



# COVID-19



Enacted Regulations

March 27, 2020.

INDACOCHEA & ASOCIADOS  
ABOGADOS / SOCIEDAD CIVIL



## ENACTED REGULATIONS – COVID-19

March 27, 2020

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In the last week, a series of national and municipal regulations have been enacted in order to stop the propagation of COVID-19.

Below, we provide a detailed and complete report of the scope and implications for the private sector of each regulation:

### HEALTH EMERGENCY DECLARATION

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The **Supreme Decree No. 4200** establishes that:

1. From Thursday, March 26th until Wednesday April 15th, all private and public activities are suspended except for private and public health services, institutions, public and private service companies and industries, bank and non-bank financial entities, public, private or mixed financial entities, among others.
2. Authorized transportation to attend emergencies may circulate during the above-mentioned emergency declaration with prior authorization from the competent authority, as well as transportation for the transfer of personnel of health services and others required due to the nature of strategic service including those dedicated to supplying essential and pharmaceutical items.
3. People who work in neighborhood stores, markets, supermarkets and supply centers of basic necessities can do so, with minimum personnel to attend providers and customers.
4. People who need medical attention and those who may be in a fortuitous event or force majeure, can circulate between 6am to 1pm.
5. The Decree establishes that individuals must remain in their homes allowing only one family member to stock up on essential products, between 7am and 12pm, and on a specific week day according to the last digit of their ID.
6. In the same way, the Decree establishes that Financial Institutions will facilitate the use of electronic means of payment for the purchase of goods and services. For this purpose, the validity of the electronic signature is provided for financial transactions, without restrictions for the celebration of financial contracts and remote shopping, all this being applied with the use of security keys and passwords with the corresponding security measures provided by the Financial Institutions.
7. As a way to beat the adverse economic effects of the quarantine for people with less possibilities, the national government will (i) pay the country's electric energy bills of domestic category that consume up to Bs.120.- for the months of April, May and June 2020, (ii) pay 50% of water consumption of domestic category for the months of April, May and June 2020 as well, and (iii) will grant a Family Food Basket to be distributed throughout the Bolivian territory.

8. Those who fail to obey the mentioned regulation will be subject to arrest of 8 hours plus a fine of Bs. 1,000. - without prejudice to the corresponding criminal complaint before the Public Ministry for commission of crimes against public health.
9. Those who incite the non-compliance, misinform or create uncertainty of the mentioned Supreme Decree, will be subject to a criminal complaint for the commission of crimes against public health. The private establishments that do not comply with the provisions of this Supreme Decree, will be sanctioned with final closure of their facilities.
10. The drivers of vehicles that do not have the corresponding circulation authorization, will be liable to the capture of their vehicles until the quarantine is over and subject to arrest of 8 hours, without prejudice to the corresponding criminal complaint before the Public Ministry for the commission of crimes against public health. Additionally, these drivers will be liable to a fine of Bs.1.500.- (2 wheel vehicles) and, a fine of Bs.2.000.- (2+ wheel vehicles).
11. Those who commit crimes against public health will be subject to arrest, from 1 to 10 years, in accordance with the Bolivian Penal Code.
12. Pension Funds Administrators (AFP), are authorized to provide care to the vulnerable population for which the following transitional procedure must be applied for the Dignity Income and Retirement payment. The enabled and authorized payments in the Dignity Income Database and retirees, may exceptionally be collected by a relative of the beneficiary in the Financial Institutions authorized by the ASFI (Authority of the Financial System).

## **ATTENTION TO THE PUBLIC IN FINANCIAL INSTITUTIONS, SUPPLY CENTERS AND COMPANIES**

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According to the **Supreme Decree No. 4200:**

1. The schedule for the opening of facilities and customer service of banking and non-banking, public, private or mixed financial institutions, neighborhood stores, markets, supermarkets and supply centers of basic necessities, remain from 8:00am to 12:00pm.
2. Pharmacies and health entities, including private offices, health posts and other health services at different levels may have extended hours.
3. Companies or people dedicated to food production, provision of supplies for these, and/or the preparation of hygiene products and medicines, must continue with their activities uninterrupted or according to the modality applicable to their activity in order to guarantee the production and supply chain.
4. Companies and people dedicated to supply activities or producers of essential items must continue with their normal activities from Monday to Sunday, 24 hours a day, in order to guarantee the supply of products to the entire population. The supply with their suppliers should be from 2pm to 5pm, according to the modality applicable to their activity.
5. Companies and people dedicated to supply activities of essential items must provide the means of transportation and corresponding circulation authorization for the transportation of their personnel.
6. Companies that provide gasoline, gas, diesel and other fuel supply services, must carry out their activities uninterrupted.

## **FINANCIAL SYSTEM INSTITUTIONS AND COMPLEMENTARY SERVICES**

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1. Beginning Monday, March 23rd thru April 15<sup>th</sup>, these entities will open to the public with minimum and emergency personnel, covering requests with a bank teller, personal banker, accounting, systems and security from 8:00am to 12:00pm.
2. Deadlines of administrative procedures are suspended, including summary, sanctioning and others that cannot be met due to the suspension of public and private activities from March 23<sup>rd</sup> until the quarantine is declared over.

## **PENSION FUND ADMINISTRATOR – AFP FUTURO DE BOLIVIA**

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Establishes that from March 23rd all activities nationwide are suspended. Ongoing procedures will be handled once the quarantine period ends without affecting rights.

## **PENSION FUND ADMINISTRATOR - BBVA PREVISIÓN**

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1. Suspends all its activities and entry of new procedures in the areas of benefits and operations until April 15th without affecting the initial date of applications. For ongoing procedures, their deadlines and handling of these will be computable from April 1st to April 15th.
2. The procedures of control of experience, request of no discount for health and study certificates that conclude in March 2020, will be extended until April 30th.
3. Likewise, the payment of contributions is enabled virtually through their website. February payments can be paid until March 31st.
4. Enables the following number +591 78509411 to make any inquiry, by WhatsApp, regarding the Integral Pension System.

## **SENASAG**

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1. The **Ministerial Resolution No. 115**, which established the list of agricultural products of natural origin subject to internal movement guidelines, is temporarily suspended.
2. The terms and interruption of administrative deadlines are suspended in different areas that govern the administrative activity of the corresponding Ministry and its dependencies without exception within the framework of the total quarantine in our country.
3. Two copies of the Food Safety Import Permit and/or Border Customs Administrations Prior Authorization according to R.A Procedures No. 05/2015 and No. 07/2018. Once the sanitary emergency is over, the presentation of the original documents must be updated. If mentioned documents were not updated the issuance of import permits will be suspended.

4. The issuance of the GMA is provided for animals that uniquely enter slaughterhouses during the quarantine. Biosecurity measures must be kept for foreign trade of products and sub-products of animal y vegetal origin.
5. Personnel is available to guarantee the issuance of permits, authorizations and/or certificates. Likewise, the transportation of personnel under biosafety measures is guaranteed for certifications and on-site inspections.

## **FUNDEMPRESA**

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Suspends its activities until April 15th. Nevertheless, procedures such as name searches , publications, registration updates, among others can be carried out online through the following websites: [www.miempresa.gob.bo](http://www.miempresa.gob.bo) and [www.gacetadecomercio.gob.bo](http://www.gacetadecomercio.gob.bo).

## **SENAVEX**

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Establishes that the Emergency Procedure to attend SENAVEX Export requests, which must be processed through the VORTEX Platform, must be filed through the mentioned platform and the Sworn Declaration of Origin must be updated as well. Likewise, the Purchase of Certificates of Origin will be made in the regional offices.

## **NATIONAL AND INTERNATIONAL CARGO TRANSPORTATION**

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The Ministry of Public Works, Services and Housing through the Vice Ministry of Transport establishes that:

1. The circulation of cargo transportation dedicated to the provision of basic services and basic necessity throughout the national territory is authorized.
2. The circulation of cargo transportation and merchandise in transit until the conclusion of its transport operation as well as the return of the containers to their place of origin is authorized.
3. National and foreign drivers who are entering the temporary cargo in national territory and who comply with biosafety measures, are exempt from quarantine.
4. Cargo transportation must comply with the established sanitary and biosecurity measures.

The Port Services Administration - Bolivia (ASP-B), through the [ASP-B/UCOM-005/2020](#) statement, enabled the following websites: [www.aspb.gob.bo](http://www.aspb.gob.bo) and [siap.aspb.gob.bo](http://siap.aspb.gob.bo), so that these portals for import and export cargo clearance procedures can be made through the seaports of Chile and Peru.

## **VEHICLE CIRCULATION PERMITS**

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Following the [Supreme Decree's No. 4200](#) provisions, the Vice-ministry of Citizen Security has created a website for those people and institutions that require circulation permits. In order to obtain this authorization, you must enter the following website: <https://permiso.agnetic.gob.bo/#/formulario> and

enter the vehicle and driver's requested information, as well as attach paper trail to state the reasons why you require the mentioned permit.

Take into account that the vehicle circulation permits that have been processed before the promulgation of the Supreme Decree No. 4200 remain in force until March 31st, after this date a new permit must be requested.

## **STATE AGENCY FOR MEDICINES AND HEALTH TECHNOLOGY -AGEMED**

The State Agency for Medicines and Health Technology – AGEMED has issued a series of circular notes which determines procedures to be followed by industrial laboratories and pharmaceutical companies during quarantine.

### **1. Circular Note 21/2020**

Establishes the requirements for opening industrial cosmetology laboratories for the production and commercialization of hand sanitizer.

### **2. Circular Note 24/2020**

Establishes the continuity of the customs clearance procedures, establishing that AGEMED will accept the request of the Customs Clearance Certificate application properly filled, with stamps and duly signed by the legal representative and pharmaceutical manager.

### **3. Circular Note 25/2020**

Recommends the flexibility in delivery deadlines of medicines and supplies and accepts partial deliveries as well. Likewise, it states that the legalizations of health records will not be issued, being able to verify the records in the following website: <http://agemed.minsalud.gob.bo/unimed/consultas-req-san.htm>.

### **4. Circular 26/2020**

Guarantees the access to request services from AGEMED Department of Control. The necessary documentation is to be sent through the following authorized e-mails:

<b>Service Request Type</b>	<b>E-mail</b>
Certificate for Customs Clearance	maibanez@minsalud.gob.bo
Control of Controlled Substances	xlopez@minsalud.gob.bo
Companies	lihuanca@minsalud.gob.bo
Other Certifications	zmamani@minsalud.gob.bo

In case companies have entered procedures or submitted notes to the mentioned department before quarantine, it is recommended forwarding everything by e-mail in order for AGEMED to respond faster. Anyhow, customer service offices will be open regularly.

For the presentation of quarterly controlled substances reports, 10 working days will be considered once the quarantine measures have been suspended.

### **5. Circular Note 27/2020**

The aforementioned circular note guarantees the access to medicines and determines that all deadlines for submission of documents are suspended beginning March 23rd.

For procedures of new health records and/or NSOs, legalized photocopies of products considered essential for the prevention, diagnosis and treatment of COVID-10 can send the documentation, along with the bank transfer to the following e-mails:

Type of Request	Send to:
Medicine Health Registry	mchipana@minsalud.gob.bo
Sanitary Registry of Medical Devices	acayilagua@minsalud.gob.bo
Vaccine Health Registry	cramirez@minsalud.gob.bo
Reagent Registration	cramirez@minsalud.gob.bo
Mandatory Sanitary Notification for Cosmetics	cramirez@minsalud.gob.bo
Mandatory Sanitary Notification for Domestic Hygiene Products	cramirez@minsalud.gob.bo
Medicine Lot Records	fvargas@minsalud.gob.bo
Vaccine Lot Release Certification	cramirez@minsalud.gob.bo
Legalized photocopies of Health Registry/NSO	ecaballero@minsalud.gob.bo

Health records that are in process of re-registration remain valid. For procedures pending approval, the request must be submitted to [ecaballero@minsalud.gob.bo](mailto:ecaballero@minsalud.gob.bo) indicating in the subject the roadmap number to proceed with the virtual evaluation and be able to respond as soon as possible.

#### 6. Circular Note 30/2020

This circular provides that Pharmaceutical Companies, Industrial National Laboratories, Medicine Importers and Distributors must guarantee the production and supply of medicines and supplies.

In the same way, it established that National Laboratories, Medicine Importers and Distributors cannot close their facilities and must organize themselves to carry out the supply and distribution of medicines.

### **BOLIVIAN NATIONAL CUSTOMS**

#### **Procedure for the Passenger Regime and Control of Foreign Currency**

The **Resolution No. RA- GG 03-015-20** suspends the implementation of the Regime of Travelers and control of Currencies, with respect to the presentation of the manifesto of Passengers and Baggage.

Likewise, it validates Forms 250 and 251 through the AN Viajero application in the border Customs Administrations, in order to apply the provisions established for the containment of COVID-19.

#### **Attention Schedule:**

It has arranged special hours from 8:00am to 1:00pm for Border Administrations, Internal Customs, Free Trade Zones and Airports. At these times, import and export operations of hospital and basic necessity merchandise will be attended during the total quarantine period that is held in our country.

### **Deadlines and procedures:**

1. The deadlines for the application of customs regimes and special customs destinations are suspended, which will restart the next business day of the lifting of the declaration of national emergency.
2. During the declaration of emergency, customs violations will not be applied due to non-compliance with the terms of the customs regimes and special customs destinations. It is recalled that the Prior Authorizations together with the supporting documents for the Cargo Manifesto must be presented to National Customs Agency abroad through the SUMA portal.
3. Only in the cases where the presentation of the Declaration of Acquisition of Goods is not required, the supporting documents can be presented through the EMIC and SUMA computer systems.
4. The Prior Authorizations and Certifications of the Unique Import Declarations and their supporting documents may be submitted through online platform. Certifications and prior authorizations issued by AGEMED may be scanned and sent by online platforms.

### **LOTTERY AND GAMING AUTHORITY**

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The **Executive Administrative Resolution No. 02-00040-20** determines that:

1. The procedural deadlines are suspended during the quarantine period set by the National Government from March 22nd, 2020 until April 4<sup>th</sup>, 2020 regarding:
  - Obligations arising from the development of business promotions established in the Regulation for the Authorizations of Business Promotions in force.
  - Presentation of Appeals.
  - Emerging obligations of the development of Lottery, Random and Draw Games.
  - In administrative sanctioning processes emerging from lottery activities, chance, raffle and Business Promotions.
  - Inspection processes.
  - Refund processes.
  - Claim processes.
  - Payment facilities.
2. Companies who are developing business promotions in any of its stages, may request the suspension or resignation of the same as appropriate, understanding the situation of national health emergency and quarantine in the entire territory of Bolivia as force majeure, exempting the administrator to submit supporting documents to such request.
3. Promotions that have not been authorized via the AJ Online Platform, must be sent via e-mail:
  - Regional Bureau La Paz: [aj.lpz@aj.gob.bo](mailto:aj.lpz@aj.gob.bo)
  - Regional Bureau Santa Cruz: [aj.scz@aj.gob.bo](mailto:aj.scz@aj.gob.bo)
  - Regional Bureau Cochabamba: [aj.cbba@aj.gob.bo](mailto:aj.cbba@aj.gob.bo)
4. It is determined that the suspension of terms will be lifted once the established quarantine has concluded, the procedural terms will continue from the next business day of the quarantine period. In no case its extension is allowed, except for an administrative act that determines this situation.



## **MINISTRY OF LABOR**

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The **Statement 11/2020** determines:

1. The suspension of deadlines in Administrative Processes and Administrative Actions except for the payment of social benefits that must be made within the deadline (15 days), which may be made by online bank transfer or other modality during the quarantine.
2. The obligation and responsibility of public and private entities, which are carrying out exceptional activities, to provide transportation of their personnel from their home to their workplace and back home.
3. The prohibition of public and private entities, that have authorization to carry out exceptional activities, to summon personnel considered as a risk group to work outside their homes.
4. The obligation to comply with the measures for the prevention and containment of COVID-19 during the quarantine.

## **MINISTRY OF HYDROCARBONS**

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The institutions and companies that provide services to the Hydrocarbons sector do not require a vehicle circulation permit, however, the following measures must be taken when circulating in the national territory:

1. The staff must carry credentials of each company or institution they work for, and must be placed in a visible spot.
2. Vehicles in which personnel are mobilized must have the company's logo visible regardless of whether it is owned by the company or provides a service under a contractual relationship.

## **MUNICIPAL TAXES – SANTA CRUZ DE LA SIERRA**

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Municipal Autonomous Law GAMSCS No. 1284 of the Municipal Autonomous Government of Santa Cruz establishes solidarity discounts of 50% for the payment of Municipal Taxes on (i) Real Estate Property (IMPBI), (ii) Automotive Vehicles and, (iii) Municipal Patents for economic activities, corresponding to the fiscal year of 2019.

The regulations also extend the benefit to the payment of the Municipal Patent of the Municipal Wholesale and Retail Supply centers for the 2020 fiscal year, these discounts will come into effect from March 24th and until April 30th, 2020.

## **SUPERVISION OF THE FINANCIAL SYSTEM - ASFI**

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1. **Circular Note 2633/2020**  
This circular note determines that the instructions issued in circular 2598/2020 are also applicable to Financial Leasing Companies.

2. **Circular Note 2715/2020**

This circular note establishes that depending on the analysis carried out on a case-by-case basis (taking into account circular notes 2598/2020 and 2633/2020), may additionally consider for the deferral mechanism in an exceptional way to the borrowers whose installment payment is between March 1st and 14th, 2020.

**Resolution ASFI/257/2020** establishes:

1. The partial suspension of sending of information contained in the Compilation of regulations for financial services, as well as for the Securities Market. Said measure will be applied during the total quarantine period.
2. The suspension of sending and receiving physical information of the Supervised Entities and Audit Companies.
3. The inapplicability of fines and sanctions to supervised entities and external audit companies for not sending the information.

## **PENSION FUNDS**

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The Vice Ministry of Pensions and Financial Services, Supervisory Authority of the Financial System - ASFI and the Authority for Fiscalization and Control of Pensions and Insurance - APS provides that:

1. The insured, dependents, and beneficiaries may collect their benefits in the authorized Financial Institutions.
2. Elderly or disabled adults may designate a family member (children, grandchildren or nephews) to collect their benefit.
3. The person who collects the benefit must present a handwritten or printed authorization note, signed and with a fingerprint, the original identity document of the beneficiary and collector.

We will await to the evolution of the next days and will immediately inform any update of the regulations to be followed at the municipal, departmental and national levels.

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This document contains a compendium of the main regulations in force in the national territory. For a complete report on the implications and application of the information that it entails, please contact the email: [indacochea@indaocochea.com](mailto:indacochea@indaocochea.com)