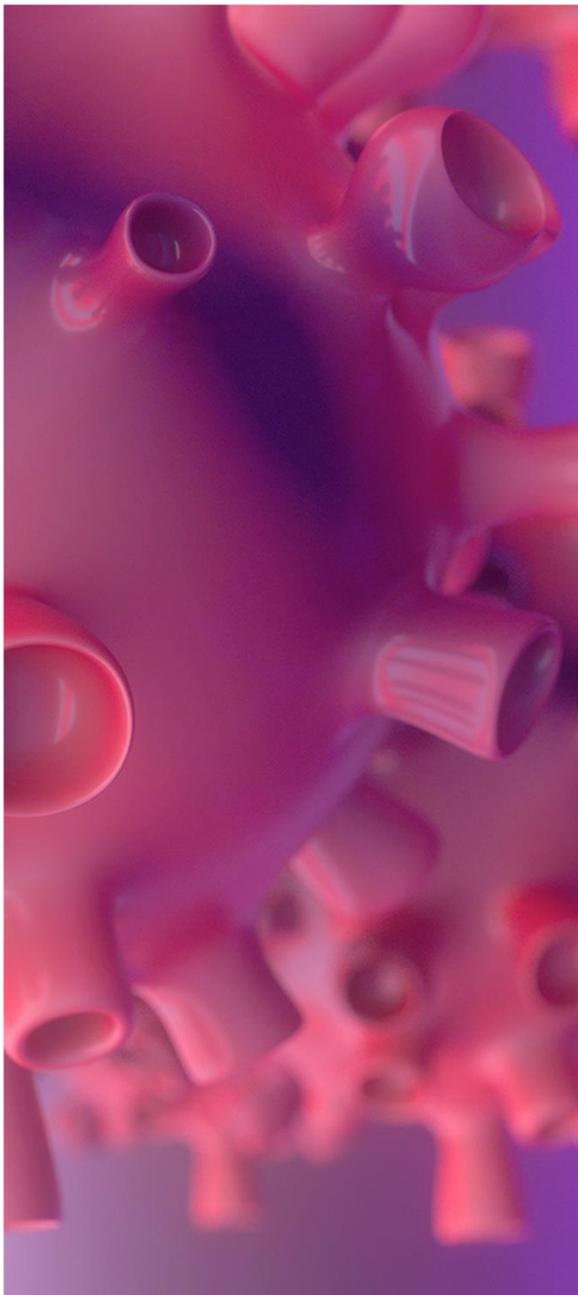

COVID-19 (No. 19)

Legal Flash | Portugal

May 18, 2020



- > **Extension of the declaration of situation of calamity and of the measures of phase two of the “de-escalation” - Resolution of the Council of Ministers 38/2020 of May 17**



Extension of the declaration of the situation of calamity and of the measures of phase two of the “de-escalation”

Given the positive evaluation of the current epidemiological situation, the Portuguese government has decided to continue the process of lifting the lockdown that it started on April 30.

Under Resolution of the Council of Ministers 33-C/2020, published on April 30, a gradual strategy for lifting the lockdown measures was defined, establishing a calendar with **three, 15-day phases**: (i) **phase one, which started on April 30**, whose measures we described in detail in our Legal Flash that can be viewed [here](#); (ii) **phase two**, starting now, on **May 18, 2020**; and (iii) **phase three**, scheduled for late May 2020.

With the end of phase one, and since the epidemiological situation remains under control, the Portuguese government considers that the conditions to move to phase two have been met. Resolution of the Council of Ministers 38/2020 of May 17 extends the declaration of the situation of calamity throughout Portugal for a further 15 days, and it modifies the set of restrictions imposed as part of the gradual lifting of the measures in force during the state of emergency.

The situation of calamity will be in force until 11:59 p.m. of May 31, 2020, regardless of any extension or modification required by the development of the epidemiological situation.

MEASURES APPLYING TO PEOPLE

In phase two, the measures applicable to people include measures to continue the gradual lifting of restrictions on freedom of movement.

Although the lockdown is still mandatory for those infected with COVID-19 and those under active surveillance, **authorized movement** will be extended in this second phase for the rest of the people, who have a civic duty to stay at home.

- Movement to enjoy outdoor leisure time, especially in parks, promenades, waterfront, beaches, including swimming, and similar activities;
 - Movement of people with disabilities to attend occupational activity centers;
 - Movement to museums, monuments, palaces, and archaeological sites (not only to their green and outdoor areas, which were already allowed during phase one of de-escalation);
 - Movement to hunt;
 - Movement to attend training and to take tests.
- **Nursing home visits:** they are now allowed, as well as visits to integrated care units and other centers for the elderly, children, young people and people with disabilities, provided that the DGS rules are followed.



If justified by assessing the specific epidemiological situation, the DGS may order the suspension of visits to an institution for a limited time.

MEASURES APPLYING TO COMMERCIAL ACTIVITY

Like the measures applicable to people, those applicable to commercial activities in phase two of the situation of calamity continue to move towards the gradual reopening of economic activity, with the **expansion of commercial establishments and services allowed to operate.**

In general, commercial establishments with a surface area of 400 m² or less are allowed to reopen, as are restaurants and similar establishments, subject to certain operation rules and restrictions specified below. Despite this general trend toward reopening, certain activities remain suspended, as will be described now.

I. Commercial establishments and services allowed to operate during phase two of de-escalation

As we enter phase two of the lockdown de-escalation, the following are allowed to operate:

- economic activities and establishments **already authorized during the state of emergency;**
- economic activities and establishments **already authorized in phase one of the situation of calamity;**

and from May 18:

- **other retail establishments and services with a sales or service area with a surface of 400 m² or less**, including those in malls, provided they do not exceed that surface area and have a separate and independent entrance from the outside;
- **establishments with a sales or service area larger than 400 m²**, when their operation has been authorized by the competent municipal council and provided they meet the other rules and requirements under this regime;
- **establishments that, although they have a sales or service area larger than 400 m²**, restrict the sales or service area to a 400 m².

The following will still be effective, in practically identical terms to those of phase one for the lifting of the lockdown measures:

- The possibility for food distribution wholesalers to sell their products directly to the public, cumulatively conducting retail trade, **although May 31 has now been set as the deadline for this activity;**
- The rental of vehicles without a driver (rent-a-car).



II. Restaurants and similar establishments

- As provided in Resolution of the Council of Ministers 33-C/2020 of April 30, **restaurants and similar establishments are allowed to operate in phase two**, provided they observe the following rules:
 - Compliance with the specific DGS instructions;
 - Occupancy inside the establishment cannot exceed 50% capacity;
 - Public access will be by appointment to avoid customers waiting at and outside establishments, excluding new admission from 11 p.m.
- As before, restaurants and similar establishments will be able to continue operating for consuming outside the establishment (take-away) and home delivery and are exempt from having to obtain a license for this activity. They can decide their workers participation in these activities, even if they are not included in their respective work contracts.

III. Rules that apply to economic activities and commercial establishments in operation

- **Rules on occupancy, stay, physical distancing, hygiene, disinfectant solutions available, priority service, and information to customers** continue in effect on practically identical terms to those of phase one.
- As for **business hours**, the rule continues to be that establishments that started operating again in phase one, as well as those returning now, **may not open before 10 a.m. under any circumstances**. However, establishments whose usual business hours are modified by this limitation can postpone their closing time by an equal time. The following are exempted from these rules:
 - hair salons, barber shops, and beauty parlors;
 - restaurants, cafes, tea shops and similar establishments, regardless of their area or location.

IV. Economic activities and commercial establishments that will remain closed during phase two of the lockdown de-escalation

The following establishments and facilities will remain closed during phase two of the lockdown de-escalation:

- **Entertainment and leisure activities:** discos, dance clubs, circuses, amusement and similar parks, water parks, any indoor facilities for recreational sport activities, as well as any similar facilities;
- **Cultural and artistic activities:** auditoriums, movie theaters, theaters, concert halls, national caves, bullrings, all cultural events in indoor or outdoor spaces;



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- **Sports activities** (except for those of professional and high-performance athletes): indoor facilities, indoor futsal, basketball, handball, volleyball, roller hockey and similar pitches, indoor firing ranges, indoor tennis, paddle and similar courts, indoor ice skating, hockey, and similar rinks, indoor and outdoor swimming pools, boxing and martial arts rings, permanent indoor motorcycle, car, and similar circuits, indoor velodromes, indoor horse tracks, indoor multi-sport facilities, gymnasiums and academies and indoor tracks;
- **Outdoor and public activities:** cycling, motorcycling, motor racing and similar circuits (except those used by professional and high-performance athletes), sailing races and shows, aeronautical races and shows, parades, festivals and folk and other events;
- **Gaming and betting facilities:** casinos, gambling houses, bingo halls, gaming halls and similar establishments;
- **Drinking establishments:** drinking and similar establishments, with or without dance floors, food courts in malls, hotel bars (with the exceptions established in this regime);
- Thermal pools, spas, solariums, tattoo parlors, and similar establishments;
- Language school and tutoring centers except for tests, strictly complying with the physical distancing recommended by the health authorities.

MEASURES IMPACTING THE WORKPLACE

All the measures approved during the declaration of the situation of calamity will still be effective in the workplace. **Remote working** will continue to be mandatory for those positions where this is an option, regardless of the type of employment. However, if this is not possible, the new decree requires that daily or weekly worker shifts be established, within the limits of the law, and with different start and end times.

MEASURES APPLYING TO PUBLIC SERVICES

- **Service by appointment** continues to apply to public services.
- **Citizen's Offices** (Lojas de Cidadão) **will remain closed during the situation of calamity.** However, **appointments may be accepted for face-to-face service** from June 1, with in-person service by appointment continuing to apply in areas where there are no decentralized windows, as well as online services and contact centers for citizens and businesses.

MEASURES APPLYING TO CULTURAL FACILITIES

In phase two of the lockdown de-escalation, museums, monuments, palaces, archaeological sites, and similar spaces can open to the public, provided:



- They follow the DGS rules and instructions regarding social distancing, hand and surface hygiene, face masks, and the rules that apply to commercial activity, approved in the scope of this regime;
- They guarantee that each visitor has a minimum area of 20 m² and a minimum distance of 2 m from any other individual that is not part of the same household.
- Visitors' admission will be individual or by groups, depending on the surface area of the cultural space, complying with the maximum occupancy guidelines of 5 individuals per 100 square meters.
- They ensure, whenever possible, a single direction for the visit, limited access to small areas, and the removal or reduction of visitors crossing each other in narrow spaces;
- They minimize visitor concentration areas with interactive equipment, although preferably keeping it off;
- Group visits are by appointment to prevent waiting;
- They place barriers in ticket offices and customer service desks;
- They prioritize TPA transactions.

Cafes in cultural spaces and their terraces can also open to the public, if they follow DGS guidelines for the restaurant sector.

MEASURES APPLYING TO MARITIME ACTIVITY

In phase two, recreational sailing and sailing education certificate exams can also start again, provided that these guidelines are followed.

- Minimum distance of 2 m between individuals;
- Students and instructors must follow the individual and group protection rules defined by the training institution during their theoretical and practical training, without prejudice to any rules provided by the maritime authorities;
- In exams to obtain or renew a recreational sailing license, the maximum occupancy guidelines of 5 people per 100 square meters must be followed;
- Operating facilities must follow the hygiene rules for retail and service establishments.

The inspection and certification of commercial, fishing, and recreational vessels and ships starts again, with the maritime authorities approving the specific conditions for individual protection of the parties involved and the conditions to conduct inspections.



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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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