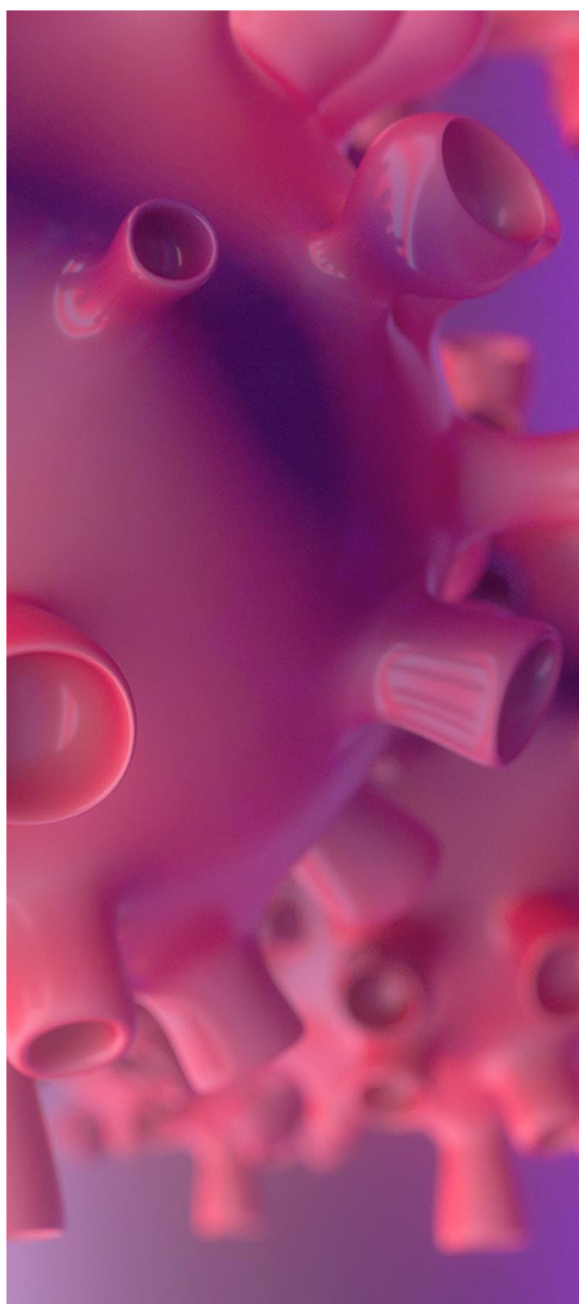

COVID-19 (No. 31)

Legal Flash | Portugal

October 15, 2020



- **Declaration of the situation of calamity throughout mainland Portugal - Council of Ministers Resolution no. 88-A/2020 of October 14**



Declaration of the situation of calamity throughout mainland Portugal

As in many other countries of the world, the epidemiological situation in Portugal has worsened since the beginning of September, with a significant increase in the daily number of new cases of infection by the new coronavirus in recent weeks.

Therefore, to better protect public health and mitigate the contagion and spread of the virus, the Portuguese Government decided to declare a situation of calamity throughout mainland Portugal and impose measures that are more restrictive than those that were in place during the situation of contingency.

The new measures, which we will detail below, are mainly aimed at restricting gatherings of people, reducing the maximum number of people that can meet in public spaces from ten to five, limiting the number of people at family events, and prohibiting parties and other recreational and leisure activities at higher education centers.

The restrictive measures that had been in force during the situation of contingency remain almost unchanged. We listed these measures in detail in our COVID-19 Legal Flash (no. 28) of September 14, which you can view [here](#).

Finally, under the Resolution of the Council of Ministers, the use of a mask or visor is only recommended for people over the age of ten in public spaces and streets, whenever the recommended physical distance cannot be maintained. Also, the use of the STAYAWAY COVID application is only recommended for people who have a device that enables them to use it. Legislation that makes the adoption of these measures (or at least one of them) mandatory may soon be approved.

The declaration of the situation of calamity will be effective in mainland Portugal from midnight on October 15, 2020, until 11:59 p.m. on October 31, 2020.

MEASURES THAT APPLY TO PEOPLE

Mandatory confinement: the previous rules will remain in effect during the situation of calamity. This means patients infected with COVID-19 and people who are under active surveillance will continue to be subject to the confinement obligation.

Gatherings of people: no other people are subject to restrictions on their freedom of movement; however, there are still limits and restrictions on how people access and use public spaces and how long they can remain there (this includes both outdoor and indoor spaces) when such use gives rise



to gatherings of people above a certain limit, which has now been reduced to five people (unless they belong to the same household).

Celebrations and other events

The restriction on gatherings of people also applies to celebrations and other events. Therefore, under the new situation of calamity, holding celebrations or other events that involve gatherings of more than five people is not possible (unless they belong to the same family group).

The following events may still take place without being subject to that limit; however, they may be subject to specific guidelines set by the Directorate-General of Health (DGS):

- Religious ceremonies, including community celebrations
- Corporate events held in appropriate areas (conference rooms, tourist establishments, venues used for trade fairs, and outdoor areas)

Family events, including weddings and baptisms, including the respective civil or religious ceremonies and other commemorative events, are now limited to a maximum of 50 people. However, this limit does not apply to weddings and baptisms that take place before 11:59 p.m. on October 14, 2020.

MEASURES THAT APPLY TO COMMERCIAL ACTIVITIES

I. Economic activities and commercial establishments that remain closed

During this new period, there are no changes to the list of establishments and facilities that cannot carry out their respective business activity.

To summarize, the establishments that must remain closed are dance and entertainment halls, amusement parks, recreational areas for children and similar spaces, gaming and recreational halls, bars and similar venues (with or without dance floors), except those that are part of tourism and local accommodation establishments exclusively for their guests.

Bars and similar venues may continue to operate under the rules established for cafés, and they are not required to change their economic activity classification, provided (i) the rules and guidelines of the DGS are observed, and (ii) dance floors and similar areas are not used for that activity and are either made unusable or are used to hold tables for customer use.

There is still a ban on parades, public festivities and folklore or any other similar events.

Facilities and establishments whose activity will be authorized by the member of the government responsible for the activity at issue do not have to close, provided they have received a favorable technical opinion from the DGS.



II. Rules that apply to economic activities and commercial establishments that are open to the public

The rules on occupancy, length of stay and physical distancing, as well as those relating to hygiene, the provision of disinfectant solutions, priority service and the provision of information to customers for economic activities and commercial establishments open to the public, remain in effect under identical terms.

Also, the rules on opening hours for establishments have not changed and are explained in our COVID-19 Legal Flash no. 28 of September 14, which you can view [here](#).

The only exceptions are service areas and fueling stations, which are now included in the list of commercial establishments that are not required to close between 8:00 p.m. and 11:00 p.m.

III. Restaurants and similar establishments

The previous rules on running restaurants and similar venues remain unchanged. We explained these rules in our COVID-19 Legal Flash no. 28 of September 14, which you can view [here](#).

The only new rule is the ban on groups of more than five people staying in restaurants and similar venues, unless they belong to the same family group.

IV. Restrictions on the consumption and sale of alcoholic drinks

The previous restrictions on the consumption and sale of alcoholic drinks remain unchanged:

- Alcoholic drinks cannot be sold at any service areas or fueling stations and cannot be sold from 8:00 p.m. onwards in retail establishments (including supermarkets and hypermarkets).
- Alcoholic drinks cannot be consumed in outdoor areas open to the general public or on public streets, except on the licensed terraces of restaurants and drinking establishments. After 8:00 p.m., this exception only applies to the consumption of alcoholic drinks that are served as part of a meal.

MEASURES THAT AFFECT EMPLOYMENT

As a rule, remote working is still not mandatory. However, employers must provide workers with appropriate health and safety conditions to prevent the risk of contagion, and they may choose to adopt a remote working practice under the general terms of the Labor Code.

However, in the following circumstances, remote working is mandatory when requested by the worker, regardless of the employment relationship and provided the type of work at issue can be carried out remotely:



- Workers are covered by the exceptional protection regime for immunocompromised and chronically ill patients, by means of medical certification.
- Workers with a degree of disability that is equal to or greater than 60%.

Remote working is also mandatory (regardless of the employment relationship and provided the type of work can be carried out remotely) when the DGS and the Working Conditions Authority's guidelines cannot be complied with because the physical space available and the organization are inadequate.

The Resolution of the Council of Ministers also listed the Metropolitan Areas of Lisbon and Porto as being subject to the exceptional and transitional regime for reorganizing work established in Decree Law 79-A/2020 of October 1, which we refer to in our COVID-19 Legal Flash (No. 29) of October 2, which you can view [here](#).



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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 or through your usual contact at Cuatrecasas. You can read our publications or attend our webinars on our [website](#).

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