

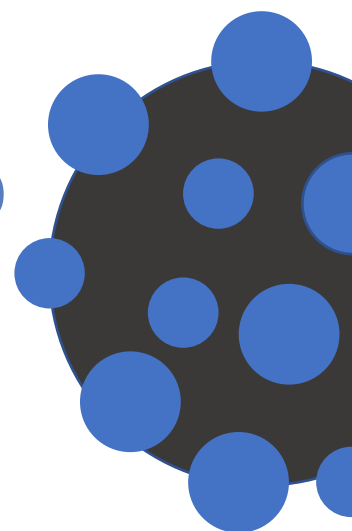


**Gil Figueira  
& Devillet Lima**  
Advogados

# Insights

**Private Client**  
**8/04/2020**

## **Coronavirus / Covid19 State of Emergency Update**



### **Synopsis**

An overview of the new restrictions implemented by the Portuguese Government following the Covid19 outbreak.

For those who are not able to read and understand Portuguese.

These measures are specifically aimed at containing the propagation of Covid19 and were enacted by Decree-Law 2-A/2020 of 20<sup>th</sup> March 2020 when the State of Emergency started.

Following the extension of the State of Emergency, new rules are enacted by the Government Decree n. 2-B/2020 of April 2<sup>nd</sup>, 2020.

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## State of Emergency

On March 18, 2020, the State of Emergency was declared in Portugal due to the Covid19 outbreak. The State of Emergency has been extended and is expected to last until 23:59 hours of the 17<sup>th</sup> of April and may renewed if deemed necessary by the Portuguese authorities.

This exceptional situation was triggered by the need to urgently restrict the movement of individuals to decrease the spread of this new coronavirus.

Restrictions apply throughout the national territory of Portugal. Specific rules for certain municipalities may be enforced depending on the circumstances.

In a nutshell, the Portuguese Government:

- Restricted traveling and movement of individuals
- Can impose quarantine on individuals
- Can put geographic sanitary fences in place
- Imposed the shut down of several business sectors
- Can commandeer property, factories, companies or production units, and set prices

## Which civil liberties have been restricted?

Partial restrictions will be enforced on:

- Freedom of movement and settlement
- Freedom of assembly
- Labor rights
- Private Property and Freedom of enterprise
- Right of resistance

## Restrictions on the freedom of movement

Circulation and travelling is forbidden, except for the purposes of:

### Subsistence & Necessities

- Acquiring goods and services
- Delivering essential goods to those who are disabled or lack freedom of movement
- Going to post offices, banks and insurance companies or brokers

### Work & Business

- Professional or similar activities (job interviews)

### Healthcare & Family

- Seeking health care services
- Assisting vulnerable individuals, such as the elderly, parents, children and disabled people
- Monitoring minors or complying with parental responsibilities
- Walking pets (short-term) or visits to a veterinarian

### Exercise & Leisure

- Enjoying quick walks in the street, near the person's domicile
- Physical exercise (exercising with a group of people is forbidden)
- Returning home

### Emergencies & Obligations

- Reasons of force majeure or unenforceable necessity, if duly justified
- Related to the protection of victims of domestic violence or human trafficking
- Participating in judicial proceedings



## Restrictions on the freedom of movement cont.

Restrictions also apply to drivers and vehicular transportation. However, driving to a gas station to purchase fuel is allowed.

Those issued a special authorization of free transit are not subject to these restrictions.

## Mandatory Telework

If allowed by the type of work, teleworking scheme is mandatory.

## Mandatory confinement

Mandatory confinement in a health facility or domicile is required for patients with Covid19 and those infected with SARS-Cov2 and citizens under active surveillance as determined by the Health Authorities or health care professionals.

Violation of the obligation of confinement constitutes a crime of disobedience.

Individuals may be sentenced up to two-year imprisonment or a fine of up to 240 days. The fine's amount varies according to several factors.

## Individuals under special protection

The following individuals are considered under special duty of protection:

- Individual over 70 year of age; and/or
- Immunosuppressed patients and patients with chronic diseases or illnesses considered at risk.

Per the guidelines of the Health Authorities, including patients who are hypertensive, diabetic, cardiovascular patients, patients with respiratory disease chronic and cancer patients.

Freedom of movement of these individuals is restricted (public or private roads or areas) to travelling for the following purposes:

- Acquisition of goods and services
- Obtaining health care
- Going to post offices, banks and insurance companies or brokers
- Physical exercise (exercising with a group of people is forbidden)
- Walking pets (short-term)
- Reasons of force majeure or unenforceable necessity, if duly justified
- Professional activity, if under 70 years old

These restrictions do not apply to health professionals, policemen, firefighters, holder of political offices, and magistrates.

Priority service must be granted to individuals under special protection.

## Special travel restrictions on Easter

All previous restrictions were renewed, and new ones were added, namely the prohibition to travel outside Municipality of residence during Easter (9<sup>th</sup> to 13<sup>th</sup> of April).

Travelling is only allowed for health or urgent and unexpected matters. These restrictions do not apply to health professionals, safety and military staff, politicians and magistrates if in performance of their duties.

Workers needing to travel to their workplace are required to hold a written declaration issued by their employer.

Commercial passengers' flights during this period are not allowed unless related to emergency landings, humanitarian flights or repatriation flights.

## **Car rentals**

Rent-a-car operations are allowed in the following circumstances:

- For allowed travel purposes, namely for the acquisition of essential goods or services, for health reasons or to assist other individuals;
- For retail trade activities or the provision of authorized services;
- To provide aid to drivers and to immobilized or damaged vehicles.

## **Funerary agencies**

Licensed funeral homes may continue to perform funerals of patients deceased with the Covid19.

## **Goods and service providers, retail sellers and markets**

Large commercial stores, retail sellers, service providers and markets are only allowed to have 4 clients per 100 m<sup>2</sup> at any given time.



## Active Businesses

- Mini-markets, supermarkets, hypermarkets
- Fruit shops, butchers, fishmongers, bakeries  
Food Markets
- Food production and distribution
- Fish Markets
- Catering businesses and takeaway restaurants
- Medical clinics and other healthcare units
- Medical and orthopedic products stores
- Pharmacies & Opticians
- Cosmetic and Hygiene product stores
- Natural and dietary products stores
- Essential public services and utility companies
- Stationery and Tobacco stores
- Veterinary Clinics
- Pet & Pet food stores
- Cleaning and dry-cleaning stores
- Drugstore
- Hardware stores
- Gas stations & Fuel stores
- Motor vehicle repair workshop
- Lotteries
- Car towing services
- Vehicle parts stores
- Banks, financial services and insurance companies
- Funeral homes
- Home maintenance services
- Flowers, plants, seeds and fertilizers stores
- Sales and repair stores of household appliances, IT and communications equipment
- Home delivery services
- Cleaning & Pest control services
- Security and surveillance services
- Touristic establishments, except camping lodges
- Student lodging
- Water treatment facilities\*
- Vending machines (if it is the only source of food/drinks)
- Itinerant sales\*
- Rent-a-car and Rent-a-cargo\*
- Irrigation supplies, vineyard and horticultural products\*
- Phytopharmaceuticals and biocide stores\*
- Veterinary supply stores\*

Wholesale businesses do not have to suspend their activities, nor does any retail store selling goods to the public without granting access to the inside of the store.

\* Extension of State of Emergency measures





## Businesses closed

- Bars, clubs and dancehalls
- Amusement and recreational park
- Zoos and water parks
- Sports venues, tracks, fields, pavilions, rings, stadiums, and bullfighting arenas
- Gymnasiums and Spas
- Auditoriums, cinemas, theaters and concert halls
- Museums, monuments, palaces, archaeological or similar sites
- Libraries
- Art galleries and exhibition rooms
- Congress venues and multipurpose pavilions, halls or rooms
- Casinos and bingos
- Restaurants, coffee shops, tea houses
- Hotel bars and restaurants, except to provide meals to guests
- Vending machines
- Golf courses\*

\* Extension of State of Emergency measures

## How can we assist?

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