



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Uruguay

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- ***Questions to be answered by close of business Friday, 27 March are listed below.***
- ***Please be sure to include English translations of relevant text where possible.***

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

- To keep its citizens informed and connected, Uruguay developed a digital strategy in collaboration with 12 private companies, which includes a “virtual assistant” app.¹ The virtual assistant provides the public with information on COVID-19 and its progress, as well as containment measures, recommendations, and a unique epidemiological questionnaire developed by the Ministry of Public Health for people with possible symptoms. The virtual assistant was integrated into the two most widely used messaging platforms in Uruguay, WhatsApp and Facebook Messenger. Similarly, the Ministry of Public Health frequently updates COVID-19 information with both digital and telephonic providers from private and public sectors.²
- The Ministries of Health, Labor and Economy, the Plenary Inter-union of Workers - National Convention of Workers representatives, health unions, the state health services administration, private providers and emergency mobile providers collaborated to design a security protocol for health workers and users of the national integrated health system.³

¹ Situation Report, 20 March 2020, available at

<https://www.gub.uy/sistema-nacional-emergencias/comunicacion/comunicados/informe-situacion-20032020> (“Starting today, the Coronavirus UY mobile application will be available. This application will be useful for those who suspect having COVID-19. Anyone who believes they have been infected with COVID-19 can download the application and start the consultation process, and then coordinate the correct action to take with healthcare providers. This tool, in which 12 companies and 150 people participated in the development, helps to avoid congestion in the service centers and the saturation of telephone services. It is a change in the healthcare paradigm, which implies a qualitative leap in national medicine. It can be downloaded at: [plancoronavirus.uy](https://www.gub.uy/plancoronavirus.uy).”).

² Situation Report, 21 March 2020, available at

<https://www.gub.uy/sistema-nacional-emergencias/sites/sistema-nacional-emergencias/files/2020-03/Informe%20de%20situaci%C3%B3n%20sobre%20coronavirus%20COVID-19%20en%20Uruguay%20%2821%20de%202020%29.pdf> (“Starting today, a new communication channel is available to evacuate queries about the coronavirus COVID-19. This is the whatsapp line 098 999 999. This initiative, like 0800, the chatbot and the mobile application, seek to facilitate access by the population to information related to the COVID-19 coronavirus in Uruguay.”); Sistema nacional de emergencias, “La estrategia digital frente al COVID-19,” 7 April 2020, available at <https://www.gub.uy/sistema-nacional-emergencias/comunicacion/noticias/estrategia-digital-frente-covid-19>.

³ *Id.* (“Today a meeting was held between the ministries of Health, Labor and Economy, [Plenary Inter-union of Workers - National Convention of Workers] representatives, health unions, [the state health

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

- The Ministry of Public Health's establishment of a Covid-19 expert committee mentions generally offers of support from international organizations.⁴
- The 16 March 2020 Situation Report noted that the Pan American Health Organization donated medical equipment.⁵
- The International Committee of the Red Cross coordinated the first videoconference between representatives of the penitentiary and health systems of Argentina, Brazil, Chile, Paraguay and Uruguay to discuss a protocol for penitentiary systems. The International Committee of the Red Cross will write a specific protocol for penitentiary systems that will be permanently updated according to the advancement of the virus in the region. This video conference also served as a kick-start for the generation of a network among the countries to jointly monitor the situation via videoconference.⁶
- The Ministry of Social Development, the Ministry of Public Health, and the Uruguayan Red Cross signed the "Humanitarian Collaboration Agreement for establishments offering care services to the elderly," providing for mutual cooperation between the parties. The agreement permits the Uruguayan Red Cross to deliver humanitarian aid kits in establishments that offer care services to the elderly and selection and management of volunteers to fulfill the aforementioned objective.⁷

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

The provisions ordering travel restrictions provide for certain exceptions for humanitarian relief efforts. Below is a summary of what appear to be the most relevant restrictions, along with the various conditions and restrictions that attach thereon:

- Decree 93/020, dated 13 March 2020, requires a minimum 14-day quarantine for persons who enter the country after having travelled through or remained in a "high-risk area."⁸

services administration], private providers and emergency mobile providers, and a security protocol was agreed for health workers and users of the national integrated health system.")

⁴ Ministry of Public Health Order No. 230, 19 March 2020, at 1, available at <https://www.gub.uy/ministerio-salud-publica/sites/ministerio-salud-publica/files/2020-03/Ord%20N%C2%B0%20230-2020.pdf> ("[T]hat the Ministry of Public Health has received the offer of support from different Chairs of Medicine, Societies Scientific and the National Academy of Medicine; as well as other Secretaries of State and international organizations, within the framework of the situation that concerns us.").

⁵ Situation Report, 16 March 2020, available at <https://www.gub.uy/sistema-nacional-emergencias/comunicacion/comunicados/informe-situacion-16032020> ("A donation of medical equipment (biosecurity for healthcare personnel) was received from the Pan American Health Organization (PAHO - WHO).").

⁶ Ministry of the Interior, Videoconference with the ICRC to face the health emergency, 27 March 2020, Available at <https://www.minterior.gub.uy/index.php/unicom/noticias/7604-videoconferencia-con-el-cicr-para-afrontar-la-emergencia-sanitaria>.

⁷ Ministry of Social Development, "MSP, MIDES, and the Uruguayan Red Cross sign a humanitarian collaboration agreement," 20 April 2020, available at <https://www.gub.uy/ministerio-desarrollo-social/comunicacion/comunicados/msp-mides-cruz-roja-uruguay-firman-convenio-colaboracion-humanitaria-0>.

⁸ Decree 93/020, 13 March 2020, Art. 8, available at https://medios.presidencia.gub.uy/legal/2020/decretos/03/cons_min_18.pdf ("Those persons who ... enter the Oriental Republic of Uruguay after having transited or remained in 'high risk areas.'"); A "high risk area" is defined as "those determined by the World Organization for Health in its daily updates...." *Id.*, at Art. 9.b.

- Decree 94/020, dated 16 March 2020, imposed the following travel restrictions:
 - Passengers and crews of cruise ships and commercial ships that come from “high risk areas,” as well as symptomatic individuals may not land in the country.⁹
 - People may not enter Uruguay through Argentina via land, sea, river and / or air borders, whatever their modality.¹⁰
 - The provision provides an exception for “goods, merchandise, correspondence, humanitarian and health aid and supplies.”¹¹ There appear to be no attached requirements or other conditions.
 - Private, international flights from Europe are suspended.¹²
 - The provision provides an exception for “goods, merchandise, correspondence, humanitarian and health aid and supplies.” There appear to be no attached requirements or other conditions.¹³
 - According to the Situation Report dated 16 March 2020, international flight arrivals will only be permitted into the Carrasco and Laguna del Sauce airports.¹⁴
- Decree dated 16 March 2020, imposed the following travel restrictions:
 - Limits entry from Brazil to Uruguayan citizens and foreign residents of Uruguay.¹⁵
 - Land transportation of merchandise and cross-border humanitarian actions previously authorized by local authorities are not affected by the provisions of this decree.¹⁶

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

⁹ Decree 94/020, 16 March 2020, Art. 2, available at https://medios.presidencia.gub.uy/legal/2020/decretos/03/cons_min_19.pdf (“Passengers and crew of cruise ships and commercial ships that come from “high risk areas”, as well as symptomatic (who present fever and one or more respiratory symptoms: cough, sore throat or respiratory distress) may not land in the country.”)

¹⁰ *Id.*, Art. 2 (Determine that for reasons of public order and sanitation, people will not be allowed to enter the country from the Argentine Republic by land, sea, river and / or air borders, whatever their modality.”).

¹¹ *Id.* (... Likewise, the international transport of goods, merchandise, correspondence, humanitarian and health aid and supplies are exempt from the prohibition of entry into the country.”).

¹² *Id.*, Art. 3 (“Private, international flights are suspended, regardless of their modality, from Europe.”)

¹³ *Id.* (“The flights of companies that transport goods, merchandise, correspondence, humanitarian and health aid and supplies are exempt from suspension.”).

¹⁴ Situation Report, 16 March 2020, available at <https://www.gub.uy/sistema-nacional-emergencias/comunicacion/comunicados/informe-situacion-16032020> (“In relation to international flights, it was determined that landings of aircraft from abroad will be made only at the Carrasco and Laguna del Sauce airports. This measure seeks to ensure epidemiological control at airports.”)

¹⁵ Decree 93/020, 23 March 2020, Art. 1, available at (“Only Uruguayan citizens and foreigners residing in Uruguay may enter from the Brazilian territory into the territory of Uruguay.”).

¹⁶ *Id.*, Art. 5 (“The provisions of this Decree will not affect the land transportation of merchandise, according to current legislation, nor those cross-border humanitarian actions previously authorized by local authorities.”).

- Resolution S/N ordered the closure of all shopping center stores except supermarkets, pharmacies, **financial service providers and health service providers**.¹⁷

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

- The state has implemented a temporary elimination of import tariffs on certain personal protective equipment and pharmaceutical products including, but not limited to, N95 masks, Resuscitation respiratory systems and Respirators.^{18 19}
- There is no general quarantine requirement imposed on the public, but some specific restrictions and suspension on certain activities were put in place, which include, in addition to those stated in the answer to question 4, closures of schools, public shows, National Library and museums as well as travel restrictions.²⁰

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

- We could not find sources of a government legislation or decree that called for a general and complete restriction on business operations and opening hours (except specific restrictions and exemptions to those restrictions as included in the answers to questions 4 & 5 above). Therefore, no categorization of businesses as “essential” or “non-essential” is relevant since humanitarian services were not restricted from operating.²¹

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

Uruguay has taken the below measures to alleviate the economic impact on both Businesses and people.

- Providing Support to MSME's:
 - Providing access to Micro, Small and Medium-sized Enterprises (MSME's) to the Directed Credit Program which provides credits for working capital and favorable conditions for debt refinancing.²²

¹⁷ Resolution S/N, 17 March 2020, Art. 1, available at https://medios.presidencia.gub.uy/legal/2020/resoluciones/03/msp_11.pdf (“Order companies that own and / or manage large commercial premises (Shopping Center), the preventive and provisional closure of the same, excluding the premises for the sale of food and sanitary products (supermarkets and pharmacies), the premises that provide financial services and those that provide health services, until the Executive Power determines it.”).

¹⁸ Ministry of Economy and Finance, Special import regime for products declared essential by the Ministry of Public Health, 23 March 2020, available at <https://www.gub.uy/ministerio-economia-finanzas/comunicacion/noticias/regimen-especial-importacion-productos-declarados-esenciales-ministerio-salud>.

¹⁹ Ministry of Economy and Finance, Ministerial Resolution 2020/05/001/60/104, 24 March 2020, available at <https://www.gub.uy/ministerio-economia-finanzas/sites/ministerio-economia-finanzas/files/documentos/noticias/Resoluci%C3%B3n%20r%C3%A9gimen%20de%20importaci%C3%B3n.pdf>.

²⁰ Uruguay Coronavirus National Plan System, Government measures to address the coronavirus health emergency (COVID-19), 24 March 2020, available at <https://presidencia.gub.uy/comunicacion/comunicacionnoticias/medidas-gobierno-sanitaria-emergencia-sanitaria-covid19>.

²¹ *Id.*

²² Official site of the Oriental Republic of Uruguay, Health Emergency, Measures for Companies, available at <https://www.gub.uy/comunicacion/comunicados/medidas-para-empresas>.

- Providing subsidiary and insurance (soft loans) for cessation of activities for the months of April and May.²³
- Economic relief for tax payments under DGI: The minimum of VAT payments for the months of March and April was deferred and will be paid in 6 equal installments consecutively from the month of May.²⁴
- Partial unemployment benefits: Companies will be given the opportunity to request a special subsidy for monthly private sector workers, who meet the eligibility requirements and who are affected by the COVID-19 health emergency.²⁵
- The Social Security Bank has implemented mechanisms affecting payment of contributions for the months of March and April including:
 - Exemption from 40% of personal and employer contributions, from non-dependent workers.
 - Financing of 60% of the employer and personal contributions of non-dependent workers in 6 installments, the first installment being paid in June.²⁶
- Measures affecting the maturities of loans granted to companies before the emergence of the health emergency:
 - Maturities of The Banco de la Republica Oriental del Uruguay (BROU) Loans were extended to those with less than 200,000 dollars or its equivalent in national currency. For those with greater debt, each case will be reviewed separately.²⁷
 - For maturities of loans from the non-financial sector, institutions were authorized to extend the maturity terms through an agreement with their clients for up to 180 days.²⁸
- Providing Guarantees to MSMEs in need of credit but do not have guarantees to do so through the SiGa Emergencia's new guarantee league.²⁹

Measures to help the public:

- Food Emergency Basket: The Government provides a Food Emergency Basket for people affected in the event of food emergency, provided that they are not recipients of certain state benefits.³⁰

²³ Agencia Nacional da Desarrollo, More support measures for micro and small entrepreneurs, available at <https://www.ande.org.uy/noticias/item/nuevas-medidas-de-gobierno-para-micro-y-pequenos-empresarios-subsidio-y-seguro-por-cese-de-actividad.html&usg=ALkJrhgDeT8UA96XaydYeo3I3Py8wf5X9Q>.

²⁴ Dirección General Impositiva, Resolution No. 550/2020, Economic Measures to face the effects of COVID-19, available at https://www.dgi.gub.uy/wdgi/page?2%2Cprincipal%2C_Ampliacion%2CO%2Ces%2CO%2CPAG%3BCONC%3B30%3B6%3BD%3Bmedidas-economicas-para-enfrentar-efectos-de-covid-19%3B6%3BPAG%3B=.

²⁵ Instituto de Seguridad Social, Special partial unemployment benefit for monthly workers, available at https://www.bps.gub.uy/16874/subsidio-especial-por-desempleo-parcial-para-trabajadores-mensuales.html&usg=ALkJrhi7gRD48I633xjhVI_3Z9g8w77QMw.

²⁶ *Id*, Exemption and financing for payment of contributions for March and April, available at <https://www.bps.gub.uy/16911/&usg=ALkJrhhZBTOQ1Z5yktAY7Eg1nDbON9d30Q>.

²⁷ *Id*, Official site of the Oriental Republic of Uruguay, Health Emergency, Measures for Companies.

²⁸ *Id*.

²⁹ Agencia Nacional da Desarrollo, SiGa Emergencia, available at https://www.ande.org.uy/grupos-asistidos/item/siga-emergencia.html%3Fcategory_id%3D99&usg=ALkJrhj_gThPt-mqvYV3VapaPcREmY4jZA

³⁰ Ministry of Social Development, Food Emergency Basket Request, available at <https://www.gub.uy/ministerio-desarrollo-social/comunicacion/comunicados/solicitud-canasta-emergencia-alimentaria>.

- Uruguay Social Card: The Government provides a monetary grant to households in a situation of extreme socioeconomic, including those in such situations due to health emergencies.³¹
- Extension of BROU payment obligations: The Banco de la Republica Oriental del Uruguay (BROU) social loans maturities to retirees, pensioners, public officials and private employees have been extended for 90 days and Credit Card payments for 30 days without interest due to the health emergency.³²
- The Mortgage Bank in Uruguay (Banco Hipotecario del Uruguay) reduced 50% of installments that must be paid in April and May for all its portfolio clients of mortgage loans.³³
- The National Housing Agency has implemented the below measures (translated from the National Housing Agency's website www.anv.gub.uy)³⁴
 - For Families:
 - The quotas corresponding to the months of April and May will be available in the collection networks and the non-payment of the same will not generate fines or surcharges for 60 days.
 - Those who pay the quota on date will receive a bonus of 10% in addition to the one already granted, as well as those who make the payment through the method of withholding salary.
 - All payment agreements or agreements that expire on February 29, 2020 will be extended for 60 days.
 - The acceptance of these conditions will not generate the entry to the Clearing of Reports.
 - Subsidies will be extended for all MVOTMA portfolios that expire on March 30, 2020, for 60 days.
 - Extrajudicial auctions and the delivery and takeover of assets acquired by this modality are suspended, until the institution resumes its normal activity.
 - For Housing entities:
 - The increase in interest on work is suspended as of April 1, 2020 and for 60 days. This resolution can be extended for an additional 30 days if necessary.
 - Cooperatives that have their certificate of regularity expired and entered the renewal in the MVOTMA before March 13, 2020, may process new applications, modification or renewal of subsidies with a note signed by the board of directors and the family for 60 days from the date. The Assembly must ratify it within 30 days after the sanitary emergency is lifted, if not, the provisional subsidy will be without effect, communicating it to MVOTMA.
 - The entry of applications for subsidy modifications will be authorized, even if they have been granted less than three months ago if any of the members of the family nucleus is dismissed or enters unemployment insurance in any of its modalities after March 13, 2020. Once the health emergency is over, the beneficiary of the subsidy will have ninety days to prove the economic situation of the family nucleus in order to assess the validity of the benefit modification.
 - Health Benefits access for workers over 65 without the intervention of the health providers.³⁵

³¹ *Id*, Uruguay Social Card, available at <https://www.gub.uy/ministerio-desarrollo-social/politicas-y-gestion/programas/tarjeta-uruguay-social>.

³² Official site of the Oriental Republic of Uruguay, Health Emergency, Measures for People, available at <https://www.gub.uy/comunicacion/comunicados/medidas-para-personas>.

³³ *Id*.

³⁴ Agencia Nacional de Vivienda, Measures taken to provide solutions. <https://www.anv.gub.uy/medidas-adoptadas-para-brindar-soluciones>

³⁵ *Id*, Instituto de Seguridad Social, Sickness benefit for workers over 65.

<https://www.bps.gub.uy/16880/subsidio-por-enfermedad-para-trabajadores-mayores-de-65->

- Travelers who are abroad are eligible to have their travel insurance be extended through BSE (a state-owned insurance company) under the same conditions.³⁶
- A law was passed establishing COVID-19 as an occupational disease which provides private sector employees to receive subsidies determined by the law itself.³⁷
- A new payment planned has been introduced that facilitates the payments of new insurance and renewals.³⁸

For a more detailed list of the measures taken by Uruguay, please refer to the attached table titled “Measure taken to address the coronavirus health emergency (COVID-19).”

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

- As of April 18, no restrictions have been adopted or put in place to ban the export of protective medical equipment.^{39 40}

anos.html&usg=ALkJrhiBW2SnEqvQnbj9CDFSEiVxBW-0oQ

³⁶ Banco de Seguros Del Estado, Travelers Insurance Extension.

<https://www.bse.com.uy/inicio/destacados/extension-seguro-viajeros>

³⁷ *Id*, Health Personnel Affected by COVID-19. <https://www.bse.com.uy/inicio/destacados/accidente-de-trabajo-covid-19>

³⁸ *Id*, New payment plan. <https://www.bse.com.uy/inicio/destacados/nuevo-plan-pagos>

³⁹ World Customs Organization, List of national legislation of countries that adopted temporary export restrictions on certain categories of critical medical supplies in response to COVID-19. <http://www.wcoomd.org/en/topics/facilitation/activities-and-programmes/natural-disaster/list-of-countries-coronavirus.aspx>

⁴⁰ *Id*, Government measures to address the coronavirus health emergency (COVID-19), March 24, 2020.