

LAW NO. 1-A/2020, OF 19 MARCH

EXCEPTIONAL AND TEMPORARY MEASURES IN RESPONSE TO THE EPIDEMIOLOGICAL SITUATION FOLLOWING THE EPIDEMIC CAUSED BY THE CORONAVIRUS SARS-CoV 2 AND COVID-19

I. FRAMEWORK

- The aim of this law is, on the one hand, to ratify the effects of the Decree-Law no. 10-A/2020 of 13 March, which establishes temporary and exceptional measures concerning the epidemic of the new coronavirus – Covid 19, and, on the other hand, to approve new exceptional and temporary measures in response to the epidemiological situation caused by the SARS-CoV-2 Coronavirus, the responsible agent for the COVID-19 disease;
- This Law enters into force on 12 March (date of entry into force of the Decree-Law no. 10-A/2020, of 13 March);
- The following, among the new temporary and exceptional measures approved by this piece of legislation, are noteworthy:
 - Extension of the deadlines for approval of accounts and remittance to the Court of Auditors;
 - Admission of the participation, through telematics means, of members of collective bodies in meetings;
 - Amendment of the procedure for the formation of public contracts;
 - Suspension of processual and procedural deadlines;
 - Suspension of the entry into force of the termination of lease agreements submitted by the landlords;
 - Suspension of the enforcement of mortgages over properties that constitute family home of the debtor.

II. LOCAL AUTHORITIES

- The ordinary meetings of the deliberative and executive bodies of the local authorities and intermunicipal entities expected for the months of April and May may be held until 30 June 2020, and the obligation to hold meetings in public is suspended until the same date.

III. APPROVAL OF ACCOUNTS

- The entities listed in numbers 1 and 2 of Article 51 of the Law 97/98, of 26 August (among which we emphasise the Presidency of the Republic, The Parliament, Courts, Local Authorities and companies which are concessionaires or administrators of public services or public works, and private foundations which receive annually, on a regular basis, funds from the State Budget or local councils), whose account's approval depends upon the deliberation of a collective body, may do the remittance of its accounts to the Court of Auditors until 30 June 2020 (instead of 30 April);
- The companies, associations and cooperatives may do the remittance of its approved accounts to the Court of Auditors until 15 July 2020 (and may approve the accounts until 20 June 2020).

IV. COLLECTIVE BODIES AND PUBLIC EXAMINATIONS

- The participation of members of public or private bodies in the respective meetings through telematics means (video or teleconference) shall not preclude the regular functioning of the body, namely concerning *quorum* and deliberations, but the form of participations must be registered in the respective minute;
- Public examinations may be taken through videoconference, as long as the jury and the candidate agree and there are the technical conditions for that.

V. PREVENTIVE CONTROL OF THE COURT OF AUDITORS

- Public works contracts, lease contracts, purchase contracts over moveable goods and service contracts, regardless of the nature of the contracting authority, are exempt from preventive control of the Court of Auditors, during the period of application of this Law (as well as being applicable the exceptional regime for the formation of public contracts, provided for in the Decree-Law 10-A/2020, of 13 March);
- Contracts exempted from previous control must be consigned to the Court of Auditors within 30 days after being entered into;
- Pending deadlines concerning preventive control or concerning acts that must be consigned to the Court of Auditors during the period of application of this Law shall not be suspended.

VI. PROCEDURAL AND PROCESSUAL ACTS

- The judicial vacation regime is applicable, until the term of the exceptional situation of prevention, containment, mitigation and treatment of the epidemic infection by SARS-CoV-2 and COVID-19 disease, to the processual and procedural acts carried out within processes and procedures pending before judicial courts, administrative and tax courts, the Constitutional Court, the Court of Auditors and the remaining judicial bodies, arbitral courts, the Public Prosecutor's Office, the justice of peace, alternative dispute resolution entities and tax enforcement bodies;
- Prescription and expiration periods are also suspended for all types of processes and procedures;

The same regime is applicable to:

- Procedures that run in notary and registry offices;
- Administrative and enforcement proceedings, sanctioning and disciplinary procedures, and the respective acts and proceedings that run under the terms of direct, indirect, regional and local administration services, and other administrative entities, namely independent administrative entities, including the Bank of Portugal and the Portuguese Securities Market Commission;
- Administrative and tax deadlines (the tax deadlines suspended are only the acts of judicial impugnation, informal appeal, hierarchical appeal, or other procedures of the same nature, as well as deadlines for the practice of acts within the same tax procedures) that run in favour of individuals;

The following are also suspended:

- Urgent procedures, except for the following circumstances:
 - Whenever technically feasible, the practice of any procedural and procedure acts through appropriate means of remote communication, namely by teleconference or video call, shall be allowed;
 - Urgent acts and proceedings involving fundamental rights, including procedural steps concerning at-risk minors or educational trials of an urgent nature, steps and trials of imprisoned defendants, provided that they do not involve more people than envisaged by the recommendations of the health authorities and in accordance with the guidelines laid down by the competent Supreme Councils;

VI. PROCEDURAL AND PROCESSUAL ACTS

- Special eviction procedures, eviction actions and processes for the return of leased property, when the tenant, due to the final judicial decision to be handed down, may be placed in a situation of fragility due to lack of own housing.

The regime described in this section VI shall prevail over any regimes that establish imperative deadlines for prescription or limitation, so that these deadlines shall be extended for the duration of the exceptional situation. This regime shall cease on a date to be defined by Decree-Law, and the Assembly of the Republic shall subsequently adapt the periods of judicial vacations to be in force in 2020.

VII. PROTECTION OF TENANTS AND HOUSING

- Until the cessation of the measures for the prevention, containing, mitigation and treatment of the epidemic infection by SARS-CoV2 and COVID-19 disease, the following are suspended:
 - The entry into force of the termination of lease agreements for housing and non-housing purposes submitted by the landlord;
 - The enforcement of mortgages over properties that constitute the family home of the debtor.

Lisbon, 23 March 2020

CS Associados Team