

EQUATORIAL GUINEA

COVID-19 Outbreak Update #2 | State of Alarm for Health Reasons

6 April 2020

As reported in our 31 March 2020 Flash, the Council of Ministers of the Republic of Equatorial Guinea was discussing a draft Decree declaring State of Emergency and on 30 March 2020 the President of the Republic had a meeting with members of the Government to discuss widening even further the measures to contain the COVID-19 in the Country. We reported the additional measures adopted by the Prime Minister in our 1 April 2020 Flash and have now formally confirmed that:

- A State of Alarm for Health Reasons has been declared;
- Economic measures to strength the national system of social protection and support to small and medium-sized companies were enacted; and
- The Ministry of Mines and Hydrocarbons adopted some strict temporary measures aimed at protecting national and expatriates' jobs within the hydrocarbons sector during the COVID-19 confinement period.

This Flash solely covers the measures adopted upon declaration of a State of Alarm for Health Reasons.

On 30 March 2020, in view of the status of the COVID-19 pandemic and taking into account its effects (i) on the enforcement of State powers, (ii) on the regular operations of State bodies and of public and private companies and (iii) on the daily life of national and international populations, the President of the Republic declared a State of Alarm for Health Reasons in Equatorial Guinea.

The State of Alarm was declared by way of Decree 42/2020, of 30 March 2020, which also sets forth that, during the State of Alarm's term:

- All land, maritime and air borders of Equatorial Guinea are temporary closed, except in the case of ships and airplanes carrying goods, materials and equipment;
- All Diplomatic and Consular Missions abroad are temporarily prohibited from granting visas to enter into the Country;

- As an exception to the preceding rule, delegations of friendly countries and international organizations that must travel to Equatorial Guinea in the context of programs and activities of bilateral and multilateral cooperation may enter the Country but cannot send more than four (4) members;
- Nationals of Equatorial Guinea cannot travel abroad, unless force majeure for the trip is proven;
- Displacements within the National Territory by citizens and non-citizens that are residents may be restricted if deemed appropriate;
- All international flights of Airlines operating in Equatorial Guinea are temporarily suspended;
- All those travelling to Equatorial Guinea from countries affected by the pandemic, regardless of being national or foreign citizens or of showing symptoms or otherwise, must stay in quarantine for a fourteen (14)-day term, and may only leave when so authorized by the Health Authorities;
- Those responsible for the Airlines, in collaboration with the Immigration Services, are requested to provide a listing of all passengers that entered the Country from 1 February 2020 onwards to the Ministry of Health (members of the Government, High Officials and Officials included, if any);
- It is temporarily suspended any gathering of more than ten (10) people at the same place, in any possible way, being also temporarily suspended the celebration of parties, marriages, wakes, traditional funerals, buryings and hanging at places of leisure, parks, fairs and similar places
- As an exception to the preceding rule, restaurants may continue open provided that they (i) implement strict social distancing, health and hygiene measures (namely by frequently disinfecting the floor, furniture and utensils); and (ii) do not host or celebrate parties or massive gatherings;

- Any and all academic activities of the National Education System, at public or private institutions, as well as any sports' competitions, are temporarily suspended;
- In agreement with Religious Organizations operating in Equatorial Guinea, it is temporarily suspended personal and group attendance to masses and other Sunday and Holidays religious activities but said Religious Organizations may continue carrying out their rites behind closed doors;
- Collective transportation services, either by public or private buses, are suspended and taxis cannot carry more than one (1) single passenger;
- Public Administration Services and those of the State Private Sector will continue working as usual and complying with the instructions of the Government and other Bodies with authority for such purpose;
- It is created a Special Fund to finance the prevention, restraint and treatment of the COVID-19 pandemic, which will count with voluntary contributions by the Public Sector, Friendly Countries, International and Non-Governmental Organizations, Civil Society, individuals and companies;
- The Novel Coronavirus Surveillance Technical Committee (Comité Técnico Nacional de Respuesta y Vigilancia del Nuevo Coronavirus) is created at the Ministry of Health and is in charge of preventing, restraining, controlling, following and evaluating the COVID-19 development and evolution;
- The Novel Coronavirus Surveillance Technical Committee is required to make known the procedures and measures in the context of prevention, restraint, control, surveillance and evaluation of COVID-19;
- Parents, those responsible for Local Councils and Neighbourhood Communities, Heads of State Services, Powers and Bodies, Officials and the Population in general are required to inform the Novel Coronavirus Surveillance Technical Committee of any material sign of COVID-19 near them; and
- Considering that this is a Public Health problem that affects all and all should fight against it, all structures and layers of Society are required to join the Government and Ministry of Health efforts, with them contribute to the most and watch over compliance with these provisions.

Decree 42/2020, that applies to State Powers and Bodies, Public Administrations, the Private Sector and the Population in general, further provides that failure to comply with its measures or with any others previously adopted or that will be adopted in the future is punished in accordance with the Laws.

All relevant Ministries are empowered by Decree 42/2020 to issue, within their range of authority, any provision necessary to better enforce Decree 42/2020 and watch over said enforceability.

Also, our best interpretation is that Decree 42/2020 must be deemed in force along with all other measures previously adopted to deal with the COVID-19 pandemic, provided that said measures are not contrary to any measure now approved. Our reasoning for this conclusion is based on the following:

- Decree 42/2020 is clear that those to which it applies are strictly subject to its provisions, <u>as well as to those</u> <u>previously adopted by the Government on the same</u> <u>subject matter</u> [our underlined];
- Decree 42/2020 also provides for penalties for failure to comply with measures adopted (inter alia) <u>prior</u> to its enactment [our underlined]; and
- Decree 42/2020's Revoking Provision sets forth that any provision to the contrary enacted by an instrument of the same or of a lower ranking is deemed revoked by Decree 42/2020.

The State of Alarm was decreed in Equatorial Guinea for a thirty (30)-extendable-day term. Despite Decree 42/2020 being dated of 30 March 2020, its Final Provision sets forth that it entered into force on 15 March 2020. Therefore, it should be deemed that Equatorial Guinea is in State of Alarm for Health Reasons since 15 March 2020 and will be until 15 April 2020, if not renewed after that date.

We plan to continue issuing updates on the measures put in place in the Country.

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