

Measures adopted by the Dominican Republic in response to the Covid-19 pandemic

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All the nations of the world have been affected by Covid-19, declared a pandemic by the World Health Organization (WHO) on March 11, 2020, forcing the various nations to adopt measures to prevent, decrease and face the effects of said pandemic, which range from health measures to economic and social measures.

Consequently, the Dominican Republic has implemented various measures with the aim of confronting the Covid-19 virus. Below is a summary of such measures adopted to date by the Dominican authorities, so that our colleagues, clients and third party providers have up-to-date and accurate information to face the ravages generated by the Covid-19.

In order for you to be informed of the latest measures adopted by the Dominican authorities, this report will be updated periodically.

For these purposes, below are the measures adopted according to the corresponding authority:

I. MEASURES ADOPTED BY THE CONSTITUTIONAL PRESIDENT OF THE DOMINICAN REPUBLIC:

The measures adopted by the Constitutional President Danilo Medina are the following:

1. On March 17, 2020, by means of a speech addressed to the country, he informed that, as of Thursday, March 19, 2020, the following measures would take place:
 - Closure of air, sea and land borders for 15 days.

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- Suspension of events and concentrations of people of all kinds for 15 days.
 - Suspension of teaching in schools and universities until Monday, April 13, 2020.
 - Public Administration employees, of over 60 years of age and with any health condition, must remain at home for the duration of the crisis. The rest of the employees will be alternated at 50% per week.
 - Suspension of commercial activities for 15 days, excluding essential activities for the population, such as: supermarkets, gas stations, pharmacies and commercial establishments dedicated to selling raw or cooked foods.
 - Regarding economic measures, he announced the following:
 - i. For the hotel sector, the Dominican Tax Administration (DGII, as per its acronym its Spanish) will temporarily stop applying the rate to the Advance Price Agreements (APA).
 - ii. It will allow the payment of the annual income tax, which must be made in April by all companies that close their fiscal year in December, to be divided into four installments.
 - iii. It will grant urgent facilities to make the payment of the advance tax of the entire productive sector more flexible, in three installments immediately after the emergency period.
 - iv. The Ministry of Finance must coordinate any other necessary flexibility regarding the payment of tax obligations of companies and individuals, which could be deferred during the emergency period.
- 2.** On March 19, 2020, Decree No. 132-20 confirmed the High-Level Commission for the Prevention and Control of Coronavirus and created a) the Commission to address Economic and Employment Affairs and b) the Commission to address Social Affairs.
- 3.** On March 19, 2020, through Decree No. 133-20, the purchase and contracting of goods and services essential for the execution of prevention initiatives, medical assistance, and construction of public health infrastructure due to the Coronavirus were declared of a national emergency.
- 4. Declaration of a State of Emergency:** On March 19, 2020, by means of Decree No. 134-20, a state of emergency was declared throughout the national territory, through the authorization granted by the National Congress in Resolution No. 62-20, establishing the restrictions on freedom of transit, association and assembly for a period of twenty-five (25) days. In this regard, in the event that five (5) days before the expiration of the term, the causes that gave rise to it have not ceased, an extension may be requested.
- 5. Curfew:** On March 20, 2020, through Decree No. 135-20, a curfew was established throughout the national territory, and consequently, the transit and movement of people was prohibited, from 8:00 p.m. at 6:00 a.m., beginning on Friday, March 20, for a period of 15 days, until Friday, April 3, 2020. The following were exempt from the application of said Decree: (i) persons dedicated to health services; (ii) persons with a medical emergency needing to get to a health center; (iii) duly identified persons working in private security; (iv) members of the press and other duly accredited media; and (v) the personnel of the electricity distribution companies to attend emergency situations.

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6. On March 23, 2020, through Decree No. 136-20, the President amended Article 2 of Decree No. 135-20, so that extraordinarily, during curfew hours, the circulation of the following are also allowed:
- Urban and interurban vehicles dedicated to the transport and distribution of merchandise, supplies and fuel.
 - Vehicles of companies and utilities that provide energy, water, telecommunications and solid waste collection services to exclusively deal with emergency situations.
 - Persons that work in ports and airports, in transit to or from their workplaces during curfew hours, provided they carry an authorized company identification.
 - Persons working in the food, pharmaceuticals and medical supplies industries, who are in transit to or from their workplaces during curfew hours, provided they carry an identification of a company authorized by the High-Level Commission for the Prevention and Control of the Coronavirus.
7. On March 23, 2020, by means of Decree 137-20, the calculation of the statutory deadline for administrative procedures effected before the organs that make up the central and decentralized Public Administration, as well as before the autonomous and decentralized agencies of the Dominican State, is suspended for the duration of the state of emergency. The calculation would resume three (3) days after the end of the state of emergency. However, the suspension of the terms does not exempt from complying with formal obligations before the General Directorate of Internal Taxes (DGII), General Directorate of Customs (DGA) and the Social Security Treasury (TSS).
8. On March 25, 2020, by means of a speech, the President established the following measures, namely:
- **Sanitary measures:**
 - i. The need for persons to stay at home was reiterated.
 - ii. The adoption of sanitary and health measures for the isolation of infected and suspected Covid-19 patients, reason for which additional clinics are set up.
 - iii. Government financing of the Covid-19 (PCR) tests for persons with specific medical conditions, who have a prescription and whose age exceeds 59, or those who have any debilitating health condition considered risky, such as hypertension, diabetes respiratory diseases, cancer, kidney failure, among others, as well as those with two or more symptoms. Rapid tests would be ready starting Thursday, March 26.
 - **Social measures:**
 - i. Validity: Until May 31, 2020.
 - ii. Feeding and supply measures were adopted. In this regard, the Social Plan of the Presidency will provide food for 315,000 families and the school feeding of 1.3 million students and 22,000 basic food kits will be maintained for children from 0 to 5 years old who received them in children's homes. Budget dining rooms will continue to serve people.

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iii. “Stay at home” Temporary Aid Program: Increase of the component “Eating is first” of the Solidarity Card from the 1st of April for two months, and other vulnerable families identified by the Single System of Beneficiaries (SIUBEN) will be included to reach to 1.5 million households.

- **Economic measures:**

- i. Validity: until May 31, 2020.
- ii. With regards to the economic sectors which temporarily had to cease their operations, the government undertakes to:
 - a. Deliver up to 8,500 pesos to each formal employee who has been suspended, whether it is a total or partial suspension of employees.
 - b. The ceiling of the State contribution is RD\$ 8,500 pesos per employee.
- iii. During the next three (3) months, the following measures have been taken:
 - a. Banks will eliminate the minimum monthly payment on the balance of the credit card debt.
 - b. Likewise, the late fee will be eliminated.
 - c. The *Banco de Reservas* will lower the consumer interest rate for credit cards to 1% per month.

9. Curfew Schedule Extension: On March 26, 2020, through Decree 138-20, the curfew schedule is extended from 5:00 pm to 6:00 am from Friday, March 27 to April 3, 2020.

II. MEASURES OF THE HIGH-LEVEL COMMISSION FOR THE PREVENTION AND CONTROL OF THE CORONAVIRUS

The High-Level Commission for the Prevention and Control of the Coronavirus, appointed by the Constitutional President of the Dominican Republic, through press releases and through the Minister of the Presidency, has taken the following measures:

1. On March 14, 2020, it announced the following to the country:
 - Suspension for one month beginning Monday March 16, of flights originating from European countries, China, Korea and Iran as well as flights from the Dominican Republic to those countries.
 - Quarantine of passengers who, in the last two weeks, have been in any of the places for which the suspension of flights has been established.
 - Suspension of cruises in all ports and coasts of the Dominican Republic.
 - Suspension of trips abroad for all members of the Executive Power until further notice.
2. On March 18, 2020, in response to the speech delivered by President Danilo Medina the previous day, during the quarantine period, only the following entities may operate:

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- Companies that are dedicated to essential activities for the population, set forth in the address by President Danilo Medina.
 - The industrial sector¹, free zones and agricultural companies, promoting telework and flexible hours.
 - The financial sector, within the hours approved by the Monetary Board (currently temporarily set from 8:30 a.m. to 12:30 p.m.).
 - Funeral services.
 - Security services.
 - Telecommunications, radio, television and press companies.
- 3.** On March 22, 2020, the closure in the private sector of on-site operations in non-essential services for the population was established beginning from March 23, 2020.
- En las oficinas públicas se establecieron diversas categorías conforme a la prioridad de su actividad; La primera categoría a cerrar completamente sus puertas al público. La segunda categoría, laborar con el mínimo de personal y atención de consultas por los medios remotos haciendo uso del teletrabajo. Quedaron fuera de esta resolución, las dependencias dedicadas a los servicios de salud, seguridad pública, protección civil, servicios sociales, programas sociales, servicios de electricidad, de aguas potables y defensa nacional.
 - Se ordenó la suspensión de las labores de call centers, exceptuando aquellas empresas que puedan implementar un sistema de teletrabajo; así como el cierre de las operaciones presenciales a las entidades no gubernamentales que ofrecen servicios públicos no esenciales, tales como las Cámaras de Comercio y Producción.
- 4.** On March 23, 2020, the following measures were established:
- People who test positive for the virus should remain confined in health centers, for which the government was enabling centers.
 - They urged the population to take preventive measures, such as the installation of alcohol gel dispensers, water, soap and other hygiene items, with special attention in supermarkets, grocery stores and banks.
 - Grocery stores can continue to operate and sell their products only for consumption in homes.
 - The suspension or cancellation of telecommunications services, as well as generating late payment charges, during the state of emergency is prohibited.
 - Isolation of municipalities by unilateral decision is not allowed.
- 5.** On March 24, 2020, new measures are announced to improve the country's capacity to test for the Coronavirus.

1. The National Council for Export Free Zones by means of Letter No. 02900 dates as of March 18, 2020, informed of the continuity of operations of cargo related to imports and exports in the ports of the Dominican Republic.

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6. On March 26, 2020, the measures taken by the Constitutional President are reiterated and additional measures are announced to implement an operational plan for the disinfection of public spaces.

III. MEASURES OF THE COMMISSION ON ECONOMIC AFFAIRS

On March 26, 2020, the Economic Affairs Commission, through the Minister of Finance, reported on the following measures, namely:

1. Launch of the “Stay at Home” program in order to subsidize 1.5 million households during the months of April and May.
2. Creation of the Solidarity Assistance Fund for Employees (PHASE) to transfer between RD\$ 5,000.00 up to the amount of RD \$ 8,500 per month for each formal employee whose employment agreement has been suspended, depending on the salary of each employee.
 - That contribution does not contribute to social security or is taken into account for the calculation of the Christmas Salary and will not exceed 60 days.
 - Beginning April 2, companies interested in taking part in the program, will be able to fill in the registration information to be published on the website of the Ministry of Finance, where they must provide their National Taxpayer Registry (RNC) number, company name, contact details.
 - Download the Application Form and complete the data of the employees to be included in the program (number of employees, full name, identity card number, identification of payroll account, among others).
 - Submit the completed form to the address correofase@hacienda.gov.do.
 - Workers can verify if they have been included as beneficiaries in the program by entering their identity card number on the website.
 - Government contributions will be made to workers’ payroll accounts reported by their employers. For workers without an account, one will be opened at the Banco de Reservas (a process that can take up to 5 business days).
 - Contributions will be made on days 7 and 21st of April and May.

IV. MEASURES OF THE MINISTRY OF PUBLIC HEALTH

The Ministry of Public Health keeps issuing daily newsletters and monitoring the development of Covid-19, as well as carrying out plans to prevent its spread and contagion. Likewise, it has warned on several occasions that those who spread false news and information that disturb the public peace will be prosecuted by the District Attorney’s Office in accordance with the procedure established by applicable law.

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On the other hand, and in addition to the daily recommendations, on February 6, 2020, through Resolution No. 000003 -2020, it established the criteria for entering the country vis-a-vis the outbreak of the new coronavirus (Covid-19).

Circular No. 000419 dated March 5, 2020, indicates the preventive measures against COVID-19 that employers must adopt in the workplace, among which are:

1. Dissemination of information and the preventive measures indicated by the Ministry of Public Health to keep personnel updated;
2. Promotion of cleanliness and hygiene in the workplace;
3. Promotion of hand washing: access to sinks, water, soap, disposable towels.
4. Placement of alcohol and antibacterial gel dispensers in easily accessible places;
5. Placing posters on correct hand washing.
6. Promote good respiratory hygiene: access to disposable tissues and garbage baskets in case of symptoms in the workplace.
7. Ask employees to stay home if they have a mild cough and fever of 37.3 degrees Celsius and above.
8. Avoid international trips for personnel.
9. Prepare contingency plan for continuity of operations.
 - Report any suspicious cases in the workplace to health authorities
 - Isolation of the employee with a suspected case until health authorities arrive.
 - Disinfection of the workplace.
 - Avoid stigma and discrimination.
 - Contemplate work from home.

V. MEASURES OF THE CENTRAL BANK OF THE DOMINICAN REPUBLIC

1. The Central Bank of the Dominican Republic informed of the following measures, namely:

- **Interest rate measures:** The Open Market Operations Committee (COMA) of the Central Bank of the Dominican Republic, in an extraordinary monetary policy meeting held on Monday, March 16, decided to: (i) Reduce the Monetary Policy Rate (TPM) at 100 basis points, from 4.50% to 3.50% per year, with the objective of encouraging a general decrease in interest rates in the financial system through the transmission mechanism of monetary policy. (ii) Likewise, and with the purpose of providing liquidity at a low cost to financial institutions, approved a decrease of 150 basic points in the interest rate of the permanent liquidity expansion facility (overnight repo) from 6.00% to 4.50% annually. (iii) Additionally, it decided to reduce the interest rate on short-term remunerated deposits at the Central Bank (Overnight), from 3.00% to 2.50% annually. This measure contributes to reducing the interbank interest rate and, therefore, reduces the cost of funding for financial institutions.
- **Liquidity Provision Measures for the Financial System:** In addition to the interest rate cuts, liquidity provision measures were adopted. In this regard, liquidity facilities in national currency were made available to financial institutions for more than RD \$ 52 billion through a series of measures.
- **Special Regulatory Treatment Measures for the Financial System:** The measures adopted as part of the special regulatory treatment are: 1. Authorizing financial entities to freeze the ratings and allowance for debtors at their current level at the time of approval of the resolution. 2. Authorize that credit restructurings that imply a modification in the payment conditions, interest rate, terms and installments, among others, can maintain the same risk rating of the debtor when it is restructured. In other words, this means that the debtor's credit rating would not be reduced due to problems caused by overdue payments as a result of the current situation. 3. Authorize to consider as not expired those loans disbursed against lines of credit for a period of sixty (60) days. This measure includes a waiver of the loan principal payment in that period, benefiting the debtor's cash flow. 4. Extend for ninety (90) days the period granted to the debtor for the updating of collateral corresponding to the appraisals. This measure aims to provide greater flexibility to the debtor who will have more time to comply with the requirement to update their collateral.

2. On March 27, 2020, the Central Bank announced the expansion of economic measures by COVID-19, as follows, namely:

- So that the financial intermediation entities have sufficient resources for an adequate management of their treasury and can contribute with the channeling of resources to productive sectors and households in the coming months, the liquidity facilities granted to financial intermediation entities are increased from RD \$ 30 billion

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to RD \$ 50 billion through Repos up to 90 days and an interest rate of up to 5% per year using as a guarantee the security issued by the Central Bank and by the Ministry of Finance. These facilities may be renewed while the uncertainty conditions that gave rise to this measure persist.

- Increase to RD \$ 30,133.40 million the amount of the resources released from legal reserve to channel new loans to the different productive sectors and households, at a rate of no more than 8% annual interest. For these purposes, and in order to streamline the use of these resources, the condition of demanding securities from the Central Bank and the Ministry of Finance was eliminated, replacing them with the presentation of the loan agreements as they are disbursed. This flexibilization is also applicable to the resources released from legal reserve in foreign currency in the amount of US \$ 222.4 million.
- Increase of liquidity facilities in foreign currency to financial intermediation entities from US \$ 300.0 million to US \$ 400.0 million, through Repos up to 90 days and interest rate of 1.80% per year, renewable at maturity, in addition to US \$ 222.40 million released from legal reserve, in order to channel foreign currency to the productive sectors and contribute to the proper functioning of the exchange market.
- Reduce the legal reserve ratio in national currency by 0.5% to savings and credit banks and credit corporations, which represents a release of legal reserve resources for these entities for a total amount of up to RD \$ 136.4 million, therefore, their required legal reserve ratio is equal to that of savings and loan associations.

With these measures, the release of legal reserve resources amounts to RD \$ 30,267.1 million (originally provided) which, added to the RD \$ 50,000.0 million of Repos, would be providing liquidity to financial intermediation entities for RD \$ 80,267.1 million, which are intended to contribute to the maintenance and proper functioning of our economy.

VI. MEASURES OF THE GENERAL DIRECTORATE OF INTERNAL TAXES (DGII)

The following measures have been adopted by the DGII (as per its acronym in Spanish), namely:

On March 19, 2020, Notices Nos. 23-20 and 24-20 on the Facilities for Tax Compliance of Taxpayers due to the Economic Impact of Coronavirus (COVID-19) and Deferment for Payment of ITBIS, were issued, respectively; You can directly access them on our page at the following [link](#).

On March 23, 2020, the DGII established a series of measures to minimize the economic impact of COVID-19, such as:

1. Extension for the presentation of the Informative Declaration of Operations Made with Related Parties (DIOR), setting the deadline to April 30 instead of March 30 of this year. (Notice 27-20).
2. As of March 24, 2020, the digitization of exemption requests of the Tax on the Transfer of Industrialized Goods and Services (ITBIS) and Selective Consumption Tax (ISC) is implemented for taxpayers under special regimes. (Notice 29-20)

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3. For trustees requesting the Housing Bond, the requirement to attach the Acquirer's Qualification Certificate that legitimizes that the construction is at least 80% complete has been eliminated.
4. Likewise, the DGII has provided other facilities for the payment of the next taxes to be due, such as an extension in the presentation of the corresponding Sworn Declarations and the partial condonation of overdue debts, all with the aforementioned purpose of reducing the impact of the COVID-19. (Notice 28-20).

VII. MEASURES OF THE MINISTRY OF PUBLIC ADMINISTRATION

On March 20, 2020, Resolution No. 058-2020, sets forth the entities and bodies of the Public Administration to be closed or that may remain open with activities reduced to a minimum to prevent and mitigate the effects of the Coronavirus, which they must maintain in effect until the declaration of cessation of the state of emergency is decreed by the President of the Dominican Republic or by intervention of another contrary provision, of the same or greater hierarchy.

On March 22, 2020, through Resolution No. 059-2020, the list of Public Administration entities and bodies that must close or remain open with activities reduced to a minimum to prevent and mitigate the effects of the Coronavirus pandemic, is expanded.

On March 23, 2020, through Resolution No. 060-2020, the deadlines for filing requests, claims, actions, appeals and administrative actions are suspended and the cancellation of public servants of the entities and bodies of the Public Administration during the state of emergency is prohibited. The statutory deadlines will start to run again two (2) days after the state of emergency has ended.

VIII. MEASURES OF THE COUNCIL OF THE JUDICIAL POWER

On March 18, an extraordinary session ordered that judges throughout the country suspend hearings between March 19 and April 13, along with other measures to help prevent the massive spread of Covid-19. Regarding the Real Estate Jurisdiction, it was arranged that the administrative bodies should remain receiving the processing requests and deliveries of products with the minimum required personnel.

The following day, on March 19, 2020, before the declaration of national emergency, through Act No. 002-2020, it ordered the following measures, namely:

1. The suspension of administrative and jurisdictional tasks of the Judicial Power and as a consequence, the procedural, registry and administrative deadlines for all the bodies dependent on the Judicial Power, resuming said terms 3 business days after the state of emergency has ceased.

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2. Only the Permanent Attention Offices of the Criminal Jurisdiction are kept in operation with the minimum number of personnel required; so that, in addition to their ordinary powers, they attend to urgent cases aimed at the protection of fundamental rights that may be claimed through habeas corpus and *amparo* writs.
3. The suspension of the judicial and extrajudicial procedural actions carried out by the bailiffs was declared during the same period mentioned above.

IX. MEASURES OF THE MINISTRY OF LABOR

On March 18, 2020, through Resolution No. 007/2020 on Preventive Measures to Safeguard the Health of Workers and Employers against the Impact of the Coronavirus (Covid-19), the Ministry of Labor established the measures listed below:

1. Employers whose establishments were classified to remain open were instructed to make the work day more flexible and to implement remote work.
2. Employers whose establishments are to remain closed were urged to grant all qualified workers the enjoyment of paid vacations; Likewise, workers who have not acquired the right to vacation, will be advanced one week of paid vacation, as well as the payment of one week of salary at the expense of the employer.
3. The isolation of vulnerable workers was urged, these being: (i) those over 60 years of age with high blood pressure or coronary or cardiovascular diseases; (ii) pregnant women; (iii) persons with cancer; (iv) persons with kidney failure on dialysis treatment; (v) persons with diabetes; (vi) persons with chronic respiratory diseases; and, (vii) persons with autoimmune diseases.
4. It was recommended that the flexibility measures to be taken do not interfere with the production of companies or with workers' wages.

In this link you can find our Guide for [Employers in the COVID-19 pandemic](#).

X. MEASURES OF THE NATIONAL COUNCIL OF FREE EXPORT ZONES (CNZFE)

1. On March 20, 2020, the CNZFE, through the S/N circular issued for this purpose, urged those companies that operate under the free zone regime, that due to the nature of their production process, cannot implement the regulations to safeguard the health of their employees and personnel, to proceed with the closure of their operations, with the exception of medical and pharmaceutical device companies.

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2. On March 22, 2020, through Circulars 03034 and 03033, all companies operating under the call centers and BPOs free zone regime must close down their physical operations from March 24 to April 3, allowing only the telework modality.
3. On March 22, 2020 through Circulars 03030 and 03029, the continuity of the operations of companies that manufacture medical and pharmaceutical devices in free zones of the country is established.

XI. MEASURES OF THE DIRECTORATE GENERAL OF CUSTOMS (DGA)

On March 24, 2020, by public notice, the DGA has indicated that it has adopted the following measures:

1. Elimination of surcharge for late declaration, via a request submitted to the Customs Administration, who will coordinate its execution.
2. For purposes of calculating the stay of merchandise in the deposit regime, under any of its modalities, the days from Friday March 20, 2020 until three (3) business days after the lifting of the national emergency declaration, shall not be counted.
3. The Customs Administration will deduct the days of quarantine from the terms to be computed so that a merchandise is considered in de facto abandonment.

XII. MEASURES OF THE DOMINICAN PORT AUTHORITY

On March 14, 2020, through Circular DEE / 00100/20, all operations of docking and disembarking of cruise ships in the ports of the Dominican Republic were suspended from March 14, 2020 until further notice.

XIII. MEASURES OF THE DOMINICAN INSTITUTE OF TELECOMMUNICATIONS (INDOTEL)

INDOTEL has issued the following resolutions, namely:

1. Resolution No. PRE-001-2020, dated March 23, 2020, which outlines the guidelines to be followed by the regulatory body before the declaration of emergency contained in Decree No. 134-20 due to the effects of the Covid-19 pandemic;
2. Resolution No. PRE-002-2020, dated March 24, 2020, which establishes the guidelines regarding the measures to be adopted by the providers of public telecommunications services on the occasion of the declaration by the executive branch of the state of emergency due to the coronavirus pandemic (Covid-19), namely:

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- Public telecommunications service concessionaires must take all measures and dedicate all the resources they deem necessary in order to guarantee the uninterrupted continuity of the telecommunications services they provide, which are essential to ensure the highest possible productivity in other sectors, as well as access to relevant and timely information by users and consumers;
- During the period of state of emergency, the suspension or cancellation of the user's or consumer's telecommunications services is prohibited; and,
- During the period of the state of emergency, and during the five days after its termination, It is prohibited to generate charges for delay in the payment of telecommunications services.

XV. CONTACT INFORMATION AND LINK OF INTEREST

If you have any questions about the above, wish to request for more information about the measures taken against the Covid-19 pandemic, or sound legal advice in the midst of the crisis caused by the pandemic, you can may contact us at the following:

Tel. (809) 541-5200

Fax. (809) 567-0773

Email: ph@phlaw.com

Likewise, we have enabled, for greater ease, on our website an information center on the measures of taken vis-à-vis Covid-19 at the following link: <http://phlaw.com/es/areas-de-practica/22/covid-19-resource-center>



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