

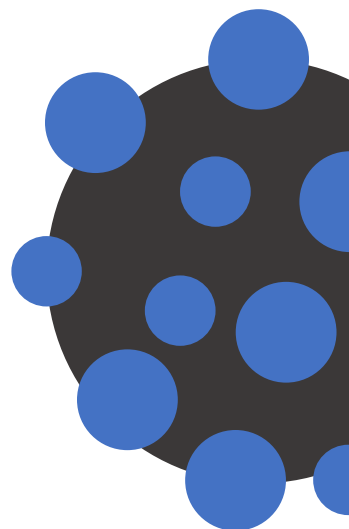


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Advogados

Insights

Private Client
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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 20th March 2020 when the State of Emergency started. The first update took place on April 2nd (Government Decree n. 2-B/2020).

The State of Emergency was again extended on April 17th, until May 2nd, and is regulated by Government Decree 2-C/2020.

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State of Emergency

On March 18th, 2020, the State of Emergency was declared in Portugal due to the Covid19 outbreak. The State of Emergency has been extended twice and is expected to last until 23:59 hours of the 2nd of May and may renewed again if deemed necessary by the Portuguese authorities.

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



Amendments introduced by the third extension of the State of Emergency

The new Government's Decree does not introduce relevant changes.

Minor changes include:

- Specific rules regarding Labor Day (May 1st) celebrations
- Enhanced limitations on the freedom of movement in the Ovar Municipality, where a sanitary fence is in place
- Suspension of the obligation of providing a complaints book to clients
- Wholesale markets selling food products can accept retail clients on premises with the same restrict applicable to retail markets
- Mandatory publication of labor regulations in the Labor & Employment Gazette is not longer required

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.

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 m² 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

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Insights

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