

**NEWSLETTER ON REGULATORY ISSUES /  
COVID -19**

**No. 1**

**MARCH 26, 2020**



Due to the health emergency generated by the arrival to Colombia of the COVID-19 outbreak, different local and national administrative authorities have issued emergency regulations that take on special relevance for the development of the businesses of our clients and partners.

Taking into account the foregoing, Muñoz Tamayo & Asociados has prepared the first Newsletter on Regulatory Issues / COVID-19 with the purpose that this document becomes a tool that allows our clients, partners and friends to understand and adapt, in a better manner, to these extraordinary regulations.

This newsletter complements the Newsletter on Employment Issues / COVID-19 (available [here](#)) which was published a few days ago by our Labor Law Department and that will be updated on an ongoing.

**MATTERS OF THE NEWSLETTER**

- 1. UPDATES ON TAX AND COMMERCIAL MATTERS**
- 2. UPDATES ON PUBLIC PROCUREMENT MATTERS**
- 3. UPDATES ON LITIGATION MATTERS**
- 4. UPDATES ON THE PROCEEDINGS BEFORE SUPERINTENDENCIES**
- 5. UPDATES ON ENVIRONMENTAL MATTERS**

**1. UPDATES ON TAX AND COMMERCIAL MATTERS**

**1.1 NEW DEADLINES ARE ESTABLISHED AND REGULATIONS TO CARRY OUT THE OF ORDINARY MEETINGS OF THE MAIN CORPORATE BODIES ARE LOOSENED**

The Ministry of Industry, Commerce and Tourism, by means of [Decree 434 of March 17, 2020](#), established that the ordinary meetings of the corporate bodies (General Assembly of Shareholders<sup>1</sup> and Board of Partners<sup>2</sup>), corresponding to the fiscal year 2019, may now be carried out within the month following the end of the health emergency.



Additionally, by means of [Decree 398 of March 17, 2020](#) the following provisions in connection to virtual meetings were established:

- In order to duly and legally deliberate, it is necessary that the number of participants established in accordance with the Commercial Law and the relevant bylaws are present at the meeting.
- The Legal Representative must keep record of (i) the necessary quorum of the meeting and (ii) verify the identity of the virtual participants.



The same decree temporarily established that:

- Companies that as of the date of the decree had already summoned an in-person ordinary meeting for the year 2020 may, until one (1) day before the meeting, amend the summons in order to inform that it will be held in a virtual manner.
- The amendment of the summons must indicate, at least, the technological medium and the way to access the meeting.

<sup>1</sup> This is a free translation of the Spanish term “Asamblea General de Accionistas”

<sup>2</sup> This is a free translation of the Spanish term “Junta de Socios”

**1.2 NEW DEADLINES ARE ESTABLISHED FOR THE PRESENTATION OF FINANCIAL REPORTS AS OF DECEMBER 31, 2019**

**MANDATORY PREVENTIVE ISOLATION**

On March 22, 2020, the National Government, within the declaration of the Social, Economic, and Ecological state of Emergency, issued [Decree 457 of 2020](#), by means of which it declared a mandatory preventive isolation measure throughout the national territory, from **March 25 to April 13 of 2020**.

The Decree provides some exceptions during the mandatory preventive isolation, especially for health-care workers, industries that are part of the food and medicine supply chain, banking and financial services, postal payment operators, risk centers, security and money transport, notarial activities, and services strictly necessary for the operation of the critical infrastructure of Information Technologies - TICs, among others.

[Circular No. 100-000003 of March 17, 2020](#) of the Superintendence of Companies extended the deadlines for the presentation of the financial information as of December 31 of 2019 for the companies that are obliged to do so. The presentation of the Financial Reports, individuals and separated, from Groups 1, 2 and 3, will start on April 14 of 2020, ending on May 12, 2020 according to the last two (2) digits of company's tax identification number (NIT).

With respect to the consolidated Financial Reports and other reports that must be presented in accordance with Circular 201-000008 of November 22, 2019, the same original dates are maintained.

**1.3 NEW DEADLINES ARE ESTABLISHED FOR THE RENEWAL OF THE MERCANTILE REGISTRY AND OTHER RECORDS THAT ARE PART OF THE BUSINESS AND COMPANIES SINGLE REGISTRATION FORM (RUES), THE SINGLE REGISTRY OF PROPONENTS - (RUP) AND THE AFFILIATION TO THE CHAMBERS OF COMMERCE**

The Ministry of Commerce, Industry and Tourism, through [Decree 434 of March 17, 2020](#), extended the deadline for the renewal of the mercantile registry, the RUNEOL and the other registries that are part of the Business and Company Single Registration – RUES<sup>3</sup> until July 3, 2020.

The mentioned Decree also established that the persons registered on the Single Registry of Proponents (RUP)<sup>4</sup> will have, until the fifth (5<sup>th</sup>) business day of June 2020, to submit the required information in order perform the corresponding renewal.



<sup>3</sup> This is a free translation of the Spanish term “Registro Único Empresarial y Social – RUES”

<sup>4</sup> This is a free translation of the Spanish term “Registro Único de Proponentes– RUP”

Finally, the Decree indicated that the affiliation to the Chambers of Commerce, established in article 20 of Law No. 1727 of 2014, will be extended until July 3, 2020.

#### 1.4 THE DEADLINES OF THE 2020 TAX CALENDAR WERE EXTENDED



By means of [Decree 435 issued on March 19th, 2020](#), the Ministry of Finance and Public Credit, following the national health emergency resulting from the COVID-19 outbreak, extended the deadlines established in the tax calendar in connection with (i) the presentation and payment of the Income Tax declaration and Complementary, (ii) the payment of the Sales Tax – VAT, (iii) the payment of the Consumption Tax and (iv) the presentation of the Annual Declaration of Assets Abroad.

Pursuant to the foregoing, it is important to bear in mind that the new terms regarding Income Tax and Complementary and the Annual Declaration of Assets Abroad can be found in the link attached in the previous paragraph.

On the other hand, this Decree extended the payment of the Sales Tax - VAT of the second two months (March - April 2020) and the first four months (January - April 2020) until June 30, 2020, for taxpayers whose economic activity is:

- 5611 “Sales of prepared food on tables”.
- 5613 “Sales of prepared food in cafeterias”.
- 5619 “Other types of sales of prepared food.”
- 5630 “Sales of alcoholic drinks for consumption within the establishment”.
- 7911 “Activities of travel agencies”.
- 7912 “Activities of touristic operators”.

Finally, regarding the National Consumption Tax, the term to pay the corresponding declaration for the second two months (March - April 2020) was extended for taxpayers whose economic activity corresponds to any of the four (4) mentioned above, until June 30, 2020.

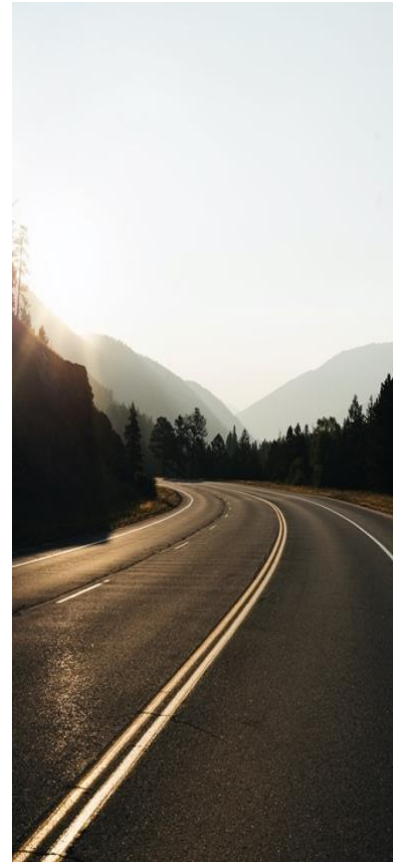
Should you have any question or require additional information regarding commercial and tax matters, it can be channeled through the following members of our team:

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## 2. UPDATES ON PUBLIC PROCUREMENT MATTERS

Through [Decree 440 of March 22, 2020](#), the National Planning Department took several measures in order to attend the economic, social and ecological emergency in relation to public procurement issues. Among the measures, the following aspects stand out:

- The public hearings that must be carried out in the selection processes or in sanctionatory proceedings may be conducted by electronic means.
- The state entities may suspend the selection processes and may revoke the administrative opening acts as long as the presentation of bids date has not passed.
- Due to the State of Emergency, the evident urgencys<sup>5</sup> to activate the mechanism of direct contracting of goods and services will be proven for acts related for the mitigation of the COVID-19 outbreak. In addition, State contracts that allow a better management of the emergency may be modified or add without price limitation.



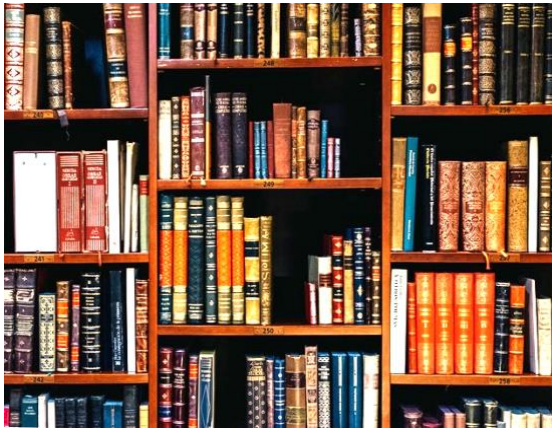
<sup>5</sup> This is a free translation of the Spanish term “urgencia manifiesta”



Should you have any question or require additional information regarding public procurement matters, it can be channeled through the following members of our team:

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### 3. UPDATES ON LITIGATION MATTERS



The Superior Council of the Judiciary, through the Agreement [PCSJA120-11526 March 22, 2020](#), extended the suspension of the judicial terms until **April 12, 2020**.

This measure complements the prior determinations of the Superior Council of the Judiciary in which the judicial terms were suspended since March 16, 2020, and in which the public officials and judges were allow to work from home.

Notwithstanding, it is important to highlight that the suspension of the judicial terms does not apply to judges that carry out the function of guaranty controls<sup>6</sup>, nor for those that rule on actions for the protection of fundamental rights (*acciones de tutela*) and habeas corpus proceedings.

With regards to the reception of *acciones de tutela*, the Superior Council of the Judiciary set forth that the reception of said actions will be carry out through an e-mail designated for this purpose and that action related with the protection fundamental rights to life, health and liberty will be prioritized. The e-mails can be consulted in the following [link](#).

Should you have any question or require additional information regarding litigation matters, it can be channeled through the following members of our team:

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<sup>6</sup> This is a free translation of the Spanish term “control de garantías”

**4. UPDATES ON THE PROCEEDINGS BEFORE SUPERINTENDENCIES**

The terms of the administrative and/or judicial proceedings before the different superintendencies have been suspended as shown below:

SUPERINTENDENCE	SUSPENSION OF TERMS		RESOLUTION
	BEGINNING	END	
Superintendence of Companies – administrative and disciplinary procedures	March 18, 2020	April 8, 2020	Resolution No. 978 of March 17, 2020
Superintendence of Companies – Judicial procedures of mercantile and insolvency	March 17, 2020	March 31, 2020	Resolution No. 1026 of March 24, 2020
Superintendence of Industry and Commerce – Administrative procedures <sup>7</sup>	March 16, 2020	March 31, 2020	Resolution No. 11927 of March 16, 2020
Superintendence of Industry and Commerce – Judicial procedures <sup>8</sup>	March 17, 2020	April 30, 2020	Resolution No. 11790 March 16, 2020
Financial Superintendence – administrative procedures	March 17, 2020	April 8, 2020	Resolution No. 0305 March 17, 2020
Financial Superintendence – Delegation of Jurisdictional Functions	March 17, 2020	April 8, 2020	Resolution No. 001 March 16, 2020

<sup>7</sup> The suspension excludes the administrative procedures that must be held in an extraordinary manner in compliance with Law No. 1480 of 2011, the Delegations of Consumer Protection and Control, and Verification of Technical and Legal Meteorology Regulations, related to the defense of the consumer, even in situations of emergency, calamity, misfortune or common danger.

<sup>8</sup> Applies to the judicial process of Consumer Protection, breaching of Industrial Property rights and Antitrust.

**5. UPDATES ON ENVIRONMENTAL MATTERS**

**5.1 UPDATES ON THE PROCEEDINGS BEFORE THE NATIONAL AUTHORITY OF ENVIRONMENTAL LICENSES – ANLA**

The National Authority of Environmental Licenses – ANLA, issued the [Resolution No. 00470 of March 19, 2020](#), pursuant to which established the following:



- The public environmental hearings, the informative reunions and the technical visits of evaluation, control and follow-up of environmental aspects, due to the absence of a replacement virtual channel, will be suspended and will not be summoned during the time established in the Resolution, this is, **from the 19 to 31 of March, 2020.**
- In the case that applicants or holders of environmental procedures within the competence of ANLA have terms, deadlines or conditions derived from environmental obligations or requirements issued by the Authority, which cannot be fulfilled due to the actual circumstances, they must justify (in each case) if it constitutes a force majeure event, according to legal definitions.

It is to be highlighted that until this moment the ANLA has not suspended the terms of the administrative environmental proceedings, such as environmental licensing, and environmental sanctioning proceedings, among others.

**5.2 SUSPENSION OF TERMS IN THE PROCEEDINGS BEFORE THE REGIONAL AUTONOMOUS CORPORATIONS<sup>9</sup> AND THE DISTRICT ENVIRONMENTAL SECRETARY OF BOGOTÁ**

The terms of the administrative proceedings before the principal environmental authorities were suspended as follows:

ENTITY	SUSPENSION OF TERMS		RESOLUTION
	BEGINNING	END	
District Environmental Secretary of Bogotá	March 25, 2020	April 13, 2020	Resolution No. 00785 of March 24, 2020

<sup>9</sup> This is a free translation of the Spanish term “Corporaciones Autónomas Regionales”



ENTITY	SUSPENSION OF TERMS		RESOLUTION
	BEGINNING	END	
Regional Autonomous Corporation of Risaralda – CARDER	The terms will be suspended until all the sanitary emergencies restrictions are over.		Resolution No. 0209 of March 16, 2020
Regional Autonomous Corporation of Canal del Dique – CARDIQUE	March 24, 2020	April 3, 2020	Resolution No. 0383 of March 20, 2020
Regional Autonomous Corporation of Santander – CAS	The terms will be suspended until all the sanitary emergencies restrictions are over.		Resolution No. 000139 of March 17, 2020
Regional Autonomous Corporation for the defense of the Meseta de Bucaramanga – CDMB	March 17, 2020	March 31, 2020	Resolution No. 0200 of March 16, 2020
Regional Autonomous Corporation of Antioquia – CORANTIOQUIA	March 20, 2020	March 31, 2020	Resolution No. 2003-1388 of March 19, 2020
Regional Autonomous Corporation of Chivor - CORPOCHIVOR	March 17, 2020	March 31, 2020	Resolution No. 143 of March 19, 2020
Regional Autonomous Corporation of Cesar - CORPOCESAR	The terms will be suspended until all the sanitary emergencies restrictions are over.		Resolution No. 0110 of March 20, 2020
Regional Autonomous Corporation of Caldas	March 16, 2020	March 31, 2020	Resolution No. 2020-0493 of March 16, 2020
Regional Autonomous Corporation for the sustainable development of the South of the Amazon – CORPOAMAZONÍA	March 17, 2020	March 31, 2020	Resolution No. 0339 of March 13, 2020
Regional Autonomous Corporation of Guavio – CORPOGUAVIO	March 17, 2020	March 31, 2020	Resolution No. 186 of March 16, 2020
Regional Autonomous Corporation for the sustainable development of the Mojana and el San Jorge – CORPOMOJANA	The terms will be suspended until all the sanitary emergencies restrictions are over.		Resolution No. 140 of March 18, 2020

ENTITY	SUSPENSION OF TERMS		RESOLUTION
	BEGINNING	END	
Regional Autonomous Corporation of Orinoquía – CORPORINOQUIA	March 17, 2020	April 20, 2020	Resolution No. 400-36.20-0373 of March 16, 2020
Regional Autonomous Corporation of Tolima – CORTOLIMA	The terms will be suspended until all the sanitary emergencies restrictions are over.		Resolution No. 0574 of March 16, 2020
Regional Autonomous Corporation of Atlántico - CRA	March 17, 2020	March 24, 2020	Resolution No. 0123 of March 16, 2020
Regional Autonomous Corporation of Quindío - CRQ	The terms will be suspended until all the sanitary emergencies restrictions are over.		Resolution No. 0450 of March 18, 2020
Regional Autonomous Corporation of Nariño – CORPONARIÑO	March 16, 2020	March 31, 2020	Resolution No. 0221 of March 16, 2020
Regional Autonomous Corporation of Cauca - CRC	March 20, 2020	April 12, 2020	Resolution No. 0313 of March 20, 2020
Regional Autonomous Corporation of Cundinamarca – CAR	March 18, 2020	March 31, 2020	Resolution No. 00690 of March 17, 2020
Regional Autonomous Corporation of Cuencas de los Ríos Negros y Nare – CORNARE	The terms will be suspended until all the sanitary emergencies restrictions are over.		Resolution No. 100-0938-2020 of March 18, 2020

The Regional Autonomous Corporation of the Northeast Border – CORPONOR **has not** suspended the terms of the administrative procedures. Through the Resolution No. 159 of March 16, 2020, established special office hours from 7:00 AM to 2:00 PM from March 17, 2020 to April 17, 2020 and, by means of the Circular No. 1011.65.09 of March 16, 2020, adopted measures to restrict access to the offices of the Corporation.

### 5.3 UPDATES ON THE PROCEEDINGS BEFORE THE MINISTRY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT – MADS



The Ministry of Environmental and Sustainable Development – MADS, regarding the suspension of terms in administrative procedures, has only issued the [Informative Circular No. 4](#), that established telephonic and electronic mechanisms that will be used to receive communications, complaints, claims, judicial notifications and concerns. Regarding the administrative proceedings before this authority, MADS has not addressed this issue and therefore it is to be understood that the terms of the administrative procedures are not suspended.

### 5.4 TRANSITORY PROVISIONS CONCERNING WATER CONCESSION

Through [Decree No. 465 of March 23, 2020](#), the Ministry of Environment and Sustainable Development – MADS added transitory provisions to Decree No. 1076 of 2015 concerning water concessions, as long as the declaration of the sanitary emergency due to COVID–19 is maintained, which consist of the following:

- The Environmental Authorities should prioritize and speed up the process for the request of superficial and underground water concessions made by the municipalities, districts or persons providing the public domiciliary service of the aqueduct.
- The water concessions granted to providers of public domiciliary service of aqueduct that are soon too expired, will be extended automatically and only for the time that the declaration of sanitary emergency lasts.
- The terms established for the procedure of superficial water concession, will be reduced by a third.
- The prospecting and exploration of underground water may be carried out without permission, provided that the geoelectric information of the project's area of influence is previously available, as well as the registration and endorsement of the competent Environmental Authority of the site to be drilled. Once these activities have been carried out, the corresponding water

- concession must be requested to the competent Environmental Authority and the terms established for such purpose will be reduced by a third.
- To the providers of public domiciliary service of aqueduct the minimum rate will be applied.
  - The delivery of the bill of rate for the water usage and the rate for water discharges corresponding to 2019 validity may be delivered within four (4) months following the end of the sanitary emergency. In the event that the 2019 and 2020 payments accumulate, a payment agreement will be signed with the user.
  - In the event that the amount of dangerous residues with biological or infectious hazard approaches the maximum installed capacity, the authorities could grant to others, provided that the environmental license is previously modified, the usage and handling of the dangerous residues.

Should you have any question or require additional information regarding environmental matters, it can be channeled through the following members of our team:

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We hope the information given in this Newsletter has been useful to understand the regulatory updates during the sanitary emergency.

Please do not doubt to get in touch with us if you have any inquiry or comment.

