

# Covid 19

## Summary of Government Measures

Spain – France – Portugal – Italy – Argentina – Bosnia and Herzegovina –  
The Netherlands – Costa Rica – Colombia – USA – South Africa

4th of April of 2020

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## Introduction

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Pragma is an international network of law and consulting firms established in January 2001 with the objective of helping our clients in the process of internationalization through the highest quality, value and service from our pool of highly qualified professionals.


Pragma connects independent law, tax and consultancy firms with a high level of experience in their areas of expertise. This allows us to have a global vision of the business environment as well as a thorough knowledge of local issues.

This has allowed us to gather from our firms a summary of the main measures adopted by the National Governments regarding the Covid-19 pandemic.


## What kind of restrictions to free movement of people and goods were adopted in your country?


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Spain  We have to stay at home except if you have to go to the food store or drug store, or going to work if you cannot work from your house

France  Derogations on the basis of a certificate will be possible within the framework of:

- Journeys between home and the place of work, when they are essential for the exercise of activities that cannot be organised in the form of teleworking or business trips that cannot be postponed.
- Travel to make purchases of supplies necessary for the professional activity and purchases of basic necessities in establishments whose activities remain authorized (list on [government.fr](http://government.fr)).
- Consultations and care that cannot be provided at a distance and cannot be postponed; consultations and care for patients with long-term illnesses.
- Travel for compelling family reasons, for assistance to vulnerable persons or childcare.
- Short journeys, within the limit of one hour per day and within a maximum radius of one kilometre around the home, related either to the individual physical activity of persons, excluding any collective sporting activities and any proximity to other persons, or to walking with only the persons grouped together in the same home, or to the needs of pets.
- Judicial or administrative summons.
- Participation in missions of general interest at the request of the administrative authority

Portugal  People can only leave their homes to go to grocery, supermarket or hospital. Can only go out to work if are health or security professionals, or other essential services professionals.

Italy  Currently in Italy people must not move from their house, nor by public nor by private means of transport, except for proven work needs, in case of absolute urgency or for health reasons. The penalties for the violation of the ban go from € 400 to € 3,000.

There aren't any restrictions to the free movement of goods.

In Italy the restriction on people movements and the closure of businesses have been applied gradually, in the sense that at the beginning of the outbreak, when

the number of ill people were important but not as scary, the Government took a soft approach encouraging people to restrict their movements but not putting in place severe measures.

When it became evident that especially in the Lombardia region the virus was spreading at such a speed that the Italian public system could collapse and the disease was spreading rapidly in every region of the country, more and harsh restrictions had to be implemented.

The Prime Ministerial Decree (DPCM) of 25 March 2020 has suspended all but the activities included in Annex 1 of the decree and let to continue only:

- activities that could not be stopped because they could pose a risk of a serious damage to the plant or a danger of an accident;
- activities that provide essential services;
- activities included in Annex 1 of the Decree that relates mainly to food and health services, transportation and all the activities mainly included in these chains.

Romania



Restraints on movement of people; we are staying home;

Argentina



Total restrictions to free movement of people and goods, with some legal exceptions related to essential suppliers of goods and services connected to crucial activities such as pharmaceutical, sanity, health and care, and similar.

Bosnia and  
Herzegovina



At borders, Federal inspectors are issuing to all BiH citizens entering the country a Decision on placing in isolation for 14 days (decision effective from March 16, 06.00 PM);

The local self-government units were requested to ensure control of persons who have been assigned home isolation and the control is to be performed by the communal police or members of the competent units of the Ministry of Internal Affairs;

From March 23, 2020, a tent quarantine has been set up at several border crossings in BiH, intended for persons entering BiH from abroad who have been issued a Decision on mandatory quarantine of 14 days, as well as for persons who violate the previously issued decisions on mandatory isolation;

Foreign nationals are forbidden to enter Bosnia and Herzegovina, but it will not apply to diplomatic or consular staff, as well as medical or other personnel that will assist in the territory of Bosnia and Herzegovina during the pandemic;

All public gatherings in BiH are banned and all sporting events are cancelled;

In the Federation of BiH, on March 20, the Headquarters of the Federal Department of Civil Protection issued a Decision banning the movement of all persons under the age of 18 and over 65 in the entire Federation of BiH;

Republican Headquarters for Emergency Situations issued a Conclusion on Restriction and Prohibition of Movement of Persons in the Territory of the Republic of Srpska, ordering the prohibition of movement to all persons older than 65 years and prohibition of movement to all during the curfew between the hours of 8:00 PM and 5:00 AM. The restriction remains in force and it does not apply to on-task health workers, persons in urgent need of health care, members of the RS Ministry of Internal Affairs and other members of law enforcement agencies and organizations exercising public powers, persons with a certificate of movement issued by the employer due to the need of smooth performance of the work process, persons with a movement permit issued by the RS Ministry of Internal Affairs and domestic and foreign carriers who transport goods by road but with presentation of adequate proof of transport. Fines ranging from BAM 500 to 1,500 are envisaged for non-compliance with curfew;

The Government of the Brcko District of BiH has decided that all persons who have crossed a state border must stay in self-isolation, i.e. the daily border crossing is also forbidden for citizens of Croatia working in BH and vice versa BiH citizens working in Croatia who will also be issued isolation decisions;

The movement of persons in the Brcko District of BiH is prohibited from 9:00 PM to 5:00 AM. Employers will issue certificates to their employees confirming the need for movement with the purpose of enabling the smooth performance of the work process on the basis of which they will be allowed to move during the curfew hours. The RS Ministry of Internal Affairs will issue certificates for movement to all persons who do not have employers;

All border crossings with the Republic of Serbia are closed for passenger traffic – air, road, rail and water, while border crossings Karakaj, Vardiste and Raca are opened for traffic of goods. The border crossings with Montenegro are closed to all, except for their nationals, foreigners who have a registered residence and truck drivers. The Klobuk border crossing was opened for traffic of goods with Montenegro;



The border crossings with the Republic of Croatia are closed for all, except for their nationals, foreigners who have a registered residence and truck drivers;

Additional requirements for entry into BiH, as prescribed by the BiH Council of Ministers Decision related to the entry of foreigners from certain countries into BiH, will not apply to truck drivers and co-drivers when performing international transport of goods in road transport.

Employers based in the RS and FBiH have been ordered by the Republican Headquarters for Emergency Situations to issue a certificate of engagement of drivers in the international carriage of goods during an emergency for the purpose of monitoring the work of drivers in the international carriage of goods in a declared emergency situation.

Upon arrival to Bosnia and Herzegovina, drivers of vehicles in international transport shall be issued a Decision by the Republic or Federal Inspector on the isolation for the duration of the stay in Bosnia and Herzegovina, which implies a period from entry to Bosnia and Herzegovina until departure to the next destination, i.e. until expiration of the deadline specified in the decision for mandatory isolation.

In the case of international transit of goods by road, the stay of a cargo vehicle crew in BiH is limited to a maximum of 12 hours.

Sarajevo Airport, Mostar Airport, Tuzla Airport and Banja Luka Airport (except for EUFOR, NATO, etc.) are temporarily closed.

Netherlands



People should stay at home as much as possible. If people have to go outside, they should keep 1.5 meters away.

Catering establishments, schools, hairdressers etc. are closed.

Meetings are prohibited.

Costa Rica



By Executive Decree No. 42253-MOPT, of March 24, 2020, implemented the sanitary measure of vehicle restriction from Monday to Sunday from 10:00 p.m. to 5:00 a.m. However, in relation to this measure, on March 27, the Minister of Public Security announced press conference expansion vehicle restriction for on weekends, from 8:00 p.m. to 5:00 a.m., Friday to Monday. Those who breach said restriction will be sanctioned also with a fine of \$ 22,383.18

Colombia





The Colombian government adopted the mandatory quarantine for the entire country until April 13. However, the decision is being reviewed in order to know if it is convenient to extend it. People can only go outside to acquire basic supplies and only authorized persons can move freely.




## For how long will your country's restrictions be in place?


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Spain  Firstly 15 days, that have been extended for 15 days more (till April 11)

France  Minimum 2 weeks (starting March 17th), more probably 4 or 6 weeks, or even more.

A first extension should be announced by the end of the week.

Portugal  15 days. Can be renewal.

Italy  The restrictions will be in place since April, the 3rd.


It is difficult to say for sure at this moment. Everything is work in progress. Schools were the first service to be shut down on the 8th March and were supposed to be opened back on the 03rd April. This timeline which seemed a realistic one at the time of the Decree is no longer so, and the Government is discussing the foreseeable future.

The discussion on when and how to re-open the country is carried out on a daily basis.

At this moment the press suggests that after the 18th April a new Decree will modulate the possible openings but only if the infections index is less than 1. It is for sure a staggered recovery and bar, restaurants and all the aggregation places will be the last to open back.

Romania  2 weeks already

Argentina  Until Monday 13 of April.

Bosnia and Herzegovina  This cannot be determined precisely because the competent authorities are extending validity of provided measures


Netherlands  The measures took effect on April 17 and apply in any case until April 6.

It will be decided in the short term whether the measures will be extended.

The ban on meetings is valid until June 1, 2020.

Costa Rica 

Until 13 April. However, it is very likely that the restriction will be maintained throughout the month of April.

Colombia 


The quarantine began on Tuesday, March 24 from 11:59 p.m. to April 13.

## What are the most important measures your government adopted related to business and economy.

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### Labour Law


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Spain  Measures to allow controlled restructuring of the workforce are introduced by the new regulation. Employment contracts suspension and short-term work allowances during the coronavirus-related disruption are now permitted. The regulation entitles employers, where the circumstances recommend, to apply force majeure clauses.

The procedure to allow such employees restructuring will be sped up and social security-related payments by the employer will be, in certain cases, suspended.

Support payments for individuals affected by COVID-19, and social security payment reliefs for employers are also approved.

France  Maintaining employment in companies by simplifying and strengthening the system of partial unemployment ("partial activity") and by temporarily adjusting the regulations on working hours until the end of 2020.

Portugal  Loans and easy lay off.

Italy  The most important measures adopted by the Italian Government related to the Labour Law can be divided in three areas:

- measures for companies/employees: it has been adopted the unemployment insurance, even for the companies with less than 5 workers and for all sectors, which covers the period from February 29 through August 31 for a maximum of 9 weeks. Again, the employees, in quarantine certified by the doctor will be paid as illness.
- measures for self-employed workers: self-employed workers, professionals, seasonal workers and co.co.co (but not lawyers or accountants) can ask for a non-taxable allowance of 600 euros.
- measures for all the employees, with income of less than 40 thousand euros per year, who continued to work for the month of March: a bonus of up to 100 euros, paid directly on the pay check.

The Italian Government intended to issue urgent measures to deal with the emergency resulting from the epidemiological spread of Coronavirus, with the so-called "Cura Italia" decree of 17th March 2020 n. 18.

Here is the highlights of the most interesting provisions concerning the job and social security areas:

- expansion of access to social security benefits and income support measures;
- a series of allowances for employees of certain sectors and self-employed;
- the quarantine period for the disease is equivalent to sickness;
- the extension of the deadlines for submitting unemployment claims;
- special leave or, alternatively, the use of a baby sitting bonus;
- the prohibition of collective dismissal or for justified objective reason;
- suspension of the terms for access to INAIL services.

Romania  Civil servants work from home, as well as other professionals.


Argentina  Financial aid to poorer, informal and risky sectors against the virus.


Delays in payment dates for essential public services.

Suspension of persecution for tax collections.

Softening of requirements for private bank loans.

They prohibited companies from separating and suspending personnel for a period of 60 days.

Bosnia and Herzegovina  Employers are advised not to terminate employment contracts, otherwise they will not be able to exercise the right to assistance from the RS Government, which will be defined in the coming period. In addition, it is recommended that the work process will be organized with a minimum number of on-site executors, and that enhanced workplace disinfection measures must be introduced. In the Federation of BiH, one of the employed parents of children up to ten years old can be absent from work and stay home with the child.

Netherlands  The most important measures are the 'Temporary Emergency Measure Bridging for Employment'. In short, this measure means that employers can submit an

application for a substantial contribution towards wage costs and receive an advance from UWV.

Employers can use this to continue to pay their employees with a permanent and flexible contract.

Costa Rica



Law of Authorization of Reduction of Work Days before the Declaration of National Emergency (March 21, 2020).





1. The temporary reduction of working hours and wages is authorized by the affectation of an emergency declaration.
2. The company must have an affectation of gross income of 20% or more to request a 50% reduction, and an affectation of 60% or more for request a 75% decrease in hours and wages.
3. Apply for private employment relationships

Colombia



The decision establishes that the state workers will remain in their positions and for no reason may they be dismissed during the period of the quarantine decreed to face the coronavirus.


## Tax Law

- Spain  Except for some extensions and suspensions, most taxes will continue to be paid
- France  Deadlines for the payment of social and/or fiscal instalments (URSSAF/direct taxes only, not VAT). Direct tax rebates (not VAT) that can be decided on the basis of an individualised examination of the applications.
- Portugal  Companies taxes are mandatory but were postponed.
- Italy  The most important measures adopted by the Italian Government related to the Tax Law are that all payments for tax and non-tax receipts, deriving from statement of account, are suspended and shall be paid by June 30. It has been adopted also the postponement of the expiry of some tax returns and it has been decided that the tax, contributions and VAT payment are suspended until May 31 for the Companies with a turnover under 2 million euro and for all the Companies operating in the sectors most affected by the crisis (such tourist-hotel, spa, passenger transport, catering and bars, culture etc.).

The Decree n.18 17th March 2020 n. 18 introduces different types of concessions for individuals, professionals and businesses. The main provisions concern:

- the new tax credit for the sanitation of the workplace
- the new tax credit for the rent of shops and bar/restaurants
- the extraordinary regime for 2020 of the tax credit for advertising investments
- the tax credit for the transformation of prepaid taxes relating to ACE losses and surpluses;
- the tax credit for newsstands limited to 2020;
- the tax deduction and the deduction from corporate income for the donations made to finance the interventions to contain the epidemiological emergency COVID-19;
- the donation of goods to businesses for social solidarity purposes

Romania  Some tax deferred

Argentina 

Bosnia and  
Herzegovina



The Federation of BiH Tax Administration has extended the deadline for filing tax returns until April 15, 2020.

The RS Government's Crisis HQ adopted a Proposal of measures for mitigating the adverse effects of Coronavirus on businesses in the Republic of Srpska, including delayed payment of corporate income tax and all other obligations for 2019 accounts until June 30, 2020, as well as the ability to pay in instalments, prompt payment of tax refunds and contributions for increase of salaries in 2019, reduction of parafiscal levies in the final phase, which according to the proposal will be realized in April 2020, while the most vulnerable business entities working with countries most severely affected by the Coronavirus are subjected to a single status analysis.

The RS Tax Administration in a statement dated March 20, informed taxpayers that, based on the RS Government Conclusion, the deadline for submission of annual tax returns was extended to April 30, 2020, in order to facilitate taxpayers' compliance with their tax obligations, given the global situation caused by the Coronavirus pandemic. The statement once again urges taxpayers to use the RS Tax Administration's electronic services to the fullest extent possible. In addition, the RS Tax Administration started paying returns of taxes and contributions for salary increases in 2019 in accordance with the proposal of the Crisis HQ for monitoring the adverse effects of the Coronavirus on the situation in the RS economy.

The Indirect Taxation Authority of Bosnia and Herzegovina has announced that all business processes within this institution are proceeding completely normally and without any interruption, that all customs offices in Bosnia and Herzegovina are operating full time, and import and export customs procedures are completed in shorter possible period with due regard for legal regulations.

Netherlands



Costa Rica



Tax Relief Law before COVID-19. Law approved by the Legislative Assembly for a moratorium on the payment of VAT, partial payments of the profit tax, the selective consumption tax and the taxes to nationalize merchandise, during the months of April, May and June 2020.

Colombia



Among the other measures include the temporary suspension of parafiscal payments. Another one is the return of VAT tax to the most vulnerable people. This



is an economic support measure that will help four million Colombians face the economic impact of covid-19.

U.S.A.



The following is a brief summary of recent tax related regulatory and legislative developments related to the COVID-19 pandemic, as of April 3, 2020. Federal and state guidance and guidelines are being modified constantly, and so any of the information below may be subject to change.

### *Tax Filing and Compliance Modifications*

The federal government and various state governments have modified filing and payment deadlines with respect to 2019 tax returns.

- Federal Deadlines:
  - Federal income tax returns that would otherwise have been due on April 15, 2020 will now be due on July 15, 2020. The extension of time also applies to tax payments that otherwise would have been due between April 15 and July 15, and now are not due until July 15. Interest will not start to accrue on unpaid tax liabilities until July 16, 2020.
  - The aforementioned extension of time also applies to gift tax returns and payment of gift and GST tax. So far, there has been no relief with respect to estate tax returns or nonprofit informational returns.
- State Tax Deadlines:
  - *Massachusetts* –
    - The April 15, 2020 filing deadline is automatically extended until July 15. The extension applies to personal income tax, estate and trust income tax, and income tax due with a partnership composite return with an April 15, 2020 due date. Relief also applies to an April, 2020 tax installment owed by a personal income taxpayer with respect to deemed repatriated income. Taxpayers that previously filed 2019 tax returns but have not yet made the associated payments have until July 15, 2020 to make those payments.
    - First and second installments of estimated tax, originally due April 15, 2020 and June 15, 2020, respectively, are now due July 15, 2020.
    - Late-file and late-pay penalties for corporate excise (including financial institution and insurance premiums excise) returns and payments due on April 15, 2020 will be waived if those returns and payments are filed and made

by July 15, 2020. Interest will continue accrue on any amounts not paid by April 15, 2020, however.

- For further guidance, see <https://www.mass.gov/technical-information-release/tir-20-4-tax-filing-and-payment-relief-for-personal-income-and>.
- Hospitality and Restaurant Sector Tax Relief:
  - Returns and payments due during the period March 20, 2020 through May 31, 2020 are suspended for certain taxpayers and vendors who are required to collect and remit Sales and Use Taxes, Meals Tax and Room Occupancy Excise Tax. To qualify for suspension, tax returns and payments must be made by June 20, 2020.
  - The aforementioned relief does not apply to Marijuana Retailers, marketplace facilitators and vendors of motor vehicles.
  - In addition, legislation has been filed that if passed would allow restaurants to sell beer and wine sealed in their original packaging if the sales are in connection with a take-out food order.
- Pending Bill entitled “Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19”:
  - Municipal tax deadlines would be extended, allowing municipalities to waive late-payment penalties for 4th quarter tax bills, which are otherwise due May 1, 2020. In addition, municipalities could change their tax bill due dates from April 1 to June 1.
  - Municipalities would be allowed to extend the deadline for property tax exemptions and deferrals. The current statutory deadline is April 1; the legislation if passed would allow municipalities to extend that date to June 1.
- Community Investment Tax Credit:
  - Regulations have been issued to reflect statutory changes to the credit’s total cumulative caps and effective dates.
- Massachusetts will generally comply with any federal relief provided.
- New York –
  - The filing and payment deadlines for personal and corporate tax returns originally due on April 15, 2020 has

been extended until July 15. Penalties and interest will not be incurred until July 16, 2020.

- Quarterly or annual sales tax vendors who were unable to file or pay their March 20, 2020 sales tax returns due to COVID-19 may be eligible to apply to have penalties and interest waived. To determine eligibility, visit: <https://www.tax.ny.gov/press/alerts/sales-tax-relief-for-covid-19.htm>.
- New York will generally comply with any federal relief provided.
- See <https://www.tax.ny.gov/press/alerts/nys-tax-response-to-covid-19.htm> for the latest updates from the New York State Tax Department.
- *District of Columbia* –
  - Income Tax
    - Filing and payment deadlines have been extended for 2019 income tax returns, partnership tax returns, and franchise tax returns until July 15, 2020.
    - Estimated tax payment deadlines are not extended, however; the deadlines for individual and business taxpayers to file their Tax Year 2020 estimated tax payments (Forms D-40ES, D-41ES, D-20ES, and D-30ES) remain unchanged. The first quarter payments are due April 15, 2020, and the second quarter payments are due June 15, 2020.
  - Property Tax
    - Real property tax deadline generally remains unchanged, but extensions are granted for tax appeal as well as income and expense report. Property owners in D.C. who believe their proposed tax year 2021 assessment does not reflect the market value of their property can appeal by April 30, 2020 (originally due April 1, 2020). Real property income and expense report is due April 30, 2020 (originally due April 15, 2020).
    - Real property tax due date has been extended for hotels and motels. A “hotel” or “motel” classified as Class 2 Property under D.C. Code §47-813 for tax year 2020 may pay its first half tax year 2020 real property tax installment through June 30, 2020 (originally due March 31 for the period of October 1

– March 31). In exchange, sales and use tax relief is unavailable, as described below.

- Sales & Use Tax
  - Interest and penalties are waived for February and March late sales and use tax payments, but the tax must be paid in full by July 20, 2020. Sales and use tax return deadlines are not extended, however. Interest and late payment penalties of sales and use taxes are waived for all businesses that file sales and use tax returns on a monthly or a quarterly basis for periods ending on February 29, 2020 and March 31, 2020 provided that payment of all taxes due for these periods are paid in full by July 20, 2020 (except for hotels and motels permitted to defer real property taxes; see discussion above). All businesses must continue to timely file their monthly and quarterly sales and use tax returns through OTR's online portal, MyTax.DC.gov, to receive this benefit.
  - D.C. will generally comply with any federal relief provided.
  - See <https://otr.cfo.dc.gov/page/coronavirus> for the latest updates from DC's Office of Tax and Revenue.
- Maryland –
  - Maryland will generally comply with any federal relief provided.
- Virginia –
  - Individual and corporate income tax payments due during the time period of April 1, 2020, to June 1, 2020, are extended until June 1, 2020. Penalties will not accrue if payments are made by June 1, 2020, but interest will accrue after the original filing due date.
  - All income tax filing deadlines remain the same, including the May 1, 2020 individual income tax filing due date, but Virginia's automatic, 6-month extension to file (7 months for certain corporations) continues to apply.
  - See <https://www.tax.virginia.gov/news/coronavirus-updates> for latest updates from Virginia Tax.

*Tax Provisions in the Coronavirus Aid Relief and Economic Security Act ("CARES" or the "Act")*

On Friday March 27, the President signed into law the Coronavirus Aid Relief and Economic Security Act. The Act contains a number of provisions designed to

provide relief to individuals and businesses. Among those provisions, key tax related ones include the following:

- *Tax rebate payments*
  - Taxpayers whose Adjusted Gross Income does not exceed \$75,000 (\$112,500 for Head of Household filers) are eligible to receive a recovery check of \$1,200. The amount is phased out as AGI exceeds \$75,000 and is entirely phased out for taxpayers with AGI of more than \$99,000 (\$136,500 for Head of Household filers). Joint filers are eligible to receive \$2,400 if their AGI does not exceed \$150,000. If the taxpayer has not yet filed her 2019 return, amounts will be based on the 2018 tax return.
  - The applicable amount will be treated as an additional payment credited to the taxpayer's 2019 tax liability, or if the 2019 tax returns have not yet been filed, to the taxpayer's 2018 tax liability.
- *Retirement Accounts*
  - Early withdrawal – A taxpayer who has been diagnosed with, or otherwise adversely affected by, the coronavirus may withdraw up to \$100,000 from a qualified retirement plan account or IRA without incurring the ten percent (10%) penalty typically applied to early withdrawals. The penalty exclusion is applicable for withdrawals made on or after January 1, 2020 and before December 31, 2020.
    - Income tax on the income attributable to early withdrawals will be payable ratably over three years; however, amounts that are recontributed to a qualified account within the three-year period will be treated as a nontaxable rollover without regard to the annual limitation.
  - Loans – The limit on loans from qualified retirement plans is increased to \$100,000 from \$50,000. Additionally, the date by which the loan is required to be repaid is extended by one year.
  - Required withdrawals – The requirement to withdraw funds from certain retirement accounts is waived for calendar year 2020 with respect to IRAs and certain defined contribution plans.
- *Charitable Contributions*
  - Additional Deduction – Taxpayers who do not itemize deductions will be allowed to claim a \$300 “above the line” deduction for “qualified charitable contributions” (i.e. cash gifts to public charities).
  - Modification of Limitations –
    - Individuals are able to deduct qualified charitable contributions to the extent of AGI, but cannot exceed AGI for prior year charitable donation carryovers.

- The limitation for corporations for gifts of cash and food inventory has been increased to 25% of taxable income from 10% of taxable income and carryover.
  - Exception: Noncash gifts and gifts to private foundations, donor-advised funds and supporting organizations do not qualify for these benefits.
- *Employer Payroll Taxes*
  - Certain eligible employers are allowed a credit against employment taxes equal to 50% of the qualified wages (which are limited to \$10,000 per employee) with respect to each employee.
  - The due date for paying certain employer payroll taxes is deferred until December 31, 2022.
- *Modification for Net Operating Losses (NOLs)*
  - NOLs may be used to fully offset taxable income for years prior to 2021. After 2020, NOLs generated in years beginning after December 31, 2017 are limited to 80% of taxable income.
  - NOLs generated in years 2018, 2019 and 2020 may be carried back 5 years.
  - Note: NOL carryback generally does not apply to REITs.
- *Loss Limitation Provisions*
  - The limitation on excess business losses under Code Section 461(l) is only applicable for years beginning after December 31, 2020.
  - Technical Corrections – The Act includes certain technical corrections to 2017 Tax Cuts and Jobs Act (the “TCJA”), including:
    - Excess Loss Carryovers – Previously, the TCJA provided that excess losses are carried over and treated as a net operating loss carryover to the following year. The Act clarifies that excess losses are included in the calculation of NOL carryovers for subsequent years.
    - Capital Gains and Losses – The Act also clarifies that capital gains and losses should not be included in the limitation and capital gains are limited to the net capital gain attributable to business activity.
  - Note that it is unclear whether the NOL and loss limitation changes apply to tax-exempt organizations with respect to unrelated trade or business income.
- *Prior year AMT Credit for Corporations*
  - The Act allows corporate taxpayers to claim a refund with respect to the carried over AMT credits with their 2019 tax returns. Previously, this credit was required to be claimed over a period of several years. The Act accelerates the timing in which a refund can be claimed.
- *Business Interest Limitations*

- The TCJA limited the amount of interest that can be deducted by taxpayers to 30% of EBITDA. The Act increases this percentage from 30% to 50% for 2019 and 2020.
- In calculating the applicable limitation for tax years beginning in 2020, taxpayers may elect to use their taxable income from their 2019 tax year.
- Note that this provision does not apply to tax years of partnerships beginning in 2019. Instead, excess business interest will be carried over to the partners' 2020 tax return and 50% of such excess business interest will be able to be deducted without limitation.
- *Qualified Improvement Property*
  - The Act makes a technical correction to the asset classification of Qualified Improvement Property provided for in TCJA. For purposes of depreciating such improvements, the Act provides that Qualified Improvement Property has a 20-year class life and a 15-year recovery period under MACRS, which is eligible for bonus depreciation.
  - Note that taxpayers who made a real property trade or business election out of Code Section 163(j) may not be able to take advantage of bonus depreciation for qualified improvement property.

*Other Federal Relief –*

- Contributions to Retirement Plans and Health Savings Accounts: Taxpayers may make contributions to a retirement plan or an HSA on account of 2019 until July 15, 2020.

South Africa



### Employment Tax Incentive (ETI)

ETI programme makes provision for the employer to claim the ETI in respect of a qualifying employee:

- Who is between the ages of 18 and 29; and
- Has a monthly remuneration of less than R6 500.

The maximum monthly ETI claimable per qualifying employee is limited to R1 000 in the first year of employment and R500 in the second year of employment. Further to the above, the monthly ETI can only be claimed for the first 24 months of the qualifying employee's employment by an employer or associated institutions.

In order to minimize unemployment and the risk of the economy grinding to a halt during this difficult period, Government proposes expanding the current ETI to assist employers retain employees during this critical period of social distancing



and lockdown, thus reducing the risk of low income earners losing their employment as a result of the outbreak.

With effect from 1 April 2020 and ending on 31 July 2020, Government proposes expanding the ETI programme as follows:

Increasing the maximum amount of ETI claimable during this four month period for employees eligible under the current ETI Act from R1 000 to R1 500 in the first qualifying twelve months and from R500 to R1 000 in the second twelve qualifying months.

Allowing a monthly ETI claim in the amount of R500 during this four month period for employees from the ages of:

- 18 to 29 who are no longer eligible for the ETI as the employer has claimed ETI in respect of those employees for 24 months; and
- 30 to 65 who are not eligible for the ETI due to their age.

Accelerating the payment of employment tax incentive reimbursements from twice a year to monthly as a means of getting cash into the hands of tax compliant employers as soon as possible.

This expansion will, however, only apply to employers that were registered with SARS as at 1 March 2020. Further to the above, the current compliance requirements for employers under the relevant provisions of the ETI Act will continue to apply.

### **Deferral of the payment of employees' tax (PAYE) for tax compliant small to medium sized businesses**

In order to assist with alleviating any cash flow burden arising as a result of the COVID-19 outbreak, with effect from 1 April 2020 and ending on 31 July 2020, government proposes the following tax measures for tax compliant small to medium sized businesses:

- Deferral of payment of 20% of the PAYE liability, without SARS imposing administrative penalties and interest for the late payment thereof.
- The deferred PAYE liability must be paid to SARS in equal instalments over the six month period commencing on 1 August 2020, i.e. the first payment must be made on 7 September 2020.

For the purposes of this proposal, small or medium sized business is defined to mean any business with an annual turnover not exceeding R50 million.

The above-mentioned proposals will not apply to an employer or representative employer that:

- has failed to submit any return as defined in section 1 of the Tax Administration Act, 2011 (TAA) on the basis required by section 25 of the TAA; or
- has any outstanding tax debt as defined in section 1 of the TAA,
- but excluding a tax debt in respect of which an instalment payment agreement or procedure for compromise of tax debt has been entered into in accordance with the relevant provisions of the (TAA);
- that has been suspended in terms of section 164 of the TAA; or
- that does not exceed the amount referred to in section 169(4) of the TAA

NB: Interest and penalties will apply if the employer has understated the PAYE liability for any of the four months.

### **Deferral of the payment of provisional tax for tax compliant small to medium sized businesses**

In order to assist with alleviating any cash flow burden arising as a result of the COVID-19 outbreak, with effect from 1 April 2020 and ending on 31 March 2021, government proposes the following tax measures for tax compliant small to medium sized businesses:

- Deferral of a portion of the payment of the first and second provisional tax liability to SARS, without SARS imposing administrative penalties and interest for the late payment of the deferred amount;
- The first provisional tax payment due from 1 April 2020 to 30 September 2020 will be based on 15 percent of the estimated total tax liability, while the second provisional tax payment from 1 April 2020 to 31 March 2021 will be based on 65 percent of the estimated total tax liability;
- Provisional taxpayers with deferred payments will be required to pay the full tax liability when making the third provisional tax payment in order to avoid interest charges.


For the purposes of this proposal, a small or medium sized businesses is defined as any company conducting a trade with an annual turnover not exceeding R50 million. The eligibility criteria for individuals carrying on a business have yet to be finalised, but one possibility is that they will be eligible if their turnover is less than R5 million and no more than 10 per cent of their turnover is derived from interest, dividends, foreign dividends, rental from letting fixed property and any remuneration received from an employer.


The above-mentioned proposals will not apply to an employer or representative employer that:

- has failed to submit any return as defined in section 1 of the Tax Administration Act, 2011 (TAA) on the basis required by section 25 of the TAA; or
- has any outstanding tax debt as defined in section 1 of the TAA,
- but excluding a tax debt in respect of which an instalment payment agreement or procedure for compromise of tax debt has been entered into in accordance with the relevant provisions of the (TAA);
- that has been suspended in terms of section 164 of the TAA; or
- that does not exceed the amount referred to in section 169(4) of the TAA


NB: Interest and penalties will apply in instances where, upon assessment, it is discovered that a taxpayer does not qualify for relief under the proposed amendments.


## Civil / Commercial Law

Spain  With the annual shareholders meeting season coming up, many companies were unable to meet filing deadlines and were grappling with how to hold the compulsory annual shareholders meeting. In light of the circumstances, The government allows for companies to hold telematics meetings of the governing bodies (e.g. videoconference) even if the company bylaws do not provide for it. Also, most of the corporate deadlines are suspended, including the one related to the filing of the annual financials where not only has the deadline been suspended, but the term extended. Similar measures have been approved for other filings such as the auditing report.


France  Deferral of the payment of rents, water, gas and electricity bills for smaller companies in difficulty. Support from the State and the Banque de France (credit mediation) to negotiate with his bank a rescheduling of bank loans. Support for the handling of a conflict with customers or suppliers by the Business Ombudsman (Médiateur des entreprises). Public procurement: late penalties will not be applied.

Portugal 

Italy  The most important measures adopted by the Italian Government related to the Civil and Commercial Law are the suspension of all judicial activities - both hearings and time limits for judicial fulfillments - until April 15 (except for urgent matters the activities); moreover, all companies are allowed to call the shareholders meeting to approve the financial statements as 31.12.2019 within June 29 instead of April 29. Directors and shareholders can participate at the meetings electronically.

Romania  Courts are closed; you can only work with Trade Registry online provided you have a digital signature

Argentina 

Bosnia and Herzegovina  The BiH Chamber of Commerce informed interested parties about the possibility of applying for the issuance of a “force majeure certificate” (Lat. Vis Maior), which serves that for objective reasons (weather, energy reductions, earthquakes, etc.)

temporarily or permanently, repeal the obligations arising from the contractual relationship, and to enable the company to prove to its business partners the inability to respect the contractual obligations for reasons that could not have been foreseen, eliminated or avoided. In order to obtain such a “force majeure certificate” from the BiH Chamber of Commerce, a written request must be submitted on a memorandum of the company which must state specific information about the service/product that could not be realized due to force majeure, the number of the contract to which it refers, the type/name of the goods that were to be delivered, the delivery deadline and the area/location where the force majeure occurred. The BiH Chamber of Commerce has been instructed by the Federal Ministry of Health regarding the supervision of passengers in international traffic and the transport of goods. On its web site, the BiH Chamber of Commerce has published information on the impact of the Coronavirus on the economy of Bosnia and Herzegovina, as well as on the difficulties in doing business in certain economic sectors.

The Republic of Srpska Chamber of Commerce invited all local businessmen facing difficulties in business caused by the spread of Coronavirus, to fill out a survey (which can be found on the Chamber of Commerce’s website) and report business problems, on the basis of which business support measures would be created. Prior to that the Republic of Srpska Chamber of Commerce submitted to the Prime Minister of the Republic of Srpska a letter outlining important issues that need to be addressed urgently and proposing six measures to mitigate the harmful effects of the Coronavirus on the Republic of Srpska economy.

Netherlands



The courts are closed. In addition, it is not possible to evict tenants from their home, subject to a few exceptions.

Costa Rica




CCSS has approved a reduction of the minimum tax base, applicable for 3 months, during the national emergency. (March 19, 2020).

Approve the reduction to 25% of the minimum tax base in force in health insurance and pension insurance on a temporary basis for a period of three months that cannot be extended, that is, for the invoicing of employer's payroll, contributions of independent workers .

MTSS publishes guidelines for the implementation of telework as a preventive measure against Covid-19. (March 10, 2020).

Guide for the implementation of telework in the public sector as preventive measure against the spread of COVID-19 in the country.

Directive DGA-003-2020 (March 18, 2020). Its purpose is to control the export and re-export of products for surgical use, in order to avoid possible shortages.


Colombia 

During the quarantine, many people could not generate income. However, teleworking has become the best option for companies to continue operating during the coronavirus emergency.


Some civil measures include the announcement of additional money orders for different social programs and vulnerable populations. On the other hand, companies and individuals will be able to refinance their loans without affecting their credit history.

## Financial Measures

Spain  Different measures have been approved to boost the Spanish economy. These include cash injections by the Government in different formats. The Spanish Government has approved a €200 billion emergency program to fund efforts to contain COVID-19 epidemic.

France  Aid of up to €1,500 for very small enterprises, the self-employed and micro-entrepreneurs in the most affected sectors. Mobilization of the State to the tune of 300 billion euros to guarantee bank lines of credit that companies may need because of the epidemic.


Portugal 


Italy  In order to provide liquidity to the companies in difficulty, the Government allocates € 1 billion to strengthen the SME guarantee fund, which can be accessed free of charge with an increase in the maximum amount per individual company to € 5 million. The Ministry of Economy is also authorized to issue the state guarantee to support the export credit in the tourism sector, among the hardest hit in this moment of crisis. Only for micro and small and medium-sized enterprises, there is a clause to save credit lines and suspend the payment of mortgage installments until September 30 2020. For larger companies, the public guarantee mechanism instead provides for the involvement of the State with an endowment of 500 million euro.

Strengthening the Central Fund of Guarantee for Small and Medium-Sized Enterprises (Fondo centrale di garanzia per le piccole e medie imprese);

- Extension to self-employed and professionals to access the Solidarity Fund first home mortgages (so-called "Fondo Gasparrini");
- Adoption of a moratorium for funding and mortgages;
- Support to the liquidity of businesses they have suffered a reduction of turnover. It is expected a counter guarantee for banks by Cassa Depositi e Prestiti Spa. The State guarantee is issued in favour of Cassa Depositi e Prestiti SpA up to a maximum of 80% of the exposure taken;
- grant to companies which promote the Italian business internationally;
- Measures to support the agricultural and fisheries sectors
- Emergency fund to support the entertainments sector (theatre, cinema, audio-visual activity)



Romania  Some possibilities for applying for loans with low interests for small and medium sized companies


Argentina 

Bosnia and Herzegovina  The Standing Committee for Financial Stability of Bosnia and Herzegovina (SOFS) of the Central Bank of BiH confirmed the security, liquidity and capitalization of the banking sector in Bosnia and Herzegovina. It further stated that commercial banks can fulfil all their depositors' requirements, including cash withdrawal requirements, and while maintaining the circumstances in which the business is currently operating, maintain business continuity in accordance with the needs of citizens and the economy. The meeting also discussed measures that institutions, members of the SOFS, can take to maintain financial stability in the country.

It is recommended to allow a moratorium, introduce a grace period, extend the loan repayment period, etc.

Netherlands  Several measures have been taken.

One of these measures is that companies can receive a one-off payment of 4,000 euros, in particular to pay their fixed costs.

Costa Rica  Law on Maximum Commissions of the Card System (March 21, 2020). Establish that the Central Bank of Costa Rica will be responsible for determine the percentages of exchange and acquisition fees for purchase transactions with credit and debit cards.

Extraordinary period for businesses and industries to pay for electricity (March 20, 2020). Commercial and industrial clients of the Costa Rican Institute of Electricity (ICE) may request the benefit of paying half of their energy consumption during March, April and May. The collection of the remaining 50% must be paid in equal installments from July to December 2020.

Presidential directive to State Commercial Banks to attend COVID-19 emergency (March 20, 2020). Measure urges banks to lower interest rates, extend credit terms and extend payments, among other provisions.




It was determined that companies will be able to dispatch products marketed through electronic commerce through postal services and collaborative economy companies.

Financial institutions, banks and pension funds have adjusted their conditions for certain credit obligations, freezing of credits, grace periods or extensions of payments, among others.


## Other Considerations


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Spain  Foreign Investments: In response to the impact of COVID-19 in the markets and the Spanish Stock Market (IBEX 35) hitting its historic low, The Spanish Government had included a number of restrictions to the acquisition of certain assets and stakes in Spain. These apply to foreign investors and to businesses or companies operating in strategic areas or interests.


France 

Portugal 

Italy  Italian people, other than working for the most part from home, in order to keep their sociability active, began to organize making happy-hour online, dinners online with friends, online birthday parties and cineforum. It is a way to keep in touch with friends and to share, even at a distance, the joys of this difficult period.


Romania 

Argentina  No measures related to taxes yet.

Bosnia and Herzegovina 

Netherlands 

Costa Rica 

 It was determined that companies will be able to dispatch products marketed through electronic commerce through postal services and collaborative economy companies.

Financial institutions, banks and pension funds have adjusted their conditions for certain credit obligations, freezing of credits, grace periods or extensions of payments, among others.

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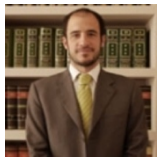
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