

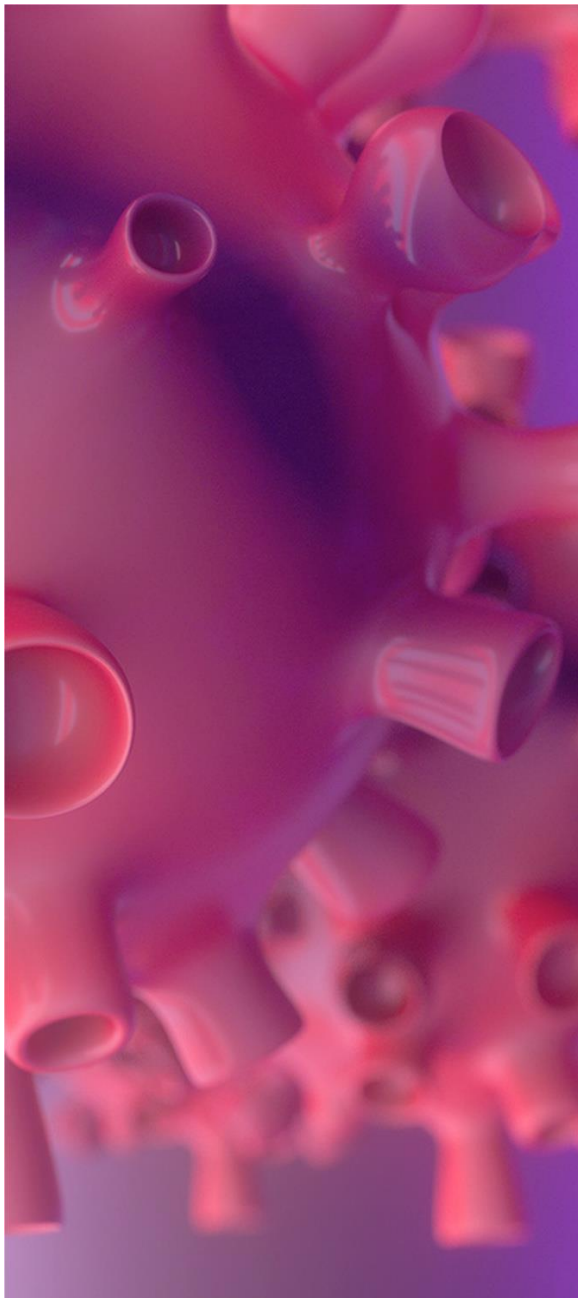
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# COVID-19 (No. 24)

Legal Flash | Portugal

Updated September 3, 2020

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- **Border reopening and changes to air traffic rules to and from Portugal**



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## Border reopening and changes to air traffic rules to and from Portugal

### I. Border reopening

Because of the global epidemiological situation and the rise in infection cases in Portugal since early March 2020, and their gradual extension in geographic scope, the Portuguese government implemented several measures to contain the potential lines of infection.

Controls on Portuguese internal borders, i.e., the border between Portugal and Spain, were reintroduced as from March 16, and restrictions on the movement of people between both countries were approved.

This measure remained in force until June 30, 2020, and resulted in the suspension of most flights between Portugal and Spain and the prohibition of road, railway, and river travelling between both countries, with several exceptions, which changed over time, as we explained in our [Legal Flash COVID-19 \(no. 3\)](#), that we have successively updated.

The restrictions on movement between both countries ended on July 1, and land borders between Portugal and Spain were reopened.

However, given that the situation of alert remains in place for mainland Portugal and the situation of contingency is still effective for the Lisbon Metropolitan Area, the Portuguese government believes that it is important to ensure that all individuals entering Portugal are fully informed of the measures that apply to these situations.

Order 6756-B/2020, of June 30, introduced temporary random mobile controls of light vehicles, collective transport vehicles, and caravans to inform Portuguese and foreign citizens entering Portugal of their duties in the situations of alert, contingency and calamity.

We must point out that, from March 13, disembarking cruise passengers and crew in Portuguese ports was prohibited, with the exception of Portuguese citizens and residents in Portugal. This measure was repeatedly extended and is currently in force until 11:59 p.m. on September 14, 2020, in accordance with Order 8414-B/2020.

### II. Air traffic restrictions

As we explained in our [Legal Flash COVID-19 \(no. 7\)](#), the spread of the epidemic in Portugal and the need to contain potential lines of infection led the Portuguese government to prohibit, from March 19, 2020, air traffic to and from Portugal for all non-EU countries, with some exceptions.

However, unlike traveling by land between Portugal and Spain, and despite the progress made, restrictions on air traffic continue to be necessary, and new guidelines were issued, based on the



Recommendation of the European Union Council 2020/1186 of August 7, 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restrictions.

Accordingly, Order 8391-A/2020 of August 31, which will be effective until 11:59 p.m. on September 14, 2020:

- authorizes air traffic to and from Portugal for all flights to and from EU countries, Schengen Area countries (Liechtenstein, Norway, Iceland, and Switzerland), and the United Kingdom (under the terms for the Exit Agreement between the European Union and the United Kingdom);
- authorizes flights to and from countries whose epidemiological situation complies with the Council Recommendation of August 7, 2020 as regards air links with Portugal, namely, Australia, Canada, China, South Korea, Georgia, Japan, New Zealand, Rwanda, Thailand, Tunisia and Uruguay, as well as entry into Portugal by residents of those countries, as long as they have only been in transit or made international transfers in airports located in countries not included on that list;
- authorizes flights to repatriate Portuguese nationals and holders of Portuguese residence permits, humanitarian flights that have been recognized by competent authorities, and flights to enable foreigners who are in Portugal to return to their respective countries, provided these flights are arranged by competent authorities in the relevant countries, subject to prior request and agreement and compliance with the principle of reciprocity; and
- authorizes air traffic to and from Portugal for all flights to and from non-EU countries and non-Schengen Area countries only for essential travel under the following terms:
  - Essential travel is defined for this purpose as any travel involving the transit through, entrance in, or exit from Portugal of EU nationals, nationals of Schengen Area States and their relatives, and third-country nationals who are legal residents in an EU Member State, as well as third-country nationals who are traveling for professional, academic, family, health or humanitarian reasons;
  - Before boarding, passengers on these flights must show proof that they have had a negative COVID-19 test in the past 72 hours (this does not apply to passengers in transit who do not leave the airport), without which they will not be allowed to board the flight;
  - Under exceptional circumstances, Portuguese nationals and foreign citizens who are legal residents in Portugal, members of their families and diplomatic personnel assigned to Portugal who do not have proof of a negative COVID-19 test will, on arrival in Portugal, be immediately sent by the competent authorities to an area within the airport to be tested at their own expense;
  - People who, under the above terms, refuse to have a test when they arrive in Portugal will be immediately notified by Immigration and Border Control that they must get tested at their own expense within 48 hours and that they may be charged with disobedience and spreading a contagious disease. This information will be sent to the health authorities and law enforcement agency for the area where they are living;



- The passengers referred to in the two previous paragraphs must remain at their place of residence or at the accommodation they have indicated until notified of a negative result, on pain of being charged with spreading a contagious disease;
- Airlines that allow Portuguese nationals or foreign citizens to board flights without a negative COVID-19 test result will be considered in breach of their duties under section 2, subsection i) of Decree Law 28-B/2020 of June 26, amended by Decree Law 37-A/2020 of July 15, and they will be subject to administrative proceedings under section 3, item 2 of the same decree, unless Portuguese nationals or foreign citizens who are legal residents in Portugal and have not taken the test are fined when boarding flights from African countries whose official language is Portuguese, flights to repatriate Portuguese nationals and holders of Portuguese residence permits and humanitarian flights;
- Entry to Portuguese territory will be prohibited for foreign citizens boarding without their COVID-19 test, as well as for those for whom transit requirements mean them leaving the airport facilities, and the airline will be subject to the abovementioned administrative proceedings.

These orders do not apply to State and Armed Forces aircraft, Rural Fire Fighting aircraft, flights exclusively for freight and mail transportation, humanitarian and medical emergency flights, and technical stopovers for non-commercial purposes.

The Minister of Internal Affairs and the Minister of Health may implement, through a joint order, any necessary specific sanitary control measures depending on the origin of flights, following Recommendation of the European Union Council 2020/1186 of August 7, 2020, and the evaluation of the epidemiological situation.



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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](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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