



PREVENTIVE AND COMPULSORY SOCIAL INSULATION

Decree 297/2020

DECNU-2020-297-APN-PTE - Provisions.

City of Buenos Aires, 03/19/2020

VISTO File No. EX-2020-18181895-APN-DSGA # SLYT, Law No. 27,541, Decree No. 260 of March 12, 2020 and its amendment No. 287 of March 17, March 2020, and

WHEREAS:

On March 11, 2020, the WORLD HEALTH ORGANIZATION (WHO) declared the outbreak of the new coronavirus as a pandemic, after the number of people infected with COVID-19 at the level global reached 118,554, and the number of deaths to 4,281, affecting so far 110 countries.

That by Decree No. 260 of March 12, 2020, the public emergency in health matters established by Law No. 27,541 was extended in our country, for a period of ONE (1) year due to the declared pandemic.

That, as reported by the WORLD HEALTH ORGANIZATION (WHO) on March 19, 2020, the spread of cases of the coronavirus COVID-19 has been verified globally, reaching a total of 213,254 infected people, 8,843 deaths and affecting more than 158 countries from different continents, having arrived in our region and our country a few days ago.

That the speed in the worsening of the epidemiological situation at the international level requires the adoption of immediate measures to face this emergency.

That, despite the timely and firm measures that the National Government and the various provincial governments and the Autonomous City of Buenos Aires have been deploying since the first confirmed case in Argentina, on March 3, 2020, NINETY have been counted AND SEVEN (97) cases of infected people in ONCE (11) jurisdictions, having died THREE (3) of them, according to official data from the MINISTRY OF HEALTH provided on March 18, 2020.

That we are facing a potential health crisis and unprecedented social action, and for this it is necessary to take timely, transparent, consensual and evidence-based measures to mitigate its spread and impact on the health system.

That, since there is no effective antiviral treatment, or vaccines that prevent the virus, isolation measures and mandatory social distancing play a vital role in dealing with the epidemiological situation and mitigating the health impact of COVID -19.

That, taking into account the experience of the countries of Asia and Europe that have passed the circulation of the pandemic virus SARS-CoV2 in advance, it can be concluded that the success of the measures depends on the following variables: the opportunity, the intensity (drastic or staggered), and the effective fulfillment of the same.

That, with the objective of protecting public health as an inalienable obligation of the national State, the measure of "social, preventive and compulsory isolation" is established for all people who live in the country or are in it, for a period of time determined, during which all persons must remain in their habitual residences or in the place where they are and abstain from attending their places of work.

That, likewise, the prohibition of traveling on routes, roads and public spaces is established, in order to prevent the circulation and contagion of the COVID-19 virus.

That Article 14 of the National Constitution establishes that "all the inhabitants of the Nation enjoy the following rights in accordance with the laws that regulate their exercise; namely: to work and exercise any lawful industry; to navigate and trade; to petition the authorities; to enter, stay, transit and leave the Argentine territory ...".

That, although it turns out to be one of the fundamental pillars guaranteed in our legal system, it is subject to limitations for reasons of public order, security and public health. In effect, the International Covenant on Civil and Political Rights (ICCPR) includes in its Article 12 Inc. 1 the right to "... move freely ...", and Article 12.3 establishes that the exercise of the rights established by it "may not be object of restrictions unless these are provided for in the law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of third parties, and are compatible with the other rights recognized in the present Covenant".

That, in the same sense, the American Convention on Human Rights establishes in its Article 22 subsection 3 that the exercise of the rights to move and reside in a State enshrined in Article 22.1 "... cannot be restricted except by virtue of a law, to the extent necessary in a democratic society, to prevent criminal offenses or to protect national security, public safety or order, public morals or public health, or the rights and freedoms of others".

That, in this sense, it has been said that, "... the field of action of the health police is very broad, its relevance to everything that may affect the life and health of people, especially the fight against diseases of all kinds, for which purpose preventive duties are imposed, to prevent the appearance and spread of diseases - for example ... isolation or quarantine ... - "The power of the police and health police. Scope of State Responsibility", in " Questions of State Intervention - Public Services. Police Power and Development ", Ed. RAP, Bs. As., 2011, p. 100.

That the measures established in this decree are the essential, reasonable and proportionate in relation to the threat and the health risk we face.

That the dynamics of the pandemic and its impact on public health make it impossible to follow the process for passing laws.

That Law No. 26,122 regulates the procedure and scope of the intervention of the HONORABLE CONGRESS OF THE NATION with respect to the Decrees of Necessity and Urgency issued by the NATIONAL EXECUTIVE POWER, pursuant to the provisions of article 99 subsection 3 of the NATIONAL CONSTITUTION.

That the aforementioned law determines that the PERMANENT BICAMERAL COMMISSION has competence to rule on the validity or invalidity of the Decrees of Necessity and Urgency, as well as to submit the opinion to the plenary of each Chamber for its express treatment, within the period of TEN

(10 working days.

That article 22 of Law No. 26,122 provides that the Chambers pronounce themselves by means of respective resolutions, and that the rejection or approval of the decrees must be express as established in article 82 of the Magna Carta.

That the pertinent legal service has taken the intervention of its competence.

That this measure is issued in use of the powers conferred by Article 99, paragraphs 1 and 3 of the NATIONAL CONSTITUTION.

Therefore,

THE PRESIDENT OF THE ARGENTINE NATION IN A GENERAL AGREEMENT OF MINISTERS

DECREES:

ARTICLE 1°.- In order to protect public health, which constitutes an inalienable obligation of the national State, the measure of "social, preventive isolation is established for all persons who live in the country or are in it temporarily. and mandatory "in the terms indicated in this decree. It will be in force from March 20 to March 31 of the current year, and this period may be extended for the time considered necessary in light of the epidemiological situation.

This provision is adopted within the framework of the declaration of a pandemic issued by the World Health Organization (WHO), the Health Emergency extended by Decree No. 260/20 and its amendment, and in response to the evolution of the epidemiological situation , in relation to CORONAVIRUS- COVID 19.

(**Infoleg Note** : by art. 1 of [Decree No. 325/2020 BO 31/3/2020](#), the validity of this Decree is extended with the modifications provided in the decree of reference until April 12, 2020 inclusive. Validity: a from its publication in the OFFICIAL BULLETIN.)

ARTICLE 2°.- During the validity of the "social, preventive and obligatory isolation", the persons must remain in their habitual residences or in the residence where they are at 00:00 hours on March 20, 2020, starting time of the arranged measure. They must abstain from attending their workplaces and may not travel on routes, roads and public spaces, all in order to prevent the circulation and contagion of the COVID-19 virus and the consequent effect on public health and other rights. subjective derivatives, such as the life and physical integrity of people.

Those who are complying with the isolation provided for in Article 1, may only make minimal and essential trips to stock up on cleaning supplies, medicines and food.

ARTICLE 3°.- The MINISTRY OF SECURITY will establish permanent controls on routes, roads and public spaces, accesses and other strategic places that it determines, in coordination and concurrently with its peers from the provincial jurisdictions and the Autonomous City of Buenos Aires, to guarantee compliance with "social, preventive and compulsory isolation", the current regulations set forth in the framework of the health emergency and its complementary regulations.

The authorities of the other jurisdictions and organizations of the national public sector; within the scope of their competences, and in coordination and concurrently with their peers from the provincial jurisdictions and the Autonomous City of Buenos Aires, shall establish inspection procedures with the same purpose.

ARTICLE 4°.- When the existence of an infringement of compliance with "social, preventive and compulsory isolation" or other regulations established for the protection of public health in the framework of the health emergency is verified, the conduct will cease immediately offender and the competent authority will be acted upon, within the framework of articles 205, 239 and those of the Penal Code.

The MINISTRY OF SECURITY must order the immediate arrest of vehicles that circulate in violation of the provisions of this decree and will proceed to their preventive retention for the time that is necessary, in order to avoid their displacement, to safeguard the public health and to prevent the spread of the virus.

ARTICLE 5°.- During the validity of the "social, preventive and obligatory isolation", no cultural, recreational, sporting, religious, or any other type of event involving the attendance of persons may take place.

The opening of stores, shopping centers, wholesale and retail establishments, and any other place that requires the presence of people is suspended.

ARTICLE 6°.- People affected by the activities and services declared essential in the emergency, as detailed below, are exempt from complying with the "social, preventive and compulsory isolation" and the prohibition to move, and their movements must be limited to Strict compliance with these activities and services:

1. Health Personnel, Security Forces, Armed Forces, migratory activity, national meteorological service, fire and air traffic control.
2. Higher authorities of the national, provincial, municipal and Autonomous City governments of Buenos Aires Workers of the national, provincial, municipal public sector and of the Autonomous City of Buenos Aires, summoned to guarantee essential activities required by the respective authorities .
3. Personnel of the justice services on duty, as established by the competent authorities.
4. Foreign diplomatic and consular staff accredited to the Argentine government, within the framework of the Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations and the staff of international organizations accredited to the Argentine government, de la Cruz Red and White Helmets.
5. Persons who must assist others with disabilities; family members needing assistance; older people; boys, girls and adolescents. (**Infoleg Note** : See Resolutions No. [132/2020 BO 21/3/2020](#) and [133/2020 BO 23/3/2020](#) of the Ministry of Social Development, regulations and DDJJ to justify the situation of exception to the average of isolation provided by the this Decree) 6. Persons who must attend a situation of force majeure. 7. People affected to the performance of funeral services, burials and cremations. In such a framework, activities that signify meeting of people are not authorized. 8. People affected to the attention of school, community canteens and picnic areas.

9. Personnel that works in audiovisual, radio and graphic communication services.
10. Personnel affected by public works.
11. Wholesale and retail supermarkets and local retail stores. Pharmacy. Hardware stores. Veterinary. Bottle supply.
12. Food industries, their production chain and supplies; personal hygiene and cleanliness; of medical equipment, medicines, vaccines and other sanitary supplies. (**Infoleg Note** : by art. 3 of [Administrative Decision No. 429/2020](#) BO 20/3/2020 it is clarified that in this subsection when it refers to the food industries, it will be understood as those that make up the value chain and inputs of the productive sectors of food and beverages, personal hygiene and cleaning, medical equipment, medications, vaccines and other health supplies. Validity: from the day of its publication in the OFFICIAL BULLETIN)
13. Activities related to the production, distribution and commercialization of agriculture and fishing.
14. Telecommunications, fixed and mobile internet and digital services activities.
15. Non-deferrable activities related to foreign trade.
16. Collection, transport and treatment of urban solid waste, dangerous and pathogenic.
17. Maintenance of basic services (water, electricity, gas, communications, etc.) and emergency care.
18. Public passenger transportation, transportation of goods, oil, fuels and LPG.
19. Home delivery of food, medicines, hygiene products, cleaning products and other supplies of need.
20. Laundry services.
21. Postal and parcel distribution services.
22. Essential surveillance, cleaning and guard services.
23. Minimum guards to ensure the operation and maintenance of Oil and Gas Fields, Oil and gas treatment and / or refining plants, transportation and distribution of electrical energy, liquid fuels, oil and gas, fuel vending stations and generators of electric power.
24. SE Casa de Moneda, ATM services, flow transportation and all those activities that the CENTRAL BANK OF THE ARGENTINE REPUBLIC has essential to guarantee the operation of the payment system.

The Chief of the Cabinet of Ministers, in his capacity as coordinator of the "General Coordination Unit of the Comprehensive Plan for the Prevention of Public Health Events of International Importance" and with the recommendation of the health authority, may extend or reduce the exceptions provided, in function of the dynamics of the epidemiological situation and the efficacy observed in complying with this measure.

In all these cases, employers must guarantee the hygiene and safety conditions established by the MINISTRY OF HEALTH to preserve the health of workers.

(**Infoleg Note** : By article 1 of [Administrative Decision 450/2020](#) BO 3/4/2020 expands the list of activities and services declared essential in the emergency, in the terms provided in this Decree. Validity: from the day of its publication in the OFFICIAL BULLETIN.)

(**Infoleg Note** : SEE article 1 of [Administrative Decision No. 429/2020](#) BO 20/3/2020 Incorporations to the list of activities and services declared essential in the emergency, except for compliance with the "social, preventive and compulsory isolation" and the prohibition to circulate . Validity: from the day of its publication in the OFFICIAL BULLETIN.

(**Infoleg Note** : by article 1 of [Resolution No. 48/2020](#) del Ministerio del Interior B.O. 29/3/2020 se implementa el "Certificado Único Habilitante para Circulación – Emergencia COVID-19" para toda persona que encuadre en los supuestos previstos en el artículo 6° del Decreto N° 297/20 y en los artículos 1° y 2° de la Decisión Administrativa N° 429/20, así como en aquellas excepciones al "aislamiento social, preventivo y obligatorio" que en el futuro se establezcan. Vigencia: a partir del día de su publicación en el BOLETÍN OFICIAL)

(**Nota Infoleg:** Ver normativa y DDJJ que se hayan publicado en Boletín Oficial para justificar la situación de excepción a la media de aislamiento dispuesta por el presente Decreto clickeando en el enlace "[Esta norma es complementada o modificada por X norma\(s\).](#)")

ARTICLE 7°.- It is established that, for the only time, the holiday of April 2 provided by Law No. 27,399 in commemoration of Veterans and Memorial Day in the Falklands War, will be transferred to Tuesday, March 31, 2020 .

Article 8. During the term of the "social, preventive and compulsory isolation" workers in the private sector are entitled to the full enjoyment of their usual income, under the terms established by the regulations of the Ministry of labor, employment and security SOCIAL.

ARTICLE 9°.- In order to allow the fulfillment of the "social, preventive and obligatory isolation", the staff of the NATIONAL PUBLIC ADMINISTRATION is granted leave on March 20, 25, 26, 27 and 30, 2020, and instructions are given to the different organizations to implement the necessary measures in order to maintain the continuity of the pertinent activities mentioned in article 6.

ARTICLE 10.- The provinces, the Autonomous City of Buenos Aires and the municipalities will dictate the necessary measures to implement the provisions of this decree, as delegates of the federal government, as established in article 128 of the National Constitution, without prejudice to other measures to be taken by both the provinces, such as the Autonomous City of Buenos Aires, and the Municipalities, in exercise of their own powers.

The NATIONAL LEGISLATIVE POWER and the NATIONAL JUDICIAL POWER, within the scope of their competences, are invited to adhere to this decree.

ARTICLE 11.- The holders of the jurisdictions and organizations included in Article 8, subsections a), b) and c) of Law No. 24,156, in the exercise of their respective powers, will dictate the regulatory rules they deem necessary to enforce the present decree.

ARTICLE 12.- This measure will come into effect from its publication in the OFFICIAL BULLETIN.

ARTICLE 13.- Report to the Permanent Bicameral Commission of the Honorable Congress of the Nation.

ARTICLE 14.- Communicate, publish, give yourself to the NATIONAL ADDRESS OF THE OFFICIAL REGISTRY and file. FERNÁNDEZ - Santiago Andrés Cafiero - Eduardo Enrique de Pedro - Felipe Carlos Solá - Agustín Oscar Rossi - Martín Guzmán - Matías Sebastián Kulfas - Luis Eugenio Basterra - Mario Andrés Meoni - Gabriel Nicolás Katopodis - Marcela Miriam Losardo - Sabina Andrea Frederic - Ginés Mario González García - Daniel Fernando Arroyo - Elizabeth Gómez Alcorta - Nicolás A. Trotta - Tristán Bauer - Roberto Carlos Salvarezza - Claudio Omar Moroni - Juan Cabandie - Matías Lammens - María Eugenia Bielsa

and. 03/20/2020 N ° 15887/20 v. 03/20/2020