

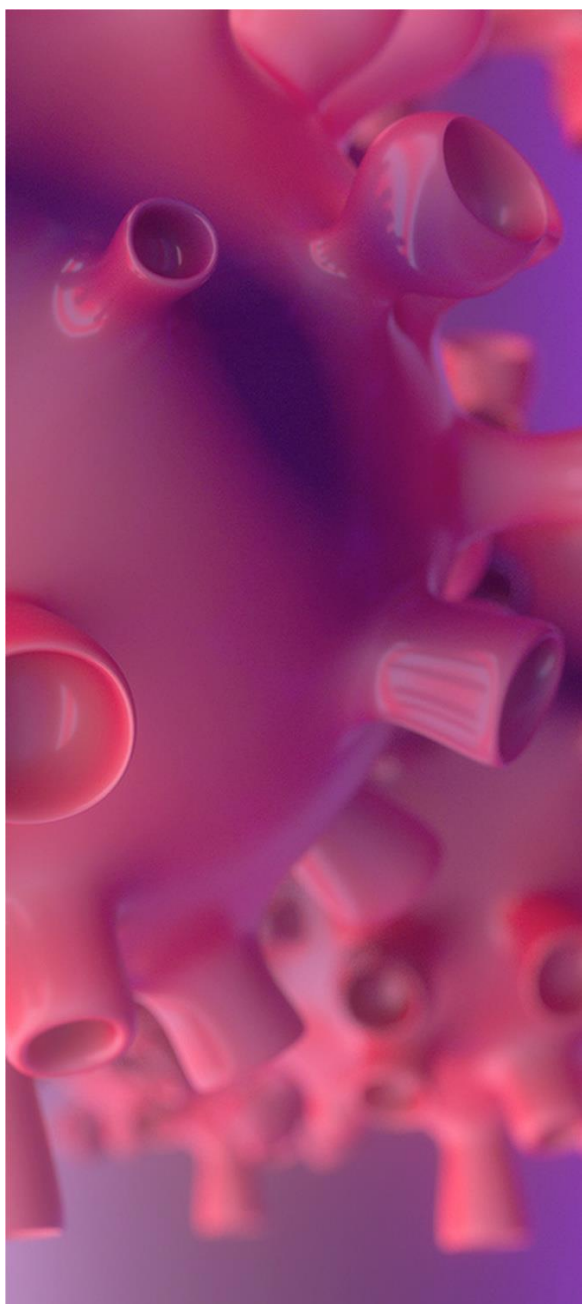
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# COVID-19 (No. 8)

Legal Flash | Portugal

March 22, 2020

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- › **Exceptional and temporary measures in response to the epidemiological situation caused by the new coronavirus - Law 1-A/2020 of March 19**



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### Assembly of the Republic enacts new exceptional and temporary measures in response to the epidemiological situation caused by the new coronavirus

Law 1-A/2020, of March 19, has enacted new temporary and exceptional measures in response to the epidemiological situation caused by the outbreak of COVID-19, of which we highlight extraordinary and transitional rules to protect tenants, to facilitate decision making, both by public entities and by private entities (commercial companies, for example) and rules suspending judicial, administrative and substantive deadlines.

The Assembly of the Republic has also approved measures to adapt the operation of local authorities and intermunicipal entities to the new situation, and modified rules regarding the Court of Auditors' supervision of accounts and spending.

With regard to workers that have a public-employment relationship, it was confirmed that absences motivated by prophylactic isolation are considered justified, as provided under the General Civil Service Work Law.

This law came into force on March 20, 2020, but takes effect from the date on which Decree-Law 10-A/2020, of March 13, came into force.

Below we summarize the measures adopted.

#### MEASURES TO PROTECT TENANTS

- › **Suspension of the effects of termination of residential and non-residential leases by landlords** until the COVID-19 disease prevention measures have been lifted, as determined by the national public health authority.
- › **Suspension of foreclosure of mortgages of properties constituting the mortgagor's main residence** until the COVID-19 disease prevention measures are lifted, as determined by the national public health authority.
- › **Suspension of evictions, special eviction procedures and processes for the seizure of the leased property** when a tenant may face a situation of vulnerability or homelessness as a result of a final judicial decision in this regard.

#### RESOLUTIONS OF COLLEGIATE BODIES

- › **Possibility of attending, through electronic means (video or teleconferencing), meetings of public or private collegiate entities** (notably, in general meetings or meetings of the board of directors), which will not prevent the proper working of the entity, particularly with regard to quorums and resolutions, provided the form of participation is recorded in the respective minutes.



- › **Possibility of holding examinations under the general or special regime by videoconference**, provided an agreement is reached by the jury and the respective candidate, and that sufficient technical conditions are provided for this purpose.

### PROCEDURAL DEADLINES AND MEASURES

- › **The deadlines to conduct proceedings and procedural acts** that are under way, particularly in courts, the public prosecution office and tax enforcement agencies, **are subject to the system of judicial vacation, i.e., they are suspended until the termination of this exceptional situation**, on a date to be announced by decree-law.
- › The **suspension also applies to the statutes of limitations and expiry deadlines** affecting all processes and proceedings, a rule that prevails over any regimes setting a mandatory statute of limitation, time limits or expiry deadlines, which are extended for the period during which the exceptional situation is in force.
- › **In urgent cases, deadlines are also suspended**, but with **exceptions**, which apply to urgent face-to-face acts and measures involving fundamental rights, such as procedural measures relating to children at risk or urgent educational guardianship cases, and measures or trials involving persons remanded in custody.
- › Where technically feasible, **proceedings and procedural actions may be conducted using adequate telepresence communications systems**, particularly by teleconference or video call.
- › This regime is applicable to other procedures, *mutatis mutandis*:
  - Procedures at notaries and registry offices
  - Administrative offence proceedings, and sanctioning and disciplinary procedures before administrative bodies, namely independent administrative bodies, including the Bank of Portugal and the Portuguese Securities Market Commission
  - Administrative and tax deadlines for individuals, notably deadlines for filing judicial reviews, administrative claims, administrative appeals, and other similar tax procedures

### LOCAL GOVERNMENT BODIES AND INTERMUNICIPAL ENTITIES

- › **Ordinary meetings called by the deliberative and executive bodies of local authorities and intermunicipal entities** scheduled for April and May **may be held until June 30, 2020**. The obligation of their being held in public is suspended until that date, without prejudice to their recording and uploading to the electronic site of the municipality, where technically feasible.



- › The meetings called by the deliberative and executive bodies of local authorities and intermunicipal entities that are held before June 30, 2020, **may be conducted by videoconference, or other digital means**, provided that technical conditions are provided for this purpose.

### PREVENTIVE SUPERVISION AND DEADLINES TO SUBMIT ACCOUNTS TO THE COURT OF AUDITORS

- › **Public contracts concluded under the special regime provided for in Decree-Law 10-A/2020, of March 13, are exempt from prior monitoring by the Court of Auditors** while this law is in force, but must be submitted to the Court of Auditors within 30 days of its conclusion.
- › The suspension does not apply to deadlines subject to prior monitoring that are pending or must be submitted to the Court of Auditors.
- › The **deadline to submit accounts to the Court of Auditors is extended** until (i) June 30, 2020, for obligated public entities requiring the resolution of a collegiate body for the approval of these entities' accounts; and (ii) July 15, 2020, for private entities subject to the same duty.



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