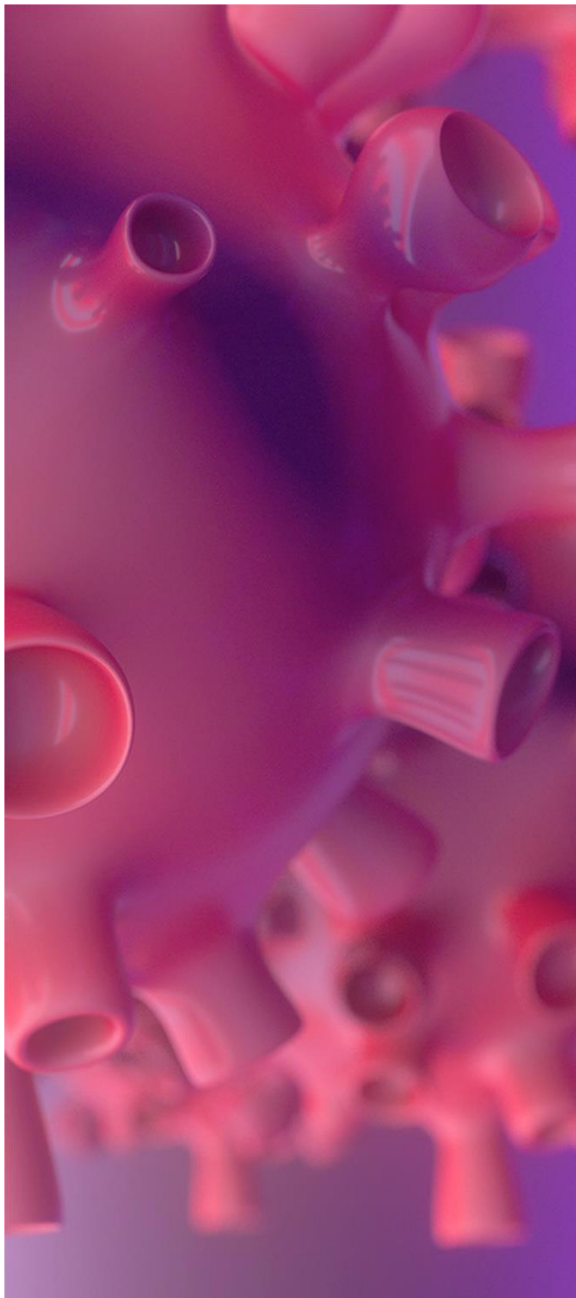

COVID-19 (No. 32)

Legal Flash | Portugal

November 3, 2020



- > **Extension of the declaration of the situation of calamity in all of mainland Portugal - Council of Ministers Resolution 92-A/2020, of November 2**



Declaration of the situation of calamity throughout mainland Portugal

The worsening of the epidemiological situation across Portugal justifies extending the declaration of the situation of calamity throughout mainland Portugal.

On October 22, the Portuguese government approved a set of special, more restrictive measures that are only applicable to the Municipalities of Felgueiras, Lousada, and Paços de Ferreira, given the severe situation in these three municipalities. Given the continued and exponential increase in daily new cases of COVID-19, the government decided to implement additional restrictive measures and extend the application of the restrictions already implemented to a further 118 municipalities, including Alcácer do Sal, Alcochete, Alenquer, Alfândega da Fé, Alijó, Almada, Amadora, Amarante, Amares, Arouca, Arruda dos Vinhos, Aveiro, Azambuja, Baião, Barcelos, Barreiro, Batalha, Beja, Belmonte, Benavente, Borba, Braga, Bragança, Cabeceiras de Basto, Cadaval, Caminha, Cartaxo, Cascais, Castelo Branco, Castelo de Paiva, Celorico de Basto, Chamusca, Chaves, Cinfães, Constância, Covilhã, Espinho, Esposende, Estremoz, Fafe, Figueira da Foz, Fornos de Algodres, Fundão, Gondomar, Guarda, Guimarães, Idanha-a-Nova, Lisboa, Loures, Macedo de Cavaleiros, Mafra, Maia, Marco de Canaveses, Matosinhos, Mesão Frio, Mogadouro, Moimenta da Beira, Moita, Mondim de Basto, Montijo, Murça, Odivelas, Oeiras, Oliveira de Azeméis, Oliveira de Frades, Ovar, Palmela, Paredes de Coura, Paredes, Penacova, Penafiel, Peso da Régua, Pinhel, Ponte de Lima, Porto, Póvoa de Varzim, Póvoa de Lanhoso, Redondo, Ribeira de Pena, Rio Maior, Sabrosa, Santa Comba Dão, Santa Maria da Feira, Santa Marta de Penaguião, Santarém, Santo Tirso, São Brás de Alportel, São João da Madeira, São João da Pesqueira, Sardoal, Seixal, Sesimbra, Setúbal, Sever do Vouga, Sines, Sintra, Sobral de Monte Agraço, Tabuaço, Tondela, Trancoso, Trofa, Vale de Cambra, Valença, Valongo, Viana do Alentejo, Viana do Castelo, Vila do Conde, Vila Flor, Vila Franca de Xira, Vila Nova de Cerveira, Vila Nova de Famalicão, Vila Nova de Gaia, Vila Pouca de Aguiar, Vila Real, Vila Velha de Ródão, Vila Verde, and Vila Viçosa e Vizela (the “Affected Municipalities”).

In the Affected Municipalities, restrictive measures imposed in previous phases have been implemented again, particularly regarding the freedom of movement, the opening hours of commercial establishments, and mandatory remote work.

In the other municipalities in mainland Portugal, the measures, which have been in effect since October 15, are maintained. We reported on these measures in our Legal Flash no. 31, dated of October 15, which you can read [here](#). Also, the use of face masks in public spaces and thoroughfares became mandatory for all individuals older than 10 years of age, as stipulated in Law 62-A/2020 of October 27.



In mainland Portugal, the declaration of the situation of calamity will remain in effect from midnight on November 4, 2020, to 11.59 p.m. on November 19, 2020.

MEASURES APPLICABLE TO PEOPLE

Mandatory confinement: confinement remains mandatory for those infected with COVID-19 and those under active surveillance, both in the Affected Municipalities and in the rest of mainland Portugal.

Civic duty to stay at home: citizens who are residents of the Affected Municipalities (and only those) must refrain from being in public spaces and thoroughfares, as well as in private spaces and thoroughfares equivalent to public thoroughfares, and they must remain at home at all times, except to:

- a) purchase goods and services;
- b) carry out professional or similar activities;
- c) search for jobs or to respond to a job offer;
- d) travel for health reasons (to receive health care and to accompany persons who must receive health care) or to donate blood;
- e) travel to emergency housing of victims of domestic violence and human trafficking, as well as to attend to children and young people at risk;
- f) assist vulnerable persons, persons with disabilities, children, parents, seniors, and dependents;
- g) transport minors and their caregivers to schools, kindergartens, and leisure activities;
- h) transport people with intellectual disabilities to attend occupational activity centers;
- i) go to events and cultural facilities;
- j) exercise for short periods;
- k) travel to participate in volunteering and social actions;
- l) travel for imperative family reasons, particularly shared parental duties, as established by agreement between the parents or by the relevant court;
- m) go to school;
- n) travel for visits, when authorized, or for the delivery of essential goods to people who are disabled or deprived of their freedom of movement;



- o) take part in procedural acts before judicial entities or in acts involving notaries, lawyers, court agents, or registrars;
- p) take short walks with pets and to feed animals;
- q) travel by veterinarians or animal keepers for veterinary medical assistance; travel by colony caregivers recognized by municipalities; travel by volunteers from zoo associations with dependent animals who need to go to animal shelters and municipal veterinary services for the collection and assistance of animals;
- r) travel by people holding a laissez passer (free pass), in the performance of their duties or because of them;
- s) travel by staff of diplomatic and consular missions and of international organizations located in Portugal, if related to the performance of official duties;
- t) travel required to exercise press freedom;
- u) return home;
- v) travel for educational purposes and to take tests;
- w) visit residents in nursing homes and homes for people with disabilities, continued care units in the National Integrated Care Network, and other facilities for older people, as well as for daycare center activities;
- x) go to stations and post offices, bank branches, and insurance brokerage or insurance agencies;
- y) leave mainland Portugal; and
- z) carry out any similar activities or for other force majeure or mandatory reasons, provided a justification is provided.

The use of private vehicles is permitted for any of the above reasons or to refuel.

During all authorized movements, the recommendations and orders of the health authorities and the security forces and services must be followed, particularly regarding the **distance between people**.

Celebrations and other events

Celebrations and other events involving gatherings of more than **five people**, unless they belong to the same family group, continue to be forbidden across mainland Portugal.

However, in the Affected Municipalities, this limitation does not apply to religious ceremonies and cultural shows held in permanent venues for art shows, although both have to comply with the guidelines of the Directorate-General of Health (DGS).



In the rest of the country the following events can be held without being limited to five people and provided the guidelines of the DGS are followed:

- Religious ceremonies, including community celebrations
- Corporate events held in adequate spaces (congress halls, tourist establishments, adequate facilities for trade fairs, and outdoor spaces)

Family events, including weddings and baptisms, including the respective civil or religious ceremonies and other commemorative events, outside the Affected Municipalities, continue to be limited to **50 people**. However, this limitation does not apply to weddings and baptisms planned and organized before 11.59 p.m. on October 14, 2020.

MEASURES APPLICABLE TO COMMERCIAL ACTIVITIES

I. Economic activities and commercial establishments that remain closed

In this new period, there are no changes in the list of establishments and facilities that cannot carry out their activities, as we described in our COVID-19 Legal Flash no. 31, dated of October 15, which you can read [here](#).

II. Rules applicable to economic activities and commercial establishments open to the public

a. Opening hours

All commercial establishments in the Affected Municipalities (including those in malls) must close at 10 p.m., apart from:

- a) restaurants, which must close at 10.30 p.m.;
- b) restaurants and similar establishments that only provide takeaway or delivery services, directly or through an intermediary, which cannot provide alcoholic beverages as part of this activity and which must close at 1 a.m.;
- c) pharmacies and establishments selling over-the-counter medicines;
- d) medical offices and clinics, particularly emergency dental clinics and veterinarian centers;
- e) funeral homes and similar services;
- f) rent-a-cargo and rent-a-car establishments, which, whenever their respective business hours allow it, may close at 1 a.m. and reopen at 6 a.m.;
- g) establishments in mainland Portugal airports that are beyond passenger control;
- h) service stations and gas stations on freeways;



- i) gas stations not included in the previous category, exclusively to sell fuel to the public and supply vehicles; and
- j) cultural facilities, which must close at 10.30 p.m.

The closing time for the establishments stated in the above list may be set by the chair of the municipality that has territorial jurisdiction, provided (i) it is approved by the local health authority and security forces; and (ii) the limits established in the previous paragraph are complied with.

Regarding establishments outside the Affected Municipalities, the rules on the opening hours for establishments are maintained, as we described in our COVID-19 Legal Flash no. 31, dated of October 15, which you can read [here](#).

b. Other operating rules for commercial establishments

Certain rules remain substantially the same, including rules on occupancy, length of stay and physical distancing, hygiene, the availability of disinfectant solutions, priority care, and customer information.

III. Restaurants and similar

The previous rules on the operation of restaurants and similar establishments are maintained, as we described in our COVID-19 Legal Flash no. 31, dated of October 15, which you can read [here](#), with the following exceptions:

- a) **Groups of up to six people**, unless they belong to the same family group, are allowed in restaurants and similar establishments.
- b) Restaurants and similar establishments in the Affected Municipalities must close at 10.30 p.m.

IV. Restrictions on the consumption and sale of alcoholic drinks

The restrictions already applicable to the consumption and sale of alcoholic drinks essentially remain the same:

- Prohibition of the sale of alcoholic drinks in service areas or gas stations, and, after 8 p.m., in retail establishments, including supermarkets and hypermarkets
- Prohibition of consuming alcoholic drinks in outdoor areas open to the public, with the exception of the licensed terraces of restaurants. After 8 p.m., this exception will only allow the consumption of alcoholic beverages with meals.



WORKPLACE MEASURES

Regarding the implementation of the remote work system, it becomes **mandatory** for the Affected Municipalities.

Regarding the rest of mainland Portugal, remote work also becomes mandatory for workers responsible for children younger than 12 years of age, or, regardless of their age, children with disabilities or chronic illnesses who, according to the health authority guidelines, are considered patients at risk and are prevented from attending face-to-face educational activities in a group or shift.

In municipalities that are not affected by the special measures imposed by the government, remote work continues to be mandatory, regardless of the employment relation, provided the position makes it possible, when the physical space and work arrangements prevent compliance with the DGS and ACT (Authority for the Work Conditions) guidelines for face-to-face work.

If the remote work option is not selected, measures to prevent and mitigate the risk of contagion may be implemented within the maximum limits of normal working hours and respecting the right to daily and weekly rest established in the applicable law or collective agreement. Particularly, daily or weekly schedules to rotate workers between remote work and work in the usual workplace, different entry and exit times, and different break and lunch times, may be implemented. In these cases, the employer may change the organization of working hours by making use of its management powers, provided it follows the procedure established by law.



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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](http://www.cuatrecasas.com).

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