



COVID-19 Weekly Report

6 – 13 April 2020

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1. Foreword

The COVID-19 pandemic is entering its peak phase across much of Europe and North America, with shelter-in-place orders issued in many US states and lockdown provisions being extended in many European countries. However, the situation is less consistent in Asia – while China is gradually relaxing restrictions and allowing certain businesses to cautiously reopen their doors, Japan is battenning down the hatches following its recent declaration of emergency and Singapore is moving quickly to tackle a resurgence of cases.

In light of COVID-19's varied impact worldwide, many companies with a global footprint and those with extensive supply chains are adopting a highly dynamic approach to crisis management, fine tuning their responses to the specifics of each jurisdiction instead of one-size-fits-all measures. Perhaps with an eye towards the wave of commercial litigation that will inevitably follow on from the virus, much attention is focused on the need to adequately document and notify each decision made.

The next section summarises some of the most pressing legal issues faced by our in-house counsel audience over the past week.

We endeavour to develop and refine the content of these weekly reports over time to ensure utmost relevance and usefulness to readers' daily practice. As such, we invite you to send any feedback on how the scope of future editions can be improved to admin@internationallawoffice.com.

2. Key legal issues this week

1

CONTRACTS: Contractual performance is likely to remain a top concern for readers, with many continuing to review their commercial contracts and acquaint themselves with the differing legal treatment of *force majeure* and contract frustration across the countries in which they hold interests. However, many governments are moving to institute moratoriums on contractual enforcement actions of various sorts. In practice, negotiation and frank communication with stakeholders may be the best option – after all, no one will go completely unscathed by the economic impact of COVID-19.

2

EMPLOYMENT RELIEF: Questions remain over the details of numerous government relief initiatives to keep workers in their jobs – most notably, the Paycheck Protection Programme in the United State and the Coronavirus Job Retention Scheme in the United Kingdom. The fine print should be closely scrutinised and monitored, as eligibility criteria are often complex and continually changing.

3

CYBER RISKS: The data protection concerns swirling around popular video conferencing app Zoom have highlighted the need for companies to reassess cyber risks while their employees are working from home. Among other things, cybersecurity measures should be updated to accord with the new normal and incident response plans should be adjusted accordingly. Any cyber-insurance policies should also be reviewed.

3. Expert commentary

Over the past seven days the [International Law Office's](#) (ILO's) panel of expert international legal commentators have written about recent legislative and regulatory guidance. Produced in partnership with a team of specialised editors, ILO content provides readers with easy-to-digest insight into how COVID-19 is affecting a specific work area and jurisdiction from a single thought leader in each jurisdiction.

If you would like to submit a question to the ILO panel, please email admin@internationallawoffice.com.

3.1. Africa

3.1.1. Employment & Immigration



Government response to COVID-19's impact on employment *Morocco - CWA Maghreb*

The Ministry of Labour and Professional Insertion and the Ministry of Industry, Investment, Trade and Digital Economy recently issued a joint communique regarding the impact of COVID-19 on employment relationships and labour law. This article examines the guidance and answers FAQs from employers and employees regarding how COVID-19 will affect them.

Author: Mohamed Oulkhair

[Read more](#)

3.2. Asia

3.2.1. Private Client & Offshore Services



Estate and succession planning during COVID-19 pandemic *India - Cyril Amarchand Mangaldas*

India, like most countries, is coming to grips with COVID-19. The country is now under official lockdown, and the next few weeks will be critical in determining whether it has been able to successfully contain the virus. All individuals, not just the elderly or ill, should take the time to implement an estate plan as it will make life simpler for remaining family members if the proper steps are taken now.

Authors: Rishabh Shroff, Tanmay Patnaik

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Government adopts measures to fight COVID-19

Macau - Rato, Ling, Lei & Cortés Advogados

In view of the speed with which COVID-19 spread throughout China, Macau implemented various preventive measures under the Law on the Prevention, Control and Treatment of Infectious Diseases. After more than 30 days without any new cases, some measures were revoked. However, in March 2020 – given the spread of the virus across the globe – Macau was forced to reinforce measures in order to contain the re-appearance of the virus in the region.

Authors: Pedro Cortés, Kong Seng Hin

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3.2.2. Shipping & Transport



Instructions for ship managers and seafarers in wake of COVID-19 pandemic

Malaysia - Shearn Delamore & Co

In the wake of the World Health Organisation's declaration that COVID-19 is now classified as a pandemic, the Malaysian Marine Department (MMD) has issued instructions to shipowners, shipping agents, masters, seafarers, port operators, recognised organisations and the maritime industry. This article examines the MMD's instructions in detail.

Author: Rajasingam Gothandapani

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3.2.3. Tech, Data, Telecoms & Media



NCC requisitions airspace to broadcast health-related information

Taiwan - Shay & Partners

The National Communications Commission has requisitioned selected airspace from 213 TV channels and 161 radio stations nationwide. Each of the selected TV channels must allocate 24 minutes each weekday and 10 minutes each weekend day to broadcast a one-minute short film with open captions every hour offering health-related information and updates from the Taiwan Centre for Disease Control in response to the COVID-19 pandemic.

Author: Arthur Shay

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3.3. Europe

3.3.1. Aviation



Measures to assist airlines during COVID-19 crisis

Germany - *Arnecke Sibeth Dabelstein*

Due to the COVID-19 crisis, all German airlines have had to significantly reduce their number of flights. In order to assist airlines, the government implemented a new law to mitigate the consequences of the COVID-19 pandemic in civil, insolvency and criminal procedures (the COVID-19 Act). The new law is also relevant for aircraft lessors that have leased aircraft to German airlines and fear that in case of an airline's insolvency, they may have difficulties repossessing their assets.

Author: Christine Kranich

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3.3.2. Competition & Antitrust



ICA addresses application of Economic Competition Law during COVID-19 crisis

Israel - *Tadmor Levy & Co*

The Israeli Competition Authority recently published several clarifications regarding the application of the Economic Competition Law 5748-1988 in light of the COVID-19 pandemic. The clarifications refer to three main issues – namely, collaboration arrangements between competitors, gun-jumping rules in merger cases and postponement of reports required under the Law for the Advancement of Competition in the Food Sector 2014.

Authors: Ayal HaCohen, Roi Krause

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COVID-19: TCA announces zero-tolerance policy towards excessive price increases

Turkey - *ELIG Gurkaynak Attorneys-at-Law*

The Turkish Competition Authority (TCA) recently issued a series of public announcements emphasising that it has observed excessive price increases in the food sector – particularly for fresh fruit and vegetables – during the COVID-19 pandemic. Further, to protect consumers, the TCA has stressed that it will continue to monitor these price increases and the market players that have contributed thereto.

Authors: Gönenç Gürkaynak, Öznur İnanılır, Esen Ergül

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3.3.3. Corporate & Commercial



Measures introduced to protect businesses affected by COVID-19 pandemic

*Croatia - **Macesic & Partners***

On 20 March 2020 Parliament almost unanimously passed amendments to 19 laws enabling the government to implement rules and regulations for 63 different measures which aim to help and protect domestic businesses, companies and citizens whose business activities have been affected by the COVID-19 pandemic. This article provides an overview of the most important measures.

Author: Anita Krizmanić

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Directors' duties in time of COVID-19

*Cyprus - **Solsidus Law***

Directors run state hospitals, private clinics, companies and businesses that will be affected by the government's decisions during the COVID-19 pandemic and will be called on to decide the life or death of the businesses that they run. This article examines directors' duties in the face of a crisis from a corporate law perspective.

Author: Stella Koukounis

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3.3.4. Corporate Tax



Heal Italy decree-law: main tax measures

*Italy – **Studio Legale e Tributario Biscozzi Nobili Piazza***

In order to face the COVID-19 emergency, the Italian government has issued Decree-Law 18/2020, a package of extraordinary measures to strengthen the national health service and provide financial and economic support to families, workers and companies. The decree-law entered into force on 17 March 2020 and will be converted into law, with potential amendments, by Parliament within 60 days from its adoption. This article summarises the main tax measures included in the decree-law.

Authors: Simona Zangrandi, Franco Pozzi

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3.3.5. Employment & Immigration



COVID-19: changes to rules on distribution of work

*Denmark - **Norrbom Vinding***

As part of its COVID-19 measures, the government has adopted changes to the Executive Order on Payment of Unemployment Benefits to facilitate the implementation of distribution of work plans. Distribution of work plans can be implemented to allow employees to receive supplementary unemployment benefits during the period in which the plan is in force (up to 13 weeks).

Author: Yvonne Frederiksen

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3.3.6. Private Client & Offshore Services



Art-secured lending: maximising liquidities opportunities for private art collectors

*Switzerland - **LALIVE***

With COVID-19, investors who are facing cash calls and liquidity squeezes in other asset classes might be looking to realise some liquidity from their unsecured, unleveraged artwork collections; despite valuation risks, this could therefore be a time when investors turn to art loans to provide them with much-needed liquidity. Concluding an art-based loan agreement under Swiss law offers many advantages, and it will be interesting to see how this loan product fares in the aftermath of the COVID-19 crisis.

Authors: Sandrine Giroud, Simine Sheybani

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3.4. International

3.4.1. Construction



Three practical steps to protect your legal position on COVID-19 disruptions

*International - **LALIVE***

All parties involved in construction projects – including contractors, employers, subcontractors and suppliers – should consider what steps they can take now to ensure that they are on a sound legal footing with respect to COVID-19 impacts when the dust settles and it becomes time to allocate responsibility for the consequences. This article sets out three practical steps that parties should be taking now to preserve their rights in respect of the COVID-19 fallout and minimise the risk of future disputes.

Author: Sam Moss

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3.4.2. Shipping & Transport



Looking ahead towards a new global trading reality

International - AKD NV

The COVID-19 crisis is now several weeks old and the world finds itself in an unprecedented situation both from a health and an economic perspective. This article examines how the shipping industry can manage its supply chain in the current situation and with particular focus on planning ahead for the stage when the current trade restrictions are lifted.

Author: Sebastiaan Moolenaar

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3.5. Latin America & the Caribbean

3.5.1. Employment & Immigration



COVID-19: lay-offs, short time and redundancies – what you need to know

Bahamas - Lennox Paton

In times of crisis such as the current COVID-19 pandemic, employers and employees alike need to be aware of their rights and obligations. Employers should ensure that lay-off or short-time actions are taken with due consideration and in accordance with the Employment Act. Employees should be prepared for the possibility of being laid off or put on short time and, understanding their options under the law, work with their employer to produce the best outcome for both parties.

Author: Dwayne Whyllly

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3.5.2. Shipping & Transport



Impact of COVID-19 on Brazilian maritime industry

Brazil - Kincaid / Mendes Vianna Advogados

The COVID-19 outbreak has been affecting supply chains worldwide and significantly impacting global trade and the maritime industry, including the offshore sector. As new regulations to handle the COVID-19 crisis have been issued on a daily basis, it is paramount that owners, charterers, traders and port operators keep a close eye on legal developments.

Authors: Godofredo Mendes Vianna, Livia Sancio

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Dealing with COVID-19: is quarantine for cargo vessels always the solution? *Colombia - Franco & Abogados Asociados*

Local authorities in Colombia have found themselves facing the same dilemma that the COVID-19 pandemic is causing everywhere: how to protect public health while at the same time maintaining the operation of commercial activities and the flow of necessary goods to the greatest extent possible. To this end, the Colombian National Maritime Authority has been following International Maritime Organisation guidance and a number of regulations have been issued at the domestic level.

Author: Javier Franco

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3.6. North America

3.6.1. Competition & Antitrust



Antitrust agencies respond to COVID-19 challenges in merger reviews *USA - Norton Rose Fulbright LLP*

As the United States reacts and adjusts to the developing COVID-19 situation, the two federal antitrust agencies – the Federal Trade Commission and the Department of Justice Antitrust Division – have revised certain rules and procedures relating to their civil merger investigation processes to address these new challenges. Although both agencies have shifted most of their personnel to remote working arrangements, agency staff have demonstrated a willingness to be reasonable and accommodating.

Authors: Amanda Wait, Abraham Chang

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3.6.2. Employment & Immigration



Government further expands wage subsidy for employers *Canada - Fasken*

The government recently announced that employers which experience a COVID-19-caused revenue loss of at least 30% will be eligible for a subsidy of up to 75% of each employee's wages. According to the oral announcement, the subsidy will, among other things, extend to charities, non-profit organisations and large and small businesses, apply to the first C\$58,700 earned per employee and be retroactive to 15 March 2020.

Authors: Sophie Arseneault, Christine Côté, Guy W Giorno, Kevin H Yip

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3.6.3. International Trade



COVID-19 duty deferral option withdrawn by CBP amidst continued requests by Congress

USA - Arent Fox LLP

As individuals and businesses face the growing health and economic crisis stemming from the global COVID-19 outbreak, the government has searched for balanced ways to provide relief to those struggling, and trade measures are no exception. However, after initially accepting requests from importers in light of the COVID-19 pandemic to defer payment of duties, US Customs and Border Protection recently issued guidance withdrawing this option.

Authors: David R Hamill, Teresa Polino, Russell A Semmel

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DPA: four takeaways for companies that make or sell medical PPE and related commodities

USA - Arent Fox LLP

The Defence Production Act (DPA) allows the president to shape the domestic industrial base for national defence preparedness, which includes emergency preparedness activities. This article addresses a number of DPA-related questions that have arisen in light of the COVID-19 pandemic, including how the administration has used the DPA in response to the crisis, what the impact of the administration's DPA-related orders and memoranda will be and what this means for exporters.

Authors: Marwa M Hassoun, Kay C Georgi, Regan K Alberda, Travis L Mullaney

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3.7. United Kingdom

3.7.1. Employment & Immigration



Furloughing employees – FAQs for employers on COVID-19 job retention scheme

United Kingdom - Lewis Silkin

The government has updated its guidance on how furlough will work in practice under the new Coronavirus Job Retention Scheme. The guidance gives more clarity on salary sacrifice, which types of worker can be claimed for and which payments can be included. This article sets out the key points from the updated guidance and answers FAQs about the scheme.

Authors: Lucy Lewis, Richard Moore

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