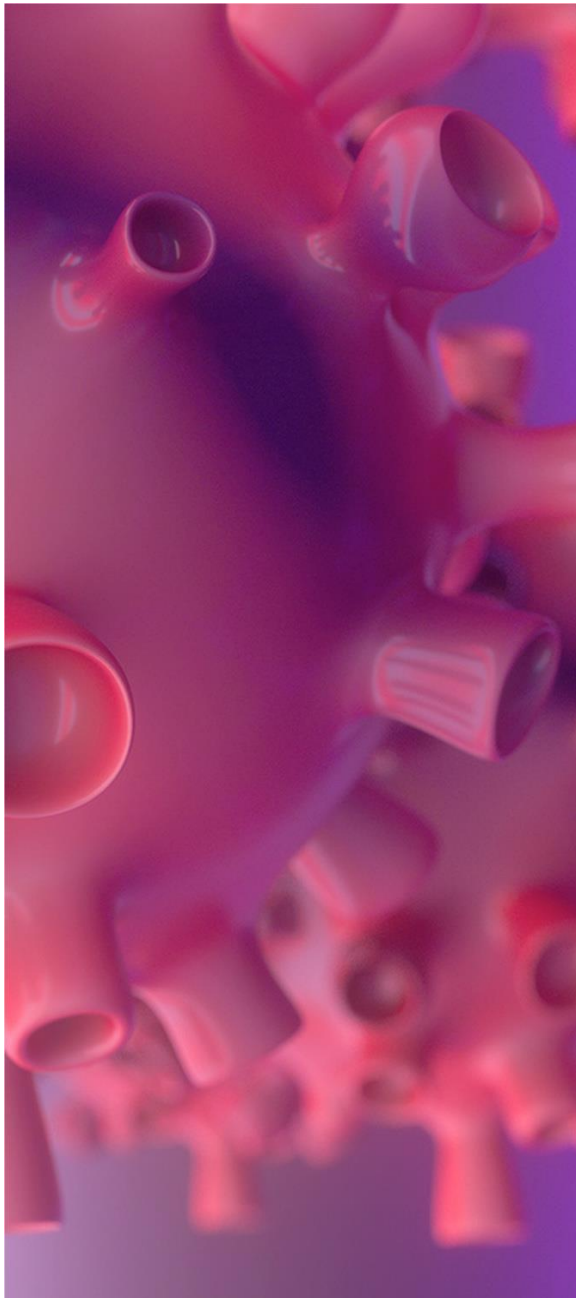

COVID-19 (No. 46)

Legal Flash | Portugal

March 15, 2021



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- > **Reopening: strategy and initial measures**



Reopening: strategy and initial measures

Reopening strategy (Council of Ministers Resolution 19/2021 of March 13)

In recent weeks, the epidemiological situation in Portugal has improved, with a sustained drop in the number of new cases, hospitalizations and deaths from COVID-19, thanks to the highly restrictive measures that have been in place since January 15.

Therefore, even though the President has renewed the state of emergency until March 31, the Portuguese Government considers that the favorable change in the situation allows it to start gradually lifting the restrictive measures imposed in a phased manner, to allow for a gradual resumption of economic activities and social life.

However, maintaining the downward trend in the number of daily infections is crucial. For this reason, the measures will be lifted slowly and gradually, accompanied by a systematic assessment of the effects this has on the pandemic to avoid another surge in cases.

The government has approved a **strategy to lift the restrictive measures**, establishing a timetable with different reopening phases of 15 days each. Likewise, epidemiological criteria have been established to help define the strategy's progress, specifically the level of cumulative incidence after 14 days per 100,000 inhabitants and the transmission rate, together with other factors, such as the National Health Service's capacity (in terms of monitoring, hospitalization and intensive care response) and testing and tracking capabilities. It will be possible to make a systematic assessment of the impacts of the measures on the pandemic, introducing the necessary adjustments whenever necessary, possibly even changing the schedule that has been prepared.

These measures for lifting restrictions will at all times be accompanied by rules for capacity of spaces, use of personal protective equipment, physical distancing, regular sanitization of spaces and hands, and respiratory etiquette, as well as compliance with the duty to stay at home and maintain physical distance.

The strategy for lifting restrictions includes the following phases and general rules:

| | |
|---------------------------------|--|
| General rules | Remote work is mandatory for activities that allow this. Business hours of commercial establishments: 9 p.m. during the week; 1 p.m. on weekends and holidays for non-food retail and 7 p.m. for food retail. Traffic between municipalities is prohibited on March 20 and 21 and from March 26 to April 5 (Easter). |
| March 15 [~ level 4] | Crèches, pre-school and elementary school (and extracurricular activities only for children and students resuming educational and school activities). Takeaway. Hairdressers, manicures and similar services. Bookshops, car sales and real estate brokerage. |



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|--------------------------------|--|
| | Libraries and archives. |
| April 5 [~ level 3] | Middle and high school (and extracurricular activities only for children and students resuming educational and school activities). Social facilities for those with disabilities. Day-care centers. Museums, monuments, palaces, art galleries and similar facilities. Stores of up to 200 m ² with street-facing doors. Non-food fairs and markets (decided by the municipality). Terraces (maximum of eight people per group). Low-risk sports. Open-air physical activity of up to four people and gymnasiums without group classes. |
| April 19 [~ level 2] | Secondary education. Higher education. Face-to-face training activities. Cinemas, theaters, auditoriums, and concert halls. Citizen's bureaus with face-to-face support by appointment. All stores and shopping centers. Restaurants, cafés and pastry shops (a maximum of four persons per group indoors; a maximum of six persons per group on terraces) until 10 p.m. on weekdays and 1 p.m. on weekends and holidays. Medium-risk sports. Open-air physical activity of up to six people and gymnasiums without group classes. Outdoor events at reduced capacity. Marriages and baptisms at 25% capacity. |
| May 3 [~ level 1] | Restaurants, cafés and pastry shops (a maximum of 6 persons per group indoors; a maximum of 10 persons per group on terraces) without time limits. All sports. Open-air physical activity and gymnasiums. Large outdoor events and indoor events at reduced capacity. Marriages and baptisms at 50% capacity. |

Initial reopening measures (Decree 4/2021, of March 13)

After defining the strategy for gradually lifting the restrictive measures that have been in place since January 15 (particularly the general lockdown and closure of most commercial and service establishments open to the public), the government approved Decree 4/2021, of March 13, defining the restrictive measures that will remain in place throughout mainland Portugal during the first phase of reopening; i.e., between March 15 and 31, 2021.

We describe them below.



MEASURES APPLICABLE TO PEOPLE

Mandatory confinement and stay-at-home requirements

All persons suffering from COVID-19 and citizens subject to active surveillance are required to remain in mandatory confinement at health establishments or at home, or, if this is not possible, at a place to be defined by the appropriate authorities.

Other citizens **are still required to stay at home**, i.e., they cannot travel in public or similar spaces and thoroughfares, with the exceptions described in Legal Flash 40, updated on January 24, 2021, which you can read [here](#).

The only *new* travel authorized involves the accompaniment of minors to attend schools that reopen in this first phase of reopening.

For this travel, it will be necessary to follow the recommendations and instructions of the health authorities and the security services, particularly regarding **social distancing** and the **mandatory use of face masks or visors**.

The use of **private vehicles** is permitted for any of the above reasons or to refuel.

For travel in private vehicles with more than five seats, they must still operate at two-thirds of capacity, and occupants must wear face masks or visors, unless all occupants are members of the same family group.

Limitations on travel between municipalities

Travel is prohibited outside the home municipality during the weekend between March 20 and 21, between 8:00 p.m. on Friday and 5:00 a.m. on Monday, and on all days from March 26 (no date is given for the end of this travel prohibition, as the government wants to extend it until Easter, but it cannot decide on this now, as the current emergency period ends on March 31).

As has been the case since January 20, only travel previously allowed, in identical situations, is allowed, as was the case during the weekends of the holidays of December 1 and 8, which we described in our COVID-19 Legal Flash 36, updated on November 25, 2020. You can read this legal flash [here](#).

However, what is mentioned in the above legal flash must be read in light of the recent amendments, as some activities allowed in December have since been suspended. Therefore, not all journeys permitted at that time will be allowed during this new state of emergency period.



Celebrations and other events

In this new state of emergency period, the prohibition on any celebrations and events is maintained, except for religious ceremonies, including community celebrations.

In justified circumstances, government authorities responsible for internal affairs and for health will be able to jointly authorize other celebrations or events, setting their terms.

For **funerals**, they follow the same general rules, particularly the measures in place to ensure large groups are avoided and physical distancing rules are enforced, with each municipal district setting the maximum number of people allowed to attend. The limit established should not prevent spouses or legal partners, parents, children or relatives of the deceased from attending the funeral.

Resumption of face-to-face educational and teaching activities

From March 15, face-to-face educational and teaching activities will resume in pre-school and elementary school establishments, as well as in crèches, family crèches and childcare facilities. Extracurricular facilities and similar establishments for children and students resuming face-to-face teaching activities are also reopened.

For now, educational and teaching activities for middle and high school, as well as higher education, remain suspended, to which the remote system continues to apply.

Remote working

Remote working continues to be mandatory throughout mainland Portugal, whenever this is compatible with the activity carried out. During this new state of emergency, the rules established previously, which we described in Legal Flash 40, updated on January 24, 2021, remain in force. You can read this legal flash [here](#).

Access to public spaces

In this new period, parks, gardens, green spaces, leisure spaces, park benches and similar spaces will be open to visitors.

Physical and sports activities

Individual exercise and sports training continue to be only permitted outdoors. All professional training and competitive and similar activities are allowed, but with no public presence, and complying with the Portuguese Directorate-General of Health (DGS) guidelines.



Open sports facilities must comply with the hygiene rules applicable to all premises open to the public.

MEASURES APPLICABLE TO ECONOMIC ACTIVITIES

No significant changes have taken place in phase one regarding the suspension of activities and closure of commercial establishments, and establishments offering services to the public. Although non-essential retail and service establishments will be allowed to re-open, this will be very limited in most cases, as described below.

I. Closure of establishments and facilities

Generally, there are no changes to the list of activities and establishments that were closed with the general lockdown decree from January 15, which we described in Legal Flash 40, updated on January 24, 2021. You can read this legal flash [here](#).

Only libraries and archives may open, together with parks, gardens, green spaces, leisure spaces, park benches and similar spaces.

II. Retail trade and services provided at establishments open to the public

Commercial and service establishments that provide essential goods whose activity was not suspended in January with the general lockdown decree may remain open. You can see the list of these establishments [here](#).

However, in this first period of reopening, the following may also reopen to the public:

- > Hairdressing salons, barbershops, beauty centers and similar establishments, by appointment, tattoo and body-piercing establishments or studios, also by appointment, and massage activities in beauty salons
- > Bookshops and music stores
- > Establishments selling cars and bicycles
- > Real estate agencies

Also, all other non-essential retail trade establishments and service providers whose activities have been suspended since January, except for **home delivery**, may provide their goods for takeaway, or through click-and-collect services, provided they have a separate entry from the outside. The public is prohibited from accessing the establishment's interior.

III. Rules applicable to establishments open to the public - operating hours



Rules on occupancy, length of stay and physical distancing, hygiene, the availability of disinfectant solutions, priority care, and customer information applicable to commercial and service establishments open to the public remain unchanged.

In the first phase of reopening, the operating hours for general retail establishments and service providers are as follows:

- Non-food retail trade: closure at **9:00 p.m. on working days** and at **1:00 p.m. on Saturdays, Sundays and holidays**
- Food retail trade: closure at **9:00 p.m. on working days** and at **7:00 p.m. on Saturdays, Sundays and holidays**

Some services and establishment are naturally excluded from this rule, such as pharmacies, establishments that provide medical services, and similar establishments, as well as those that provide funeral services or service areas and gas stations.

IV. Special rules for restaurants

The special system established for restaurant activities during the general lockdown remains unchanged, except that it is now possible to sell beverages for takeaway.

Therefore, restaurants and similar establishments may continue to operate, but only for consumption outside the establishments, through home delivery, directly or via an intermediary or on a takeaway basis. They are not required to be licensed for this activity.

As takeaway, the sale of beverages is no longer prohibited (except for alcoholic beverages between 8:00 p.m. and 6:00 a.m.), but the prohibition on the consumption of meals or beverages outside the establishment or in its vicinity remains in place.

Restaurants located in shopping malls can still only remain operational to provide home delivery services, and they are not permitted to serve takeaways.

The limits on fees and commissions that can be charged by intermediary platforms in the restaurant and similar sectors are maintained. Bars, drinking establishments without performances and drinking establishments with dance floors remain closed.



V. Restrictions on consuming and selling alcoholic beverages

Restrictions on the consumption and sale of alcoholic beverages remain practically unchanged, and the following are still prohibited:

- Sale of alcoholic beverages in fuel service areas and gas stations, and, between 8:00 p.m. and 6:00 a.m., in retail establishments, including supermarkets and hypermarkets
- Supply of alcoholic beverages for home delivery or takeaway between 8:00 p.m. and 6:00 a.m.
- Consumption of alcoholic beverages in open air areas with public access and on public streets

VI. Public services

Citizen's Bureaus (*Lojas do Cidadão*) remain closed, with face-to-face support by appointment being maintained only at service counters. Those services are also available on digital platforms and at contact centers for citizens and businesses.

Those services are required to comply with the same rules on hygiene, operating hours and priority service applicable to premises dealing with the public, with the necessary adaptations.



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Cuatrecasas has set up a Coronavirus Task Force, a multidisciplinary team that constantly analyses the situation emerging from the COVID-19 pandemic. For additional information, please contact our Task Force by email TFcoronavirusPT@cuatrecasas.com or through your usual contact at Cuatrecasas. You can read our publications or attend our webinars on our [website](#).

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