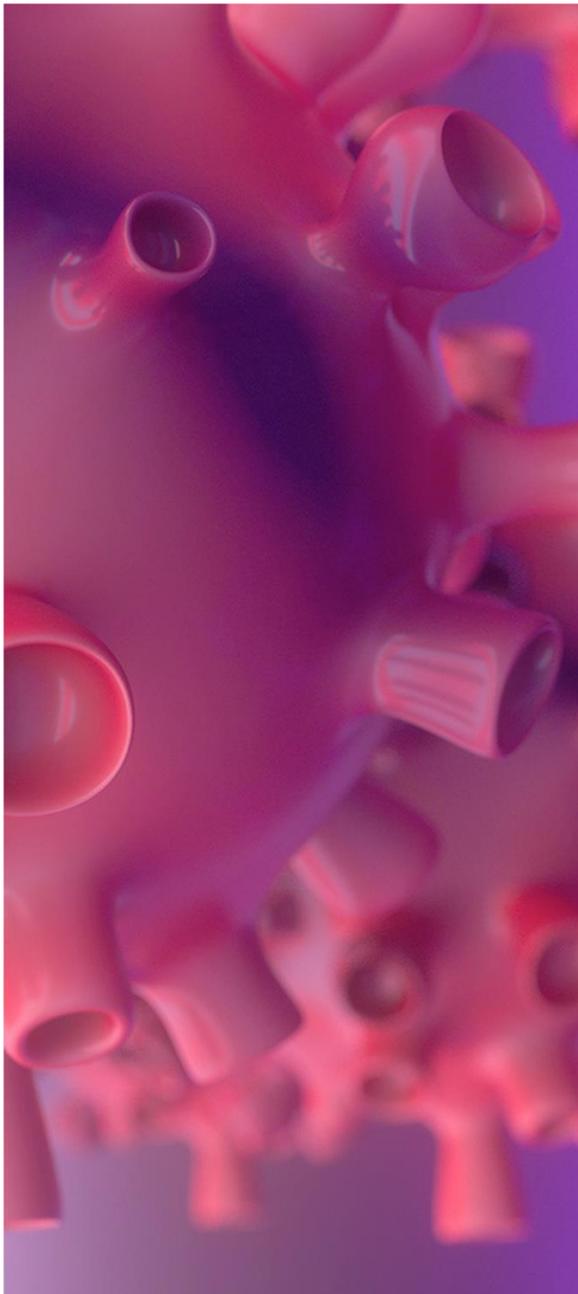

COVID-19 (Nr. 13)

Legal Flash | Portugal

April 3, 2020



- **Decree 2-B/2020, of April 2, implementing the presidential decree that extends the state of emergency**



New exceptional measures established by the Council of Ministers to be implemented during the extension of the state of emergency

The state of emergency was extended in Portugal yesterday through Presidential Decree 17-A/2020, of April 2.

The Council of Ministers also approved Decree 2-B/2020, of April 2, executing the Presidential Decree, clarifying some of the measures in force since March 22 and approving new measures aimed at reducing the risk of infection and spread of COVID-19.

These measures will come into force at midnight on April 3, 2020 and will end at 11:59 p.m. on April 17, 2020.

MEASURES APPLICABLE TO PEOPLE

All the measures restricting the freedom of movement that were already in force are maintained, in particular the obligations of compulsory confinement, prophylactic isolation and in-home confinement, which we described in our [COVID-19 Legal Flash no. 9](#).

Furthermore, to achieve the purpose announced by the presidential decree and avoid increasing contact between people during Easter and, as a result, increasing the number of infections, a new restriction on the movement of people during Easter, specifically between midnight April 9 and midnight April 13, was approved.

During this period:

- a. People cannot leave the municipal area where they usually reside, unless for health reasons, to work or in case of an emergency, and
- b. Commercial passenger flights to and from national airports are not allowed, except for emergency landings and humanitarian or repatriation flights.

Citizens who must travel for work must carry a [certificate issued by their employer justifying the need to travel](#).

MEASURES APPLICABLE TO COMMERCIAL ACTIVITIES

Current limitations on economic activities are also maintained (see our [COVID-19 Legal Flash no. 9](#)). The opportunity was taken to clarify and regulate certain cases that had created doubts in terms of been included in the list of activities that could continue operating or that were not contained in such list.



It was clarified that the following establishments and retail and service provision facilities can maintain or resume their activities:

- Vending machines in companies, establishments or any institutions in which they are the only means of access to food products;
- Itinerant vendors;
- Rent-a-cargo;
- Rent-a-car;
- Provision of services to complete or improve fuel management strips networks;
- Establishments selling irrigation materials and equipment, as well as products related to winemaking and fruit and vegetables placement material;
- Establishments selling plant protection products and biocides; and
- Establishments selling veterinary medicines.

Rent-a-car

Rent-a-car activities will be authorized in the following cases:

- a. journeys exceptionally authorized in the context of the state of emergency;
- b. authorized retail and service provision activities in the context of the state of emergency;
- c. roadside assistance to drivers and broken down, immobilized or crashed vehicles; and
- d. when the vehicles are used to provide essential public services or have been contracted under the legal regime of the state's fleet of vehicles.

Free movement of goods

The restrictions on movement do not affect the movement of goods.

LABOR MEASURES

- **Strengthening the means and powers in of the Working Conditions Authority (*Autoridade para as Condições do Trabalho* or “ACT”)**

To guarantee the ACT's response capability in relation to human resources, the government has simplified the inspector hiring process.

To enforce workers' rights and guarantees, when work inspectors find evidence of an unfair dismissal, they will draft a report and notify the employers so that they can rectify the situation.



Following that notice, and until the current situation is resolved, the corresponding employment contract will not be terminated, and all the parties' rights will continue to apply.

➤ **Exceptional suspension of the termination of employment contracts**

During the state of emergency, the employment contracts of healthcare workers associated to the services and institutions of the National Health System cannot be terminated, nor can healthcare services provision agreements, except in duly justified exceptional situations authorized by the management body.

Furthermore, the possibility of terminating individual employment contracts by repeal or withdrawal, and the termination of public employment contracts owing to expiry by agreement, withdrawal or waiver at the request of the worker, are also suspended.

The fixed-term contracts of healthcare professionals expiring during the emergency period will be considered automatically and exceptionally extended until the end of the state of emergency and its possible extensions.

DATA PROTECTION MEASURES

➤ **Access to anonymized data of the National Epidemiological Monitoring System for scientific research**

The Directorate General of Health will provide the Portuguese scientific and technological community access to public health microdata on infected patients or patients with suspected COVID-19, duly anonymized and without identifying the corresponding data subject.

SUPERVISION

The state's security services and forces, including the municipal police, are responsible for monitoring compliance with this Decree, maintaining the powers previously granted.

Among those powers, this Decree specifically includes raising community awareness of the general duty of confinement and dispersing gatherings of over five people, unless they are part of the same household.

In this same context, parish councils are attributed the following powers:

- Advising people not to gather on the streets;
- Recommending that all citizens comply with the general duty of in-home confinement;
- Indicating, along with the security forces and services and the municipal police, the establishments that must remain closed to guarantee the cessation of the activities envisaged in this Decree.



Finally, this Decree extends the necessary competences granted to the members of the Government responsible for the areas of Health, Public Administration, Internal Administration, National Defense, Justice, Transports, Agriculture, Sea, Energy and Environment to put this Decree into practice with additional measures.



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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 taskforce 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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