

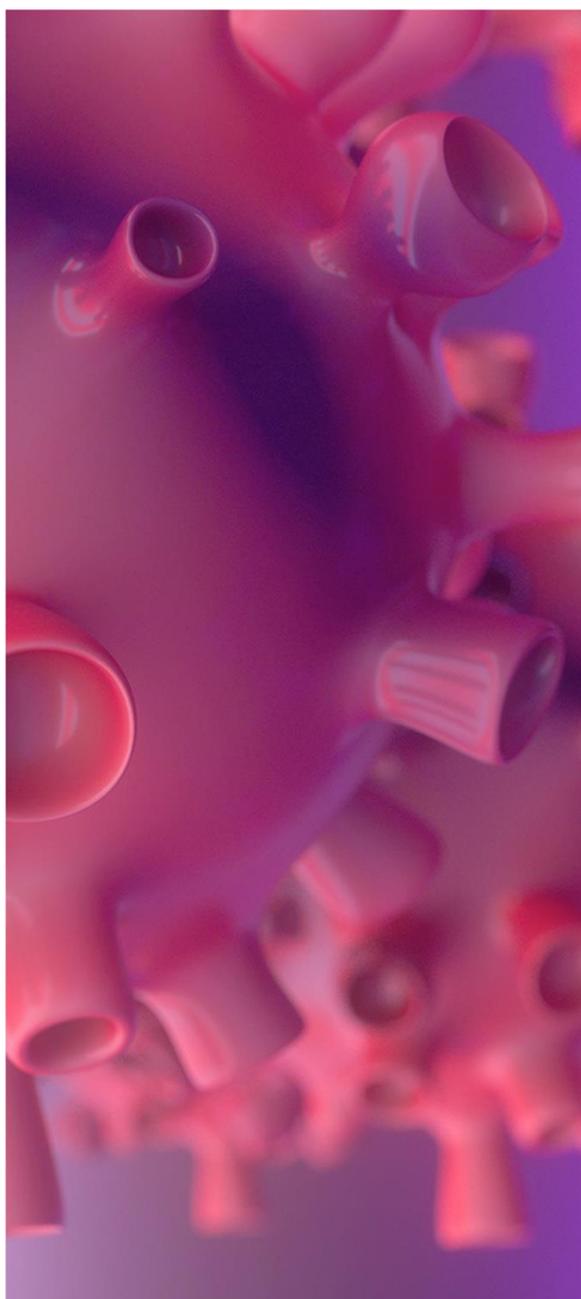
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# COVID-19 (No. 23)

Legal Flash | Portugal

June 29, 2020

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- **Declaration of the situation of calamity, contingency, and alert during the COVID-19 pandemic - Resolution of the Council of Ministers 51-A/2020 of June 26.**



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## Declaration of the situation of calamity, contingency, and alert during the COVID-19 pandemic

The Portuguese government intends to continue the deconfinement process that started on April 30, 2020, keeping in force, for reasons of public order, mandatory compliance with the rules on occupancy, stay, and physical distancing, as well as certain hygiene rules.

However, although the assessment of the epidemic in most of the country continues to be positive, there remains a persistent incidence in the number of new cases in some districts (*freguesias*) in the Lisbon Metropolitan Area. For this reason, the Portuguese government had decided to declare different risk levels depending on the territory: declaration of the situation of alert for continental Portugal (in the autonomous regions, the declaration of the situation of alert falls to the respective regional governments), declaration of the situation of contingency for the Lisbon Metropolitan Area (LMA), and the extension of the declaration of the situation of calamity in 19 LMA districts specified below.

To efficiently halt infection, and in addition to implementing the basic physical distancing rules, breathing etiquette, hand washing, and face mask use, the Portuguese government has established supplementary measures, implemented in different territories, and resulting in restrictions on the people's freedom to gather in public areas and on public thoroughfares, the closing of commercial establishments after a certain time, and the prohibition to sell alcoholic drinks.

These measures will be effective between 12:00 midnight of July 1, 2020 and 23:59 p.m. of July 14, 2020.

### A. SITUATION OF ALERT

The declaration of the situation of alert applies to the entire territory of continental Portugal, with the exception of the Lisbon Metropolitan Area.

#### > Measures applying to people

In this territory, **mandatory confinement** in health care establishments, at home and in other establishments specified by the health authorities for COVID-19 patients, those infected by SARS-Cov2, and citizens placed under active surveillance, remains in force.

Other citizens are not subject to restrictions on their freedom of movement, although they must continue to comply with the rules of the Directorate General for Health regarding physical distancing, use of face masks and visors and hygiene guidelines.



**Events:** events and other celebrations that involve the gathering of more than 20 people are now allowed, unless they belong to the same family or in the case of religious ceremonies, family or corporate events, which have their own rules given by the Directorate General for Health.

**Consumption of alcohol:** consumption of alcoholic beverages outdoors in public areas and public thoroughfares is prohibited, with the exception of duly licensed terraces of restaurant establishments.

**Private vehicles:** the rule that private vehicles with capacity for more than five people can only drive at two-thirds capacity remains valid, unless all passengers are part of the same family, and passengers must wear a face mask or a visor.

**Remote work:** the system in force since June 1 stays in force, i.e., remote work is no longer mandatory, but the employer must provide workers with adequate health and safety conditions to prevent the risk of contagion, under the terms established in the Portuguese Labor Code (*Código de Trabalho*). The company may change working hours, implementing rotating shifts, different entrance and exit times, and other measures to prevent and mitigate the risk of contagion.

There has been a change regarding the cases for which remote working is mandatory, as it has ceased to apply to workers with children during the non-classroom (home) school term. Remote work will only be mandatory, regardless of the employment relationship and as long as the tasks permit it, when i) requested by workers covered by the special regime for protection of immunosuppressed persons and those with chronic illnesses, or those whose degree of disability is more than 60%; and ii) the physical workspace and the organization of work does not enable compliance with the guidelines issued by the DGS and the ACT (Working Conditions Authority).

## ➤ Measures applying to commercial activity

In this context, the rules in force under the previous third extension of the declaration of the situation of calamity apply. Therefore, **all commercial and service establishments across the national territory can open**, with the following exceptions:

- **Leisure, recreational and entertainment activities:** dance and entertainment halls, amusement parks and recreational areas for children, as well as other outlets or similar facilities;
- **Cultural activities:** national, regional and municipal caves, both public and private, regardless of worker access for maintenance;
- **Sports activities (except those for federated sports people within a training context):** pavilions or closed premises, except those for practicing individual non-contact sports, indoor soccer, basketball, handball and volleyball courts; roller skating, closed skating, and ice hockey and similar rinks; boxing rings, martial arts and the like, and closed athletics tracks:



- **Activities in open spaces and public streets:** parades and public festivities, folk festivals or of any other kind;
- **Gaming and gambling spaces:** gaming and recreational halls;
- **Drinks establishments:** bars or similar establishments, with or without dance floors, except those that are part of tourism and local accommodation establishments exclusively servicing their guests;

## **Rules applicable to the business activities and commercial establishments open to the public:**

- The following rules remain substantially the same to those in effect during prior deconfinement phases: **occupation, permanence and physical distancing, hygiene, availability of disinfectant solutions, priority care and customer information provision** of business activities and commercial establishments open to the public.
- The **operating hours** rule that any establishments resuming activities may **not open before 10:00 under any circumstances** remains in effect. However, establishments whose usual business hours are affected by this limitation can postpone their closing time by an equivalent time. Hairdresser's salons, barber's shops, beauty parlors, restaurants and similar establishments, cafes, teashops, driving schools and technical vehicle inspection centers, gyms and academies are excepted from these rules, and they can also open earlier.
- As for **restaurants and similar establishments**, the previous deconfinement stage rules remain in force.

**Public services:** face-to-face service by prior appointment is maintained, in addition to the provision of services through digital means and citizen and company contact centers.

## **B. SITUATION OF CONTINGENCY**

### **> Measures applying to people**

The declaration of the situation of contingency applies to the Lisbon Metropolitan Area.

**Events:** events and other celebrations that involve the gathering of more than 10 people are not allowed, unless they belong to the same family or in the case of religious ceremonies, family or corporate events, which have their own rules given by the Directorate General for Health.

### **> Measures applying to commercial activity**

Under the Resolution currently approved, **all the retail and service establishments in the Lisbon Metropolitan Area, including those in malls, must close at 8:00 p.m.**, except for the following:



- **Restaurant establishments**, exclusively to serve meals in the establishment itself;
- **Restaurant establishments and the like that continue to prepare take away or home delivery meals**, directly or through an intermediary;
- **Gas stations**, exclusively to sell fuel to the public and supply vehicles;
- **Sports facilities**, without prejudice to the closed establishments specified above;
- **Pharmacies**;
- **Medical offices and clinics**, in particular emergency dental clinics and veterinarian centers;
- **Funeral homes and associated services**;
- **Supermarkets and hypermarkets (including those in malls), which can close at 10:00 p.m.**

In addition, the following restrictions regarding the consumption and sale of alcoholic beverages are imposed in the Lisbon Metropolitan Area;

- Prohibition of serving alcoholic beverages in restaurants and similar establishments that continue to provide take away or home delivery services;
- Prohibition of selling alcoholic beverages in service areas and gas stations;
- Prohibition of consuming alcoholic beverages in outdoor areas open to the public, with the exception of duly licensed terraces of restaurant establishments. After 8:00 p.m., this exception will only allow the consumption of alcoholic beverages with meals.

### C. SITUATION OF CALAMITY

The government maintains the declaration of calamity in 19 districts in the LMA, where new cases of COVID-19 infection persist, namely:

- **Amadora Municipality:** Alfragide, Águas Livres, Falagueira-Venda Nova, Encosta do Sol, Venteira and Mina de Água districts;
- **Sintra Municipality:** Pontinha and Famões districts, Póvoa de Santo Adrião and Olival de Basto districts, Ramada and Caneças and Odivelas districts, in Odivelas municipality; Agualva and Mira-Sintra districts, Algueirão-Mem Martins, Cacém and São Marcos districts, Massamá and Monte Abraão districts, Queluz and Belas and Rio de Mouro districts;
- **Loures Municipality:** Camarate, Unhos and Apelação districts, Sacavém and Prior Velho districts;
- **Lisbon Municipality:** Santa Clara district.



Residents are subject to the **civic duty of homestay**, which means that they must refrain from moving through public and private areas and thoroughfares, except for the following authorized purposes:

- a) Purchasing goods and services;
- b) Commuting for professional or similar activities;
- c) Job searching or responding to a job offer;
- d) Moving for health reasons (health care and transport of individuals who must receive such care or to donate blood);
- e) Moving for providing emergency housing to victims of domestic violence or human trafficking, at-risk children and youths, implementing a measure ordered by a court or the National Committee for the Promotion of the Rights and Protection of Children and Youths (*Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens*);
- f) Moving to assist vulnerable individuals, individuals with disabilities, children, parents, seniors and dependents;
- g) Moving for outdoor leisure activities;
- h) Moving of minors and their care givers to schools, kindergartens, and leisure activities;
- i) Moving of people with intellectual disabilities to attend occupational activity centers;
- j) Moving to events and for access to cultural facilities;
- k) Moving for physical and sport purposes, including sailing and river activities;
- l) Moving for recreational fishing and hunting;
- m) Moving to visit zoos, aquariums, fluvariums, and similar facilities;
- n) Moving to take part in volunteering actions;
- o) Moving for imperative family reasons, in particular shared parental duties, as established by agreement between the parents or by the relevant court;
- p) Moving to schools to take tests, register, receive and delivery documents, take part in meetings, return school books, as well as any other activities required to protect students' interests;
- q) Authorized visits or delivery of essential goods to people with disabilities or unable to move;
- r) Moving to take part in procedural acts before judicial entities or in acts that fall within the scope of competence of notaries, lawyers, court agents, or registrars;
- s) Moving to establishments and services that are not closed in the context of this legal framework;
- t) Short walks with pets and to feed animals;
- u) Moving of veterinarians, animal owners for veterinarian care, carers of colonies recognized by municipalities, voluntaries from animal charities in charge of animals who need to travel to animal shelters and municipal veterinarian services to collect and assist animals;
- v) Moving by bearers of passes issued under the legal terms in the exercise of their respective duties;



- w) Moving by diplomatic, consular personnel and members of international organizations in Portugal in the performance of their official duties;
- x) Moving required for the exercise of the freedom of the press;
- y) Returning home.
- z) Moving for educational purposes and to take tests;
- aa) Moving for similar activities or other *force majeure* or mandatory reasons, if duly justified.

**Automobiles:** they can drive on public roads for the activities described above, as well as to refuel in gas stations.

During all movements, the recommendations and orders given by the Directorate General for Health and the security forces must be followed, in particular as regards the distance between people.

**Gatherings and events:** gatherings of more than five people are not allowed, unless they belong to the same family or for professional filming, provided that the physical distancing rules and other health rules are followed, in accordance with the Directorate General for Health guidelines. Celebrations and events that entail the gathering of more than five people are not allowed either.

**Fairs and street markets:** fairs and street markets are not allowed in the districts stated above.

**Monitoring compliance with home stay will be reinforced** in the above districts by joint Civil Protection, Social Security, and Community Health teams.



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## Contact

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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](mailto: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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