

**STATE OF EMERGENCY - COVID-19**

**DECREE No. 2-A/2020, OF MARCH 20**

**REGULATION OF THE DECLARATION OF THE STATE OF EMERGENCY MADE BY THE DECREE OF THE PRESIDENT OF THE REPUBLIC NO. 14-A/2020 OF 18 MARCH**

**I. FRAMEWORK**

- Decree n. 2-A/2020 of March 20 regulates the declaration of the state of emergency established by Decree of the President of the Republic No. 14-A/2020 of 18 March.
- It concerns the restriction of rights, freedoms and guarantees, in particular with regard to free economic initiative rights, by virtue of the declaration of the state of emergency.

## II. RESTRICTION OF RIGHTS, FREEDOMS AND GUARANTEES

<b>Freedom of Movement</b>	<ul style="list-style-type: none"><li>■ Compulsory confinement of all those infected with Covid-19 and those citizens for whom the authorities or health professionals have determined active surveillance, on penalty of committing the crime of disobedience.</li><li>■ Special protection duty, applicable to those over 70 years of age and those who, due to pre-existing health conditions, are part of risk groups, being allowed only to travel for the purposes listed in the diploma (which include acquisition of goods or services, travel for health reasons, work, practice (not collective) of physical exercise, etc).</li><li>■ General duty of staying at home for other citizens, which may circulate in order to proceed with a set of different and varied purposes (professional, health, familiar, acquisition of goods, physical exercise (not collective), etc.) which are setting out in the act, provided that the health recommendations in force (e.g. physical distance) are respected.</li><li>■ Road and rail traffic may be closed for reasons of public health, safety or the fluidity of traffic, or certain types of vehicle may be restricted by decision of the relevant member of the government.</li></ul>
<b>Freedom of economic initiative and workers' rights</b>	<ul style="list-style-type: none"><li>■ Obligation to adopt teleworking, where the functions concerned so permit.</li><li>■ Closing down of facilities in sectors such as leisure, culture, sport (except high performance), restaurant activities (with consumption on location), gambling and betting space, and spas or similar establishments. The sale of goods through vending machines and the holding of sporting or cultural events are also suspended.</li><li>■ Suspension of retail trade and the provision of non-essential services in establishments open to the public, with the exception of trade of goods or services considered essential in the present situation, and specifically identified in the diploma (full list available on final annex), and which cover a considerable number of trade and services sectors, including food, health, hygiene, banking and financial services, IT and communications and tourist establishments (except camping parks). For example, trade in clothing, footwear or bookshops or beauty services are not included in the list of essential goods.</li></ul>

## II. RESTRICTION OF RIGHTS, FREEDOMS AND GUARANTEES

- The exercise of the activity by these establishments may be restricted or suspended should it prove unnecessary or undesirable for the purpose of combating the spread of Covid-19.
- Wholesale establishments and those intending to carry out exclusive home delivery, or to make goods available at the door or by wicket, whatever the type of goods traded, may also continue their activity.
- Small retail establishments and local service providers whose operation is limited by this act may also apply to the municipal civil protection authority for authorisation to operate, upon reasoned request. Other types of establishments whose operation is deemed necessary may also be authorised to maintain their activity, by means of a governmental authorisation.
- Restaurants may maintain their activity to prepare meals for consumption outside the establishment (take-away or delivery), without the need for a licence for this purpose, and may assign any workers to the practice of this activity, even if it is not included in the scope of their employment contracts. The limitation on the consumption of food on local shall not apply to canteens or other caterers whose catering services are provided on the local under long-term supply agreements.
- The establishments located at shopping centres which may perform their activity pursuant to this act are also authorised to do so.
- Similarly, retail or service establishments of any kind located on the motorway network or inside airports or hospitals may remain in operation.
- Establishments that remain in business must adopt measures to ensure (i) a minimum distance of two metres between people inside the establishment, observing the maximum indicative occupancy rule of 0.04 people (customers or suppliers) per m<sup>2</sup> of the commercial area opened to the public (i.e. 1 person per 25 m<sup>2</sup>), (ii) the permanence of the same for the time strictly necessary for the acquisition of products or services, and (iii) the non-consumption of products inside the establishments.
- These establishments should also provide priority attendance to those over 70 years old and other person belonging health risk groups, members of the security, protection and rescue forces, members of the armed forces and social service providers, and should inform clients clearly and noticeably about this duty, having such information displayed in the establishment.



**II. RESTRICTION OF RIGHTS, FREEDOMS AND GUARANTEES**

	<ul style="list-style-type: none"><li>■ The closing of any facilities as a result of the restrictions on activity laid down in the decree does not constitute grounds for termination, or any other form of extinction of non-residential lease agreements or other type of agreements involving the occupancy of real estate property.</li><li>■ In addition, the exercise of retail trade activities or the provision of services considered essential, as well as the exercise of retail trade by wholesale establishments, may be imposed if it proves necessary to ensure the access of the population to essential goods.</li><li>■ Orders may also be issued by the member of the government responsible for health with the aim of:<ul style="list-style-type: none"><li>○ Ensuring the supply of goods and the operation of services necessary to protect public health;</li><li>○ Imposing the temporary requisition of industries, factories, workshops, fields or facilities of any nature, including health centres, services and private health establishments;</li><li>○ Imposing the temporary requisition of all types of goods and services and the imposition of compulsory services on any entity where it is appropriate and indispensable for the protection of public health, such as masks or ventilators.</li></ul></li><li>■ Measures shall also be taken, upon determination of the member of the competent government (i) in the transport sector, in order to ensure its operation, management flexibility, cleanliness, conditions of transport of goods, so as to ensure their supply throughout the national territory, and repatriation operations by the national airline and reduction of public transport capacity to one third of its capacity, as well as (ii) in the sectors of agriculture, sea, energy and environment, to ensure the regular production of the respective goods and services.</li></ul>
<b>Freedom of Religion</b>	<ul style="list-style-type: none"><li>■ It is also forbidden the performance of any religious services which imply crowds. Funerals are conditional to the adoption of measures to avoid crowds, the maximum number of participants to be determined by the municipal authorities.</li></ul>

### III. ADMINISTRATIVE ACTS

- During the term of the decree, licences, permits and other administrative acts shall remain valid irrespective of the expiry of the term;
- The regulations and administrative acts of implementation of the decree are effective through mere notification to the addressee (the notification is considered performed by the mere publication on the website of the entity responsible for the practice of the act), being dispensed with any other formalities.

### IV. APPLICATION

- This diploma applies to the entire national territory (without prejudice to the measures adopted under the state of alert or calamity of the municipality of Ovar) since 00H00 of 22 March 2020.

Lisbon, 23 March 2020

CS Associados Team

**Decree NO. 2-A/2020**

**List of establishments/goods and services which are deemed essential**

1. Minimarkets, supermarkets, hypermarkets;
2. Fruit shops, butchers, fish shops, bakeries;
3. Markets, in cases of sale of food products;
4. Agro-food production and distribution;
5. Fish markets;
6. Catering and beverages, in accordance with the present Decree;
7. Confection of meals ready to take home, according to the present Decree;
8. Medical or other health and social support services;
9. Pharmacies and non-prescription medicine retail outlets;
10. Medical and orthopaedic products establishments;
11. Opticians;
12. Cosmetic and hygiene products establishments;
13. Establishments of natural and dietetic products;
14. Essential public services and respective repair and maintenance (water, electricity, natural gas and liquefied petroleum gas pipelines, electronic communications, postal services, wastewater collection and treatment services, wastewater collection and treatment services, urban solid waste management and urban hygiene services and passenger transport service);
15. Stationeries and tobacconists (newspapers, tobacco);
16. Social games;
17. Veterinary clinics;
18. Pet sales establishments and their respective food;
19. Establishments selling flowers, plants, seeds and fertilizers;
20. Textile and leather dry cleaning and washing establishments;
21. Drugstores;
22. Hardware stores and Do-It-Yourself (DIY) stores;
23. Fuel filling stations;
24. Establishments selling fuels for domestic use;
25. Maintenance and repair establishments for motor vehicles and motorcycles, tractors and agricultural machinery, as well as the sale of parts and accessories and towing services;
26. Establishments for the sale and repair of household appliances, computer and communications equipment and respective repair;
27. Banking, financial and insurance services;
28. Funeral and related activities;

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29. Home maintenance and repair services;
  30. Home security or surveillance services;
  31. Cleaning, disinfection, de-ratification and similar activities;
  32. Home delivery services;
  33. Tourist resorts, except camping parks, can provide food and beverage services in the establishment itself exclusively for their guests;
  34. Services that guarantee student accommodation;
  35. Activities and establishments listed in the previous paragraphs, even if integrated in shopping centres.