fee will be equivalent to 50% of the amount to be paid settled in this declaration.

The second installment would therefore correspond to the remaining value to complete the value of the tax charged.

It is important to highlight the modifications introduced to the calendar of expiration of presentation of the income tax declaration, since now the expiration will take place with the payment of the second installment in June and July.

Finally, it's important to notice that the change in the expiration of the annual declaration of assets abroad will run from June 1 to July 1, 2020.

The abbreviated procedure of refund of balances in favor of the health emergency is regulated

On April 10, 2020, Decree 535 was released, in which taxpayers will find an agile and expedited procedure to make their requests for favorable balances generated in the income tax and complementary, and in the sales tax (VAT).

Taxpayers must submit the respective request for return and/or compensation within the time

indicated by law and in due form. The decree clarifies, however, that the requirements established in paragraph 5 of article 855 of the Tax Statute will not be applicable, which means that it is not necessary that 85% of the discounted costs or expenses and / or VAT come from suppliers that have issued their invoices through the electronic invoicing mechanism.

The DIAN will have the obligation to authorize the corresponding request within a period of no more than fifteen (15) days from the time the request is submitted.

One of the most important aspects of the rule is that it expressly states that, while the health emergency is in force, it will not be necessary to immediately annex the list of costs, expenses and deductions, for the process of return and / or compensation of balances to favor in income tax, although taxpayers must comply with this duty within 30 days after the lifting of the health emergency or its extension. It should be borne in mind that the health emergency was decreed by Resolution 385 of March 12, 2020 and will initially go until May 30.

As a general rule, it should be considered that a taxpayer can only access this procedure if he is not qualified by DIAN as a high risk taxpayer in tax matters. This rating is optional of the administration, based on the internal risk analysis systems.

However, when a taxpayer is classified as high risk, the DIAN section management must decide within 15 days from the filing date of the application (i) whether to suspend the process and the terms of return and / or compensation, of the balance in favor when it is feasible to identify a risk of tax fraud and / or a specific risk against the particular request; or (ii) if it authorizes the automatic return and / or compensation, informing the inspection area to initiate the corresponding investigation.

Finally, the decree states that previously submitted applications must return to the returns area and the abbreviated procedure will be applied immediately, while clarifying that those applications that are presented in force of these regulations and that are in process at the end of the health emergency, will end with this procedure.

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INFRAESTRUCTURE

Activities excepted from compulsory preventive isolation

Decree 531 of 2020, by which the National Government ordered the continuation of compulsory preventive isolation between April 13 and 26 (inclusive), included in the excepted activities "the execution of transport infrastructure works and public works, as well as the supply chain of materials and supplies related to their execution".

Article 4 of Law 1682 of 2013 indicates that "the transport infrastructure is made up of, among others":

- The road network of automotive land transport with its exclusion zones or mandatory withdrawal belts, operating facilities such as weighing stations, operations control centers, toll stations, service and attention areas, facilities and their signaling, among others.
- Bridges built over road accesses in Border Zones.
- The viaducts, tunnels, bridges and accesses of the landways and to port and airport terminals.
- The rivers, seas, navigable water channels and other goods for public use associated with them,

as well as the signaling elements such as lighthouses, buoys and other elements for the facilitation and security of maritime and river transport and support and control systems for trafficking, without prejudice to its connotation as elements of the sovereignty and security of the State.

- Sea and river ports and their access roads and channels. The port, maritime and fluvial infrastructure includes roads, anchorages, access channels, maneuvering areas, environmental protection areas and / or commercial exploitation, the docks, jetties, directional dams, contraction dikes and other works that allow the maintenance of a navigation channel, shore protection structures and the lands on which these works are built.
- Rail lines and infrastructure for traffic control, railway stations, signaling and their exclusion zones or mandatory withdrawal belts.
- The specialized logistics infrastructure that includes the wholesale supply nodes, land transportation centers, distribution logistics areas, air cargo centers, areas of port logistics activities, dry ports and multimodal logistics areas.

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- The aeronautical and airport infrastructure designed to facilitate and make possible air navigation.
- Cable Transport Systems: cable car, aerial cable, tow cable and funicular, built in public space and / or intended for the transport of cargo or passengers.
- The urban infrastructure that supports public transportation systems, integrated mass transit systems, strategic public transportation systems and integrated public transportation systems; the public space that is made up of platforms, separators, green areas, environmental control areas, occasional parking areas, as well as bicycle paths, bus stops, terminals, stations and technological platforms.
- Networks of intelligent transport systems."

Thus, ANI concessionaires, starting at 00 hours on Monday, April 13, 2020, will be able to resume their activities, to the extent that they comply with the biosafety protocols established by the Ministry of Health and Social Protection for control the Coronavirus COVID-19 pandemic and follow the instructions issued by the different Ministries and entities of both the national and territorial orders to prevent the spread of this virus.

Likewise, numeral 19 of the same Decree 531 incorporates the same exception to the circulation restriction in force until April 12 (inclusive) in relation to the "review and attention of emergencies and road affectations, and infrastructure works that cannot be suspended".

It is of utmost importance to note that, in general, all exceptions must be interpreted and applied in a restrictive manner and in any case harmoniously with the main purpose of guaranteeing the right to life and health in connection with life and survival.

It is foreseeable that both the ANI will give a scope to its Resolution 471 of 2020, as well as that the Ministry of Transport issues a decree in which instructions on the guidelines to avoid the spread of the virus.

Resolution 498 of April 13, 2020 of the National Infrastructure Agency

The ANI through Resolution 20201000004985 dated April 13, 2020 (identified by them as Resolution 498), which was published on the ANI website on April 14, 2020, amended Resolution 471 of March 22, 2020 .

From said resolution, the following points stand out that modified Resolution 471 of 2020.

Resumption of Works

1. For the purposes of the resumption of activities of the concessionaires of all modes of transport and contractors of public railway works, they have the obligation to prepare and submit within three business days following the entry into force of the Resolution (since its publication) a Works Reactivation Plan has been in force in the framework of the Economic, Social and Economic Emergency decreed by the National Government.

2. That Works Reactivation Plan must contain at least:

a. The identification of the activities and interventions that the Concessionaire intends to reactivate and execute during the validity of the mandatory preventive isolation measure;

b. Identification of the activities and interventions necessary to comply with the operation and maintenance obligations required to guarantee the operation of the Concession, essential maintenance, emergency care, road damage and unstable sites that guarantee the provision of public service. transport safely;

c. A schedule and maximum deadlines for the execution of the activities and interventions to be reactivated;

d. What staff will use and be associated with the activities to be reactivated; and

e. The protocol that they are going to implement for the application of the biosafety measures provided in Circular 003 of April 8 of the Ministries



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of Health and Social Protection, Labor and Transport, as well as the resolutions issued by the Ministry of Health and Protection Social.

3. The Financial Controller will have 2 business days to issue a concept of no objection to the Reactivation Plan that must be sent to the ANI.

4. Once ANI has received the concept of no objection from the Controller, ANI communicates it to the Concessionaire or Construction Contractor and from the date of such communication the Concessionaire or Contractor can restart its activities, observing what is indicated in the Plan of Reactivation of Works which will be mandatory.

5. There will be discussion about whether the term of the three business days will be counted from today (April 14), since it is understood that the Resolution was published yesterday, having yesterday's date, in which case that term will expire next Thursday, April 16, or from tomorrow (April 15) for having been published, at least on the ANI page, today around 11 am, in which case the deadline will expire on Friday, April 17. The website of the official newspaper is 3 days late.

Suspension of Administrative Actions

1. In general terms, the resolution maintained the list of administrative actions that are suspended, however, it excluded from the list initially contemplated in Resolution 471, the following:

- a. The Remedial Plans;
- b. Contract settlements;
- c. Modifications to the Concession Contracts;
- d. The reversal processes;
- e. The procedures of events exempt from liability and were greater property, environmental and network;
- f. Verification of Functional Units for minutes of completion or partial termination and verification of progress for minutes of completion of milestones or sections; and
- g. Requests from committees with prior property approval.

2. Regarding the processing of requests for contract certifications or other types of requirements, he

specified that only those procedures that require the inspection or copy of physical files that are in the ANI file are suspended.

3. Regarding the Prior Consultation procedures, it suspends them unless the Ministry of the Interior provides for its continuity, in which case it will proceed as indicated by the Ministry.

4. Reiterates that all those procedures that can be filled virtually can be continued to avoid affecting the rights and interests of third parties.

Policy Delivery

1. Allows the insurance policies that must be presented in the framework of the execution of the Concession Contracts to be sent by the Insurers via email and that their originals be delivered to the ANI facilities within the 15 working days following the end of the mandatory preventive isolation measures or any other measure that restricts free movement in the framework of the Economic, Social and Ecological Emergency.

Suspension of Contract Activities

1. It maintained the suspension of the following contractual obligations of the Concession Contracts in the modalities of road, port, rail and airport transport services, of the Railway Public Works Contracts and of the Auditing Contracts specifying that it will be during all the time of the mandatory preventive isolation measure or any other measure that restricts free movement in accordance with Decrees 457 and 531 of 2020 and any other regulation that modifies or replaces them.

- a. Property Management;
- b. Environmental Management and environmental activities different from those established by the Environmental Authority, expressly excluding the activities that are associated with the activities and interventions that were included in the Works Reactivation Plan;
- c. Social Management;
- d. Works Plan; and
- e. Included within the suspension, the Measurement of Operation and Maintenance Indicators.

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2. Additionally excluded from the suspension order, and consequently it should be interpreted that the following activities must be carried out:

- a. Transfer of Networks;
- b. Investment Plan in Port Concessions;
- c. Equity spins; and
- d. Funding of subaccounts.

Suspension of Administrative Sanctioning Processes

Lastly, it developed what is related to the suspension of administrative sanction processes.

1. These processes will be suspended for as long as the mandatory preventive isolation measure or any other that restricts free movement is in force.

2. The sanctioning processes that are suspended are the contractual sanctioning administrative procedures that: (i) have the purpose of commanding the fulfillment of the obligations suspended in accordance with the Resolution, or (ii) that their execution is impossible to fulfill in the framework of mandatory preventive isolation.

3. Regarding the sanctioning processes that are not suspended, the Concessionaire shall have the right to request the suspension of the process if it considers that the fact of continuing the process violates its right to due process.

4. It should be noted that it is expressly provided that administrative sanctioning processes may continue by electronic means, when: (i) it is a sanctioning process initiated to seek the declaration of expiration of the imposition of a criminal clause or damages, and that in the process, what is appropriate is the closing of the procedure due to (a) fulfillment of the obligations; or (b) any other legal or contractual cause; or (ii) in the case of non-compliance with non-suspended activities and interventions that are not impossible to fulfill in the context of the Economic, Social and Ecological Emergency.

Decree 108 of 2020 of the Bogotá City Hall

The Mayor of Bogotá, issued Decree by which District Decree 093 of 2020 is modified and added,

in order to extend the suspension of procedural terms of the administrative, sanctioning, disciplinary actions carried out by the entities and organizations of the central sector and of localities, as well as the matters of competence of the police inspectors and their respective second instance, from March 25 to April 27, 2020. Dates in which the terms will not run, without this affecting actions and contractual procedures.

However, each entity may exempt the application of the suspension in cases where it is possible to continue the procedure, as long as due process is guaranteed.

Source: [Alcaldía de Bogotá](#)

Joint Circular No. 003 of 2020

The Ministries of Health and Social Protection, Ministry of Labor and Ministry of Transport, issue Joint Circular in order to adopt preventive and mitigation measures to reduce exposure and infection by acute respiratory infection caused by Covid-19, which is Aimed at personnel who are executing Transportation Infrastructure Projects and auditors.

The following responsibilities are defined for each of the parties involved:

Contractors

- They should implement the recommendations provided in this circular to guarantee the continuity of activities and comprehensive protection of workers and related personnel, as well as articulate with the municipal administrations, departmental and district health secretariats and the ARL the actions to implement.
- Report to the contracting entity any case of contagion that arises.
- Take into account the guidelines and provisions of the national and local authorities for the care and prevention of the Covid-19 and incorporate in the official communication channels and points of care the information related to

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prevention, spread and care, in order that workers know it.

- Lean on the ARL in terms of hazard identification, risk assessment and evaluation and to verify compliance with the measures and actions in your project. There will also be support from the EPS in relation to the development of health promotion and prevention activities.

Contracting entity

- Provide accompaniment and coordinate inter-institutionally to guarantee the continuity of projects during the season of preventive isolation in safe conditions.
- Evaluate with the auditors the compliance of the actions and the supervision of the fulfillment of the contractual obligations allowed during the emergency.
- Report any contagion event that occurs.

Auditor

- They must host and implement the actions provided for in this circular, carry out the control and monitoring of each of the infrastructure projects and send a weekly report to the contracting entity indicating the activities carried out by the concessionaires, with the respective level of compliance with each of the measures and action plans.
- Replicate to the workers the measures indicated in this circular.

Additionally, the following general recommendations are made and other measures are adopted:

- Issue an internal circular for all workers and allies for the mandatory implementation of the measures of: information, personal hygiene, prevention, greeting, clean jobs, vehicles, ventilated offices, distance, resources, meetings, training, social interaction and hydration .
- The contractors and auditor will jointly define to

present to the contracting entity, the programming of the interventions indicating location, duration, number of workers who will carry out the activity and the personnel in charge of verifying the biosafety measures.

- Prior to the start of the operation and construction activities, it must be verified (i) that the workers and contractors are in good health, (ii) that the personnel who must travel to work is under 60 years of age and (iii) develop strategies that seek to decrease or eliminate face-to-face activities.
- Establish work shifts with teams led by a maximum of 10 workers and with the maximum legal workday allowed, in clean and ventilated open areas, avoid the entry of non-construction personnel, guarantee daily 5-minute talks to reiterate biosafety measures and supply and replacement of individual protection elements.
- Hydration points must be counted in hygienic conditions, guarantee the daily cleaning of the tool and equipment used in the work, maintenance and operation activities, as well as the implementation of exclusive cans for the handling of ordinary and generated waste on site.
- Contractors must adapt biosecurity points to decontaminate the workers on the construction site that continue to be carried out.
- As for the administration staff, the maximum legal working time allowed is established and there must be large and with open workplaces, conditioned to have at least 2 meters of work area per worker, without establishing personal contact and restricting face-to-face meetings.
- Disinfection, grooming and daily cleaning must be guaranteed in the facilities and workstations, as well as in areas where food is consumed.
- Regarding the transport and mobilization of personnel, the use of a mask, eye protection and disposable gloves must be implemented, cleaning and disinfection of buses and vehicles with disinfectants or alcohol at 70% every time



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people descend from these and at the end of the working day, remove decorations from the vehicle, locate one worker per row in a zigzag avoiding the over quota and keep the vehicle ventilated.

- In addition to the above recommendations, regarding the transportation of cargo, drivers and machinery operators must not have contact with the outside and must remain inside the machine cabin as long as possible during the working day. In case of arrest in restaurants and tanking process, all the precautions already mentioned will be taken.
- Gloves should be supplied to drivers and operators during their activity, if not possible, alcohol or antibacterial gel should be applied after the activity.
- As for elements and supplies of biological control, there must be toilets, sinks, toilet paper and soap located in all workplaces in clean conditions, supply antibacterial gel or 70% alcohol and respiratory protector for mandatory use, as well as all the protection elements for the cleaning personnel.
- For the control of emergencies and health incidents, there must be type B aidkits, plastic stretchers and basic care points.
- There must be social, environmental and occupational health and safety personnel with a license in Occupational Safety and Health for the direction, monitoring and management of risk.
- For personnel who visit the projects, body temperature should be measured, disposable gloves should be supplied, hands should be washed, face-to-face meetings should be avoided in the project, personal protection elements should not be shared, cleaning should be reinforced, among others.
- Talks and training will be provided to site personnel with biosecurity recommendations.
- There should be a duly marked temporary

isolation area, in case of symptoms on the staff, follow up and report to the emergency lines established by the ARL, Interventoría and ANI.

- The work tools must be fully disinfected before the start and at the end of the activities, avoiding their exchange between the operators.
- Finally, information and signaling activities must be carried out with official sources through the use of networks and email, prevention measures, publication on bulletin boards of the workplace and location of notices about the mandatory use of personal protection elements.

Source: [Ministerio del Trabajo](#)

Joint External Circular No. 004 of 2020

The Ministry of Health and Social Protection, Ministry of Labor and Ministry of Transport, dictate the following preventive and mitigation measures to contain the acute respiratory infection by Covid-19 for Drivers and Operators of the transport logistics chain and for Companies and providers of the Public Transportation Service:

- For all vehicles and equipment of all modes of transportation, (i) the places where users, workers and other persons have had contact should be cleaned, (ii) implement measures to regulate passenger access to portals and vehicles and organize lines with distance between people, (iii) and ensure the mandatory use of masks.
- Measures are defined for drivers of all types of transport in the activities of: start of operation, before a Police checkpoint or transit authority, food, fuel tank, payment of tolls (when applicable), completion of the route and upon arrival home or hotel. Additionally, the use of full-time masks when interacting with others.
- For cargo equipment drivers, they should avoid picking up people on the road and follow the recommendations defined in the circular on the loading process, during the trip, passing by scales, staying overnight at the hotel, delivering

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cargo, internoring in ports and when arriving home.

- For drivers of individual public transport of taxi type, special, mixed, by inter-municipal road, rail passenger transport and passenger transport by cable; measures are defined in the activities of: passenger pick-up process, during the trip, cleaning after each trip or at least 3 times a day and upon arrival home.
- For the workers, contractors, collaborators, drivers and controls of Mass Public Transport, they must be provided or acquire the necessary clothing, respiratory protection, gloves, eye protection and disinfectants according to the degree of exposure of their tasks.
- Additionally, they will receive training on suitable personnel on the use of personal protection elements and will follow recommendations defined in the circular for the activities of: beginning of the operation, during the operation, at the end of the operation and when arriving home.
- In land passenger transport terminals and for the managing entities and concessionaires of the Mass Transportation Systems, the risk matrix (including the biosafety risk derived from Covid-19) should be reviewed and updated, establishing the necessary controls in the administrative and operational area, providing elements of personal protection and seeking social distancing.
- Additionally, the surfaces that are part of the transport terminals must be cleaned frequently, porous and absorbent elements must be removed, the stations and facilities must be ventilated, and sinks must be provided with a supply of water, soap, disposable paper towels, basins, dispensers alcohol or antibacterial gel.
- The managing entities and concessionaires of the Mass Transportation Systems must review and update the risk matrix (including the biosecurity risk derived from Covid-19), establish the necessary controls in the administrative and operational area, providing personal protection elements and seek social distancing.

- Additionally, they must seek social distancing, frequently clean the surfaces that are part of the transport infrastructure, remove porous and absorbent elements, keep the stations ventilated, have sinks that have a supply of water, soap, disposable paper towels, basins , alcohol or antibacterial gel dispensers.
- Lastly, they will adopt information disclosure strategies in accordance with the guidelines set forth in Joint Circular No. 001 of 2020 of the Ministry of Health and Social Protection and the Ministry of Transportation.
- For the crew of the river cargo transport service, they must adopt the procedure set forth in this circular in the activities of: operation, loading process, before a Police checkpoint, patrol of the National Navy or DIMAR and delivery of cargo.
- For the river passenger transport service, the procedure established in this circular must be adopted in the activities of: passenger pick-up process, during the trip and after each trip.

Joint Circular No. 001 of 2020

The Ministries of Health and Social Protection, Ministry of Labor and Ministry of Transport, issue Joint Circular in order to guide the actors in the building construction sector and its supply chain on preventive and mitigation measures to reduce the exposure and contagion by water respiratory infection caused by Covid-19.

Consequently, the measures to be adopted are established:

- Those responsible for workers in the building construction sector and construction leaders (director, controller and / or supervisor).
- The Labor Risk Administrators.
- Workers off-site when leaving the home, upon returning from the home, and when living with a high-risk person.
- In works and other spaces, an Application Plan

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of the Sanitary Protocol for the Work (PAPSO) must be adopted, classify the spaces in works, define roles and responsibilities (Work Director, Occupational Health and Safety Professional, Contractors and officers of work and

- Construction Workers, define measures for supervisors, control measures during the working day, control measures for entering and leaving the work, control of activities during the day and scheduling of activities, personnel and shifts.
- Likewise, measures for the use of common spaces, bathroom control, changing rooms and showers; personal protection elements and their maintenance; communication and signaling of prevention measures; delivery, loading and unloading of materials and camps with temporary facilities.
- In cleaning and disinfection, hygiene in bathrooms, changing rooms and showers, equipment, handling of equipment and tools in: heavy machinery, heavy machinery with cabins and minor tools.
- Containment and mitigation / crisis measures are established in works, and response mechanisms are defined for a possible case.
- In the production, supply and service chain, specifically on site and warehouse, production plants, during product loading and delivery, in product transport and in the marketing chain.
- Finally, recommendations are given for cleaning and disinfecting the sales room.

Announcement of the Superior Council of the Judiciary

An announcement was issued that ratifies the preference of working at home for the Judicial Branch servers and manifests the need to extend the exceptions to the suspension of terms, taking into account the institutional capacity in the current circumstances.

The exceptions to the suspension of terms of (i) guardianship and habeas corpus, (ii) control of the

decrees issued by the President of the Republic in exercise of the functions of article 215 of the Political Constitution, (iii) immediate control of legality is maintained during states of emergency by the Council of State and the Administrative Courts, (iv) those already established for the function of control of guarantees, criminal knowledge and execution of sentences, (v) actions involving immediate freedom and cases that they are close to prescribe before the Criminal Cassation Chamber of the Supreme Court of Justice; and (vi) investigations in progress in the Special Investigation Chamber of the Supreme Court of Justice.

It was decided to lift the suspension of the judicial terms of the following additional processes and actions:

1. Regarding the guarantee control function, requests for a capture order will be attended to virtually.
2. The adoption processes in those cases in which the demand has been admitted.
3. Protective measures in cases of domestic violence, when there is no family commissioner in the place.

Agreement of April 11, 2020

By which the Superior Council of the Judiciary extends the measures of suspension of judicial terms from April 13 to April 26, 2020 and its exceptions are extended in relation to the following matters:

- Regarding the guarantee control function, requests for a capture order will be attended to virtually.
- The adoption processes in those cases in which the demand has been admitted.
- Protective measures in cases of domestic violence, when there is no family commissioner in the place.

Additionally, it extends the suspension of administrative terms of the actions of administrative

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processes of coercive collection, disciplinary processes, claims of judicial deposits and administrative processes of wage claims and benefits.

It is defined that the provision of the service of the Superior Council of the Judiciary will be through the use of information and communication technologies, unless in-person care is required in judicial venues, in accordance with the provisions of article 3 of Decree 491 of 2020 and number 13 of article 3 of Decree 531 of 2020.

Regarding the displacement and assistance to judicial or administrative offices of the Judicial Branch, as a general rule, the restriction of access to the judicial headquarters is maintained, unless it is necessary to fulfill the functions or provide the service, for which a general protocol will be established.

Finally, the distribution of tutela actions and habeas corpus to the municipal criminal courts with the function of controlling the guarantees of the Accusatory Criminal System and the execution of penalties and security measures in the country are exonerated.

Decree 537 of 2020

The Ministry of Health and Social Protection issued a Decree by means of which the following measures are adopted regarding state contracting during the State of Emergency:

- The public hearings that must be carried out in the selection procedures may be held through electronic means, guaranteeing access to the bidders, control entities, and any citizen interested in participating.
- If the selection process is in process, it will not be necessary to modify the specifications, however, they must inform the methodology and conditions for the development of the hearings at least two business days before the realization.
- The hearings scheduled for sanctioning procedures may be carried out through electronic means guaranteeing the access of

the contractors and those who have issued the guarantee.

- Contractor selection procedures may be suspended and opening acts may be revoked, provided that the date for the submission of offers has not been exceeded. There will be no recourse against the above administrative acts.
- The territorial entities will prefer, for the acquisition of goods and services of uniform technical characteristics, the purchase by catalog derived from the Framework Agreements of Prices in force and arranged in the Virtual Store of the Colombian State of the National Agency of Public Procurement - Colombia Compra Eficiente.
- The National Agency of Public Procurement - Colombia Compra Eficiente, will design and organize the contracting process for the framework agreements of prices for direct contracting and will be able to configure emergency catalogs, made up of pre-existing suppliers in those Demand Aggregation Instruments, as well as new suppliers, after verifying the qualification requirements of the selection process.
- When it comes to the acquisition of assets related to the emergency, public entities may acquire them by aggregating demand for large stores.
- It is understood as verified the fact that gives rise to declaring the manifest urgency on the part of the state entities, for the direct contracting of the supply of goods, the provision of services or the execution of works in the immediate future, with the aim of preventing, containing and mitigate the effects of COVID-19.
- All contracts concluded by state entities related to goods, works or services that allow better management and mitigation of the emergency situation due to the pandemic derived from COVID-19, may be added without limitation to value, as well as that are held during the validity of the health emergency.



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- The Revolving Fund of the Ministry of Foreign Affairs is authorized to enter into internal inter-administrative agreements and contracts whose purpose is to acquire from foreign public entities, foreign private companies or other foreign organizations or persons, goods and services necessary to mitigate the pandemic and its effects, without applying Law 80 of 1993.

Decree 538 of 2020

The Ministry of Health and Social Protection issued a Decree adopting measures in the health sector to contain and mitigate the COVID-19 pandemic.

Additionally, during the term of the health emergency, this Ministry and the territorial entities may make direct transfers of resources through administrative acts of allocation to the State Social Enterprises and to the public infrastructure managers owned by the territorial entities, destined to the provision of health services, to finance the current operation or to invest in the provision of biomedical equipment, in order to guarantee the provision of health services to the population affected by COVID-19.

If the public infrastructure manager is a private entity, agreements or contracts must be signed and the equipment purchased will be owned by the territorial entity that owns the infrastructure.

Source: [Presidencia de la República](#)

Resolution No. 916 of 2020

Through which the National Highway Institute - INVIAS suspends the terms in the administrative actions that are carried out in this entity and administrative measures are adopted.

The terms for the sanctioning administrative procedures, coercive collection, internal disciplinary control, payment of sentences, conciliations and arbitration awards are suspended; procedures related to the acceptance of a formal offer to purchase or establish an easement, procedures related to the issuance of administrative acts to start the process of judicial expropriation, imposition of easement and automa-

tic sanitation; procedures in which INVIAS exercises property, social and environmental management and that require a pronouncement with legal effects.

The suspension does not apply with respect to the attention of requirements by the competent authorities, as well as to respond to requests in exercise of the right to petition or involve the guarantee of fundamental rights.

Source: [INVIAS](#)

Decree 539 of 2020

The Ministry of Health and Social Protection adopts the following biosafety measures to mitigate and prevent the spread of Covid-19:

- The Ministry of Health and Social Protection will be in charge of issuing the protocols that are required for all economic, social and public administration sectors, to prevent the spread of Covid-19.
- The Governors and Mayors will be subject to the protocols issued by the Ministry and the municipal or district secretariat will be in charge of monitoring their compliance.

Source: [Presidencia de la República](#)

Decree 544 of 2020

By which measures are adopted in the matter of state contracting for the acquisition in the international market of medical devices and personal protection elements, attending to criteria of immediacy as a consequence of the turbulence of the global market of goods to mitigate the Covid-19 pandemic.

It is determined that the contracts whose purpose is the acquisition in the international market of the elements described in this Decree (biomedical equipment, furniture, in vitro diagnostic reagents, medical devices, personal protective equipment and medications), will not be governed by the General Statute of Contracting and the rules of private law will apply to them.



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Notwithstanding the foregoing, the legal representative of the contracting entity must submit all the information of the contracts to which allusion is made to the competent tax body within 3 days of its conclusion.

Source: [Presidencia de la República](#)

Automatic Extension of Suspension of Procedural Terms of the ANI

The National Infrastructure Agency issued an order of April 13, 2020 in order to extend the suspension of terms of the disciplinary actions of the Administrative and Financial Vice-presidency of the National Infrastructure Agency, from zero hours on April 14 to 11:59 pm on April 26, 2020.

Resolution No. 4985 of 2020 ANI

By which the National Infrastructure Agency modifies Resolution 471 of 2020, establishes transitory measures of procedures advanced by this entity and other administrative measures are adopted for public health reasons.

- The concessionaires of all the modes of transport and Contractors of Public Rail Works must send to the Inspection Office and to the National Infrastructure Agency, within the 3 days following the entry into force of this Resolution, the Works Reactivation Plan, which it must contain as a minimum: (i) identification of the activities and interventions that will reactivate and execute during the validity of the mandatory preventive isolation measure, (ii) schedule and maximum deadlines for the execution of the activities and interventions to be reactivated, (iii) the personnel associated with the activities to be reactivated and (iv) the protocol for implementing the biosafety measures set forth in Joint Circular No. 03 of April 08, 2020 signed by the Ministries of Health and Social Protection, Labor and Transportation and in the resolutions that the Ministry of Health and Social Protection issues on the matter.
- The Auditors must issue a concept of no objection to the Works Reactivation Plan, within 2 days of its filing.

- For the execution of the operation and maintenance obligations, the biosafety measures identified in the Works Reactivation Plan must be implemented and in accordance with the provisions of the aforementioned Joint Circular No. 03 of 2020.
- Article 1 of Resolution 471 of March 22 regarding the suspension of administrative actions is amended and confirms the following during the validity of Decree 457 and 531 of 2020.
- The suspension of the terms will not be applied with respect to the attention of requirements of authorities and control entities, responses to requests in exercise of the right of petition, parliamentary petition rights, or procedures involving the guarantee of fundamental rights, which will be served under the terms established by Decree 491 of March 28, 2020.
- In the event that any permit referred to in the aforementioned numbers must be issued with respect to the highway infrastructure under concession and rail that is in charge of the Entity, the area in charge must carry out the corresponding action according to the procedure contemplated for this purpose.
- The National Infrastructure Agency may give continuity to all the procedures and actions that may be provided by virtual means, in order to avoid affecting the rights and interests of third parties.
- In the process of verification of the policies, the Entity's email may be reached, signed by the insurance company, and the original must be delivered to the Entity's facilities, within 15 business days after the end of the measure. mandatory preventive isolation or any other that restricts free movement in the context of the Economic, Social and Ecological Emergency.
- Article 2 of Resolution 471 is amended and confirms that the contractual obligations that continue to be suspended are: Property Management, Environmental Management (unless they are associated with the activities and interventions identified in the Works Reacti-

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vation Plan), Social Management, Plan of Works and Measurement of Operation and Maintenance Indicators.

- All contractual sanctioning administrative procedures are suspended with the object of commanding compliance with the obligations suspended in accordance with this Resolution or whose execution is impossible to fulfill within the framework of mandatory preventive isolation. Notwithstanding that the contractor or guarantors may request the suspension of due process if they consider that rights are violated.
- The Entity will give continuity by electronic means to the sanctioning procedures in which the declaration of expiration, the imposition of the penal clause or damages, in which the procedure is closed due to compliance with the obligations or any other legal cause or contractual, and in the case of non-compliance with non-suspended activities and interventions that are not impossible to fulfill in the context of the Economic, Social and Ecological Emergency.
- Finally, for the purposes of the electronic notification procedures, the respective authorizations for notification by electronic means must be provided by the concessionaires, auditors, contractors and other parties interested in the procedures, with the precise indication of the electronic addresses in which they may make the respective notification.

Circular No. 28 of 2020 of the Cundinamarca Institute of Infrastructure and Concessions

The Cundinamarca Institute of Infrastructure and Concessions issued a Circular to its public works contractors, auditors, supervisors and concessionaires, in order to resume contractual activities within the framework of the provisions of Decree 531 of 2020 and to provide guidelines on the measures basic that should be taken to avoid contagion by Covid-19:

- The contractor must submit to the Institute within 5 days of receipt of this Circular, a Work Reacti-

vation Plan, with the requirements established in Resolution 4985 of 2020 of the ANI.

- For its implementation, the aforementioned Work Reactivation Plan must have the favorable endorsement of the respective Audit Office and the ARL, for which it will have 3 days. Subsequently, the respective minutes of resumption will be signed.
- Prior to restart, the Work Reactivation Plan will be evaluated by an Advisory Committee of which permanent members will be: (i) The General Manager, (ii) the Deputy Manager of Infrastructure, (iii) the Deputy Manager of Concessions, (iv) the Deputy Manager of Constructions, (v) the Head of the ICCU Legal and Contract Management Advisory Office and (vi) the Secretary of Health of the Department of Cundinamarca or the person he delegates.
- The Advisory Committee will recommend or not the resumption of the work in accordance with the documents presented by the Contractor.
- The Cundinamarca Infrastructure and Concessions Institute - ICCU, will provide the accompaniment requested by the contractors and will carry out the inter-institutional coordination that is necessary for the reactivation of the works.
- The construction contractor shall question all the workers who carry out activities on the construction site, in order to determine if they or any of their close coexistence circle present or have presented symptoms. If positive, you must abstain from going to the workplace and you must notify the ARL, the EPS and the Ministry of Health of the municipality of residence of the worker, to proceed with the taking of the diagnostic sample and the respective epidemiological investigation.
- If suspicious or positive cases of Covid-19 occur in workers or their close circle of cohabitants, the closure of the work and the sending to preventive quarantine of all the workers will be applied, as a sanitary protection measure, at least 28 days or until the epidemiological study

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can be carried out on the rest of the workers and their close circle of cohabitants.

The ICCU, through the supervisors or auditors, will verify compliance with the protocols and schedules adopted in each of the works and will adopt the legal or contractual corrections that may be in place in case of evidencing its non-compliance.

- It is recommended to the contractors of work projects that the activities of an administrative nature be carried out remotely and in compliance with the national instructions for compulsory preventive isolation, without compromising compliance with the obligations of the parties.
- In the event that the conditions for restarting are not met for reasons beyond the contractor's control, supervision or supervision, a reasoned record will be left, with the reasons of force majeure or fortuitous event or event of a third party.
- This circular must be socialized with the respective suppliers and subcontractors that are part of the chain of the works and infrastructure sector.

Source: [Instituto de Infraestructura y Concesiones de Cundinamarca](#)

Decree 575 of 2020

By which the Ministry of Transport takes measures to mitigate the economic effects generated by the COVID-19 pandemic in the transport and infrastructure sector, and the following regulations are modified during the time of the health emergency:

Replacement Funds

- Article 7, subsection 1 of Law 105 of 1993 is amended, in the sense of allowing vehicle owners to return their contributions to the periodic replacement program of the vehicle fleet, as well as enabling them to withdraw up to 85% of the resources contributed to the programs.

- Article 8 of Law 688 of 2001 is modified and it is determined that the owners of the vehicles that have been affected in the exercise of their activity by Covid-19, may withdraw up to 85% from the Fund.

Mass Transportation Public Service

- Article 98 of Law 1955 of 2019 is modified, in order to exclude the prohibition in which the Government may not make transfers to cover the costs of operation, administration and maintenance.
- Article 100 of Law 1955 of 2019 is modified to include vehicle operation costs as part of bankable investments.
- In order to mitigate the deficit in the operation of Mass Transportation Systems, the sources of (i) credit operations carried out by system managers may be used, which may have guarantees issued by the National Guarantee Fund and (ii) internal or external public credit operations carried out by territorial entities.

Other provisions

- As for permits for the operation, art. 19 of Law 336, 1996 is amended and it is established that the act of awarding the permit will not have resources through the government and will proceed by exercising the appropriate means of control.
- As for the Resources of the National Modernization Fund, the sum of FIVE THOUSAND MILLION PESOS is destined for a single time, to promote access to credits for individuals and legal entities associated with the provision of public transportation service.
- Paragraph 2 is added to article 160 of Law 769, 2002, modified by article 306 of Law 1955, 2019; to determine that the collection of penalties for traffic offenses may be used to: carry out operational control and traffic regulation tasks in the national territory, to verify compliance, to prevent and avoid contagion and / or spread of Coronavirus disease.

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Economic measures for the transport infrastructure sector

- Article 12 of Law 1882 of 2018 is amended, in the sense of indicating that the purchase price of improvements made by the occupants will be determined by means of a corporate commercial appraisal.
- A numeral is added to article 50 of Decree 2153 of 1992 and determines that it constitutes abuse of the dominant position when there is a breach of a monetary obligation by any contractor who is in charge of executing a state transport infrastructure contract, public works and construction, with any SME or MYPYME provider, after having a duly accepted invoice.

Economic measures for the air transport industry

- A paragraph is added to article 235-3 of the Tax Statute and it is established that income taxpayers and complementary taxpayers who make new investments in the national aeronautical sector for a value equal to or greater than two million (2,000,000) UVT, the benefits of numerals 1 to 5 thereof will be applicable.
- JET A1 and / or 100/130 national aviation gasoline is included in the list of taxed goods at the 5% rate.
- Air passenger transport is included in the list of services taxed at the 5% rate.

Source: [Presidency of the Republic](#)





NATURAL RESOURCES, ENVIRONMENTAL AND ENERGY LAW

Regulation recently issued by the ANH

In the course of 2020 and aware of the situation of oil prices and the health crisis that has affected the development of the world economy, the National Hydrocarbons Agency ("ANH") has issued two (2) Agreements to alleviate the contractual conditions of investors in the sector, which we summarize below:

1. Agreement 001 of 2020 regulates the transfer of activities or exploratory investments of the contracts signed with the ANH, including the Agreements (the "Contracts"), and for the effect, establishes that:

- a. These transfers of activities or exploratory investments will proceed due to: (i) the resignation of the Contracts in which there is a remaining investment or exploratory activities or investments pending execution to advance the same investments in another Contract; (ii) decision of the Contractor not to continue executing the Exploratory Program or the Subsequent Exploratory Program, in which there is any remaining investment or exploratory activities or investments pending execution and there is at least one Area under Evaluation or in Production and (iii) appear regarding of the area of the Contract or Contracts in which there is any remaining investment or exploratory activi-

ties or investments pending execution, supervening situations that impede or seriously affect the execution of the Exploratory Program or the Subsequent Exploratory Program.

- b. It is important to highlight other measures included in this Agreement, such as:

- The possibility of transferring exploratory activities or Investments to Available Areas and Areas under Evaluation and Areas in Operation or Areas in Production.
- The impossibility of transferring activities or investments to Contracts whose obligations are suspended or with respect to the Contracts for which a procedure for declaring non-compliance for any reason has been initiated.
- Once the transfer is approved, there Will be no right to carry out a second transfer of the same investment activity; and
- The establishment of rules for the issuance of new guarantees.

2. For its part, the Agreement 002, 2020 adopts transitional measures to strengthen the hydrocarbon sector, aimed to mitigate the adverse effects of the decrease in the international oil prices and the COVID-19.

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a. For Contracts that have their obligations up to date, the Agreement provides the possibility of agreeing terms extensions and period extensions related to certain stages of the contractual execution as long as the average price of the Cushing reference, WTI in the last 30 days calendar counted from the filing date of the corresponding request to the ANH, is below USD 40 and the average price of the NYMEX reference WTI Light Sweet Crude Oil Futures CL is below USD 40 at minus one of the following 3 months from the date of filing. Additionally, it establishes:

- Some additional benefits to the requirements established in Agreement 001 previously described, such that transfer requests may be presented without the offer of an additional investment (equivalent to 5% of the total investment not executed or remaining).
- The possibility of allocating the resources of the Programs for the Benefit of Communities (PBC) towards strengthening the measures adopted to mitigate the effects generated by COVID 19 in the corresponding territories.
- Some rules to modify the terms and percentages of the performance guarantees that support the investment in the contract.

Resolution CREG 050 of April 7, 2020

A draft Resolution is published by which rules are defined to defer the payment obligations of the marketers, and payment and guarantee delivery dates are adjusted.

Taking into account the collection difficulties that energy marketers are experiencing given the conjuncture of COVID-19 due to the reduction in the income of their end users, CREG is considering to temporarily adjust the payment conditions of the obligations of invoiced marketers by XM, as Administrator of the Commercial Exchange System - ASIC and Liquidator and Account Administrator - LA, for transactions and charges in the energy market during the current period of sanitary emergency.

Such measures include:

1. The modification of the issuance dates and the expiration dates of the invoices issued by the ASIC and the LAC during the emergency.
2. The modification of the dates for the delivery of the guarantees by the marketers and for the approval of the guarantees required by the regulation, during the period of sanitary emergency.
3. The establishment of a financing mechanism for the payment obligations of the marketers, which would be:
 - a. Amount to be deferred for transactions in the MEM. Up to 20% of the payment obligations invoiced by the ASIC will be deferred, for transactions of the Wholesale Energy Market (MME), for April and May 2020. The maximum percentage may be adjusted by request of the marketer, justifying its collection conditions and external financing.
 - b. Amount to differ from charges for use of the SIN networks. Up to 20% of the payment obligations that are invoiced to the marketing agent by the LAC will be deferred, for charges for the use of STN, STR and SDL networks for the months of April and May 2020. The maximum percentage may be adjusted by request of the marketer, in accordance with its collection and external financing conditions.
 - c. Payment period for deferred amounts. The payment period for deferred amounts will be twelve (12) months, counted from June 2020, or the month following the end of the containment measures.
 - d. Monthly payment amounts and prompt payment conditions. The monthly amounts to be paid to the ASIC and the LAC for the deferred amounts, will be the amount owed, divided by the number of months of the period defined in literal c) above. The interest accrued on the billing date will be added to that capital, at the monthly preferential credit rate published by the Financial Superintendence.



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- e. Payment guarantees. In addition to the payment guarantees that must be delivered to the ASIC and LAC to cover the monthly payment obligations, the marketers who make use of this mechanism must present guarantees for the monthly amounts to be paid in accordance with literal d) above. For this, they may use the types of guarantees established by XM or constitute a trust fund for administration and payments, to collect the income of the marketer and give priority of payment to the amounts owed to the ASIC and the LAC during the financing period.
- f. Default in payments. Failure to comply with one of the deferred payments will lead to the execution of guarantees, the application of default interest, and the application, due to late payment, of the procedures for limiting supply as defined in CREG Resolution 116 of 1998, or withdrawal of agents from the market as defined in CREG Resolution 156 of 2011.
- g. Allocation of monthly payments for deferred amounts. The allocation of the monthly payments to the creditors for the deferred amounts will be made in proportion to the

amounts owed, which will be considered by the ASIC and the LAC in the accounts in favor of the creditors.

4. Modification by mutual agreement of the term for payments of energy sold within the contracts referred to in article 13 of CREG Resolution 130 of 2019, provided that this does not imply increases in energy prices to users.

5. Modification by mutual agreement of the payment conditions of bilateral energy supply contracts. For such effects, within the fifteen days following the issuance of the final Resolution, the parties may modify the bilateral energy sales contracts to grant the marketers deadlines to pay a percentage of the payment of the invoices for the months of April and May, which can be between 2 and 12 months, with financing rates that do not exceed the preferential rate defined by the Financial Superintendence.

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[You can find in this link the norms that have been issued related to Natural Resources, Environment and Energy in Colombia.](#)





HEALTH SECTOR

Decree 538 of 2020

The Ministry of Health and Social Protection ("MinSalud") issued Decree 538 of 2020 by which measures are adopted in the health sector, to contain and mitigate the COVID-19 pandemic and guarantee the provision of health services, in the framework of the State of Economic, Social and Ecological Emergency.

From this decree, the following aspects stand out:

1. During the Coronavirus COVID-19 emergency, the departmental or district Health Secretary shall authorize the health service providers registered in the REPS to:

- a. Temporarily adapt a place not intended for the provision of health services, within its facilities.
- b. Reconvert or adapt a health service temporarily for the provision of another service not enabled.
- c. Expand the installed capacity of an authorized health service.
- d. Provide services in modalities or complexities different from those enabled.
- e. Provide healthcare services which are not habilitated.

2. Elimination of the prior authorization of Law 1122 for the contracting of institutions providing health services. Additionally, to contract the actions of the Collective Intervention Plan related to the Covid-19, the departments and districts may contract with public or private entities or natural persons who have technical and operational capacity to execute said actions, without having to prioritize the entities public.

3. In the event of high demand, the territorial entities, through the CRUE, will assume control of the supply and availability of beds of Intensive Care Units and Intermediate Care Units. Service providers must report the availability of beds to the CRUE.

4. The territorial entities may carry out direct transfers of resources through administrative acts of allocation to the State Social Enterprises and to the public infrastructure managers owned by the territorial entities, destined to the provision of health services, to finance the operation, current or for investment in the provision of biomedical equipment, in order to guarantee the provision of health services to the affected population.

Likewise, the Ministry of Health and territorial entities, through the signing of agreements or contracts, may allocate resources to private or mixed Health Service Provider Institutions that support the

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provision of services to guarantee care for the affected population.

5. Implementation of accessible digital platforms that allow the diagnosis and monitoring of patients.

to. The medical prescriptions sent by these platforms must be signed and scanned.

b. To the extent possible, patients should send an image of the signed document with informed consent, if not possible, the entire history of the procedure should be recorded in the medical history and the patient's voluntary, free and informed acceptance.

6. During the emergency, all human talent in health or training, with some exceptions, must be prepared and available to be called to provide their services.

The human talent called must receive training in the activities to be carried out, which will be in charge of the health service provider where the work is to be carried out.

Professionals who provide services to patients with suspected or diagnosed COVID 19 are entitled, for a single time, to a temporary financial recognition, during the term of the emergency, the amount will be defined based on the IBC.

7. During the term of the health emergency, the Ministry of Health may determine that additional financial resources are required for general disabilities derived from the positive diagnosis by Covid-19. If the above is confirmed, the recognition of additional resources to the EPS will be authorized.

8. Recognition of Covid-19 disease as a direct occupational disease with respect to workers in the health sector, including administrative, cleaning, surveillance and support personnel.

The ARL must recognize all the assistance and financial benefits derived from the labor incapacity, without requiring a determination of labor origin by the disability qualification boards.

9. During the term of the health emergency, the

rates of health services and technologies may not be increased, beyond the inflation caused. In any case, the values already agreed in the contracts made between agents in the sector must be maintained.

10. The Ministry of Health will define a basket of care for patients with Coronavirus COVID-19, ADRES will pay the value of the baskets directly to the institutions that provide health services.

11. Temporary financial compensation equivalent to 7 days of SMLMV for the member of the Subsidized Regime with confirmed diagnosis of Coronavirus COVID-19.

Executive Order 538 of 2020 permitted temporarily the provision of non-habilitated healthcare services

During the sanitary emergency in Colombia arisen by Covid-19, the Colombian president acting under extraordinary powers pursuant to the economic emergency has issued new measures addressed to the healthcare sector which have important effect in the provision of the service.

One of the most important issues that healthcare providers were waiting was the temporary clearance of regulatory restrictions for providing non-habilitated healthcare services, or in non-habilitated facilities to do it. As a consequence, the government ordered District Health Secretaries to authorize the healthcare providers, which requires it, to (i) provide healthcare services in facilities not dedicated to provide healthcare services, (ii) adequate a healthcare service to provide another service, (iii) expand the capacity, (iv) provide healthcare services in different modalities, and (v) provide healthcare services which are not habilitated.

In order to be able to provide services in the manner described above, healthcare providers must request the permission to the District Health Secretary through the REPS platforms. The secretary will decide whether habilitate or not the services in the conditions described by the provider. The complete habilitation process may take up to 4 calendar days.

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In relation to the provision of healthcare services in the modality of telemedicine, the Executive Order permitted the provision in this modality, but ordered the healthcare providers to implement IT tools and e-platforms with video and audio options which permit (i) to diagnose and monitor patients, (ii) to prescribe medicine through digital signatures, and (iii) to protect the patients' rights regarding the informed consent and personal data treatment.

By implementing these measures, the Colombian government intends to relieve hospitals and clinic facilities promoting not only the provision of healthcare services through e-platforms but also opening to the public new facilities to attend the emergency.

Measures are established to monitor the price of basic necessities and avoid speculation

Through Legislative Decree 507 of 2020, the Ministry of Industry, Commerce and Tourism imposed on DANE the task of monitoring the products classified as essential for the National Government, as well as the goods necessary for their production, in order to be able to take measures against possible situations of hoarding, usury and speculation.

List of essential products

The Ministries of Health and Social Protection, Commerce, Industry and Tourism and Agriculture and Rural Development issued Resolution 000078, by virtue of which a list of twenty-six (26) essential products was established, which include medical devices, medicines, food and personal hygiene products. The prices of these products, as well as their production chains, will be under the supervision of DANE and the Superintendence of Industry and Commerce.

Requirements are established for the import and production of vital products not available for the diagnosis of COVID-19

Resolution 000522 of 2020 regulates the requirements to import and produce vital and unavailable reagents, medicines, medical devices and biomedical equipment during the health emergency.

The resolution can be consulted through the following [link](#).

Adoption of measures to facilitate the treatment of patients during the health emergency

The Ministry of Health and Social Protection issued Decree Law 538 of 2020, through which the available mechanisms are made more flexible so that the institutions providing the health service adopt exceptional measures to face the health emergency, such as:

- Temporarily adapt a place not intended for the provision of health services, within or within its facilities;
- Expand the installed capacity to provide a health service;
- Reconvert or adapt a health service temporarily for the provision of another service not enabled.
- Provide services in modalities or complexities other than those enabled.
- Provide other unauthorized health services.
- Eliminate the prior authorization for contracting institutions providing health services established in Law 1122 of 2007.
- Eliminate the prioritization referred to in the fourth paragraph of article 45 of law 715 of 2001, to contract the actions of the Collective Interventions Plan related to the containment or mitigation of the Coronavirus COVID-19.

Likewise, it is established that the territorial entities, through the Regulatory Centers of Urgencies, Emergencies and Disasters -CRUE-, will assume control of the supply and availability of beds of Intensive Care Units and Intermediate Care Units.

It was also established that the rates of health services and technologies may not be raised beyond the inflation caused during the term of the health emergency. In any case, the values already agreed in the contracts made between agents in the sector must be maintained.



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Procedure to export of some medicines, medical equipment and hygiene products

Through Resolution 457 of 2020, the Ministry of Health and Social Protection created a conciliation and dialogue table (the "Table"), which will provide technical information to the National Government to prioritize the distribution of the products referred to in the Decrees. 462 and 463 of 2020, to adopt measures on producers and importers, so that the objectives of controlled prioritization of distribution and sales referred to in these decrees are met.

Likewise, it is established that those interested in exporting the products referred to in Annex 1 of Resolution 457 of 2020, must fill out the format provided in Annex 2 of the same resolution, and provide the necessary supporting information to justify their petition. These requests will be authorized or denied by the Foreign Trade Directorate of the Ministry of Commerce, Industry and Tourism, based on the technical inputs provided by the Bureau and the information presented in the export requests.

Those interested in exporting products that are mentioned in the prohibition of Resolution 462 of 2020 but that are not expressly included in Annex 1 of Resolution 457 of 2020, must submit to the DIAN, at the time of each export, the necessary information in the request for shipping authorization, to prove that the products to be exported are not essential to attend the health emergency.

Suspension of term of advanced procedures before INVIMA

Through Resolution 2020012926 of 2020, INVIMA suspended the terms of the procedures, actions and processes carried out before this entity, until the business day following the lifting of the health emergency. It is established that all notifications will be made by electronic means.

Certain procedures will have priority and will be attended virtually, such as the registration, renewal or modification of records and sanitary permits that are necessary to attend the sanitary emergency. Other procedures not related to the emergency may be carried out virtually, however, they will not be considered as a priority.

All procedures in charge of the Directorate of Cosmetics, Grooming, Pesticides and Domestic Hygiene Products (with the exception of antibacterial and disinfectant products), and the Directorate of Sanitary Operations (with the exception of procedures related to health emergency).

List of goods that may be acquired by public entities under the rules of private law is set

The Ministry of Health and Social Protection, through Legislative Decree 544 of 2020, set the list of goods (biomedical equipment, furniture, reagents, medical devices, personal protective equipment, medicines) that may be purchased in the international market in accordance with the rules of private law, and not under the General Statute of Public Administration Contracting.





TELECOMMUNICATION SECTOR

Reduction of the period of positive administrative silence

Considering the issuance of Decree 540 of April 13, 2020, during the period of validity of the economic, social and ecological emergency, the maximum response period of public entities is reduced from 2 months to 10 days, to resolve license applications for the construction, connection, installation, modification or operation of any equipment for the provision of telecommunications services, fixed and mobile. If the aforementioned term has elapsed without the decision to resolve the petition having been notified, the license shall be deemed granted in favor of the petitioner as a result of positive administrative silence.

In any case, it is important to keep in mind that the general legal postulates of positive administrative silence, other than the deadline, are applicable to this particular silence, which is why we emphasize that for this mechanism to proceed and be legally recognized, it must, when unless the following circumstances arise: (i) that a formal request is made with all the requirements required by law for the permit, that is, those contained in Decree 1078 of 2015 (former Decree 195 of 2005), (ii) that it is requested before the authority that has been foreseen locally to know the process of installation

permits (in most cases the Municipal Planning Secretariats), (iii) that after submitting the permit authorization request, the authority will not pronounce within the maximum term established by the decree, regarding whether to approve, deny or declare the withdrawal of the request, and (iv) that the area where the permit is requested does not have restrictions for the installation of telecommunications infrastructure.