

## **DECREE IMPLEMENTING THE FIRST RENEWAL OF THE OF STATE OF EMERGENCY**

PRESIDENCY of the COUNCIL of MINISTERS

Decree nº. 2-B/2020, April 2

Summary: Regulates the extension of the state of emergency decreed by the President of the Republic.

On March 18, 2020, a state of emergency was declared in Portugal, through the Decree of the President of the Republic No. 14-A / 2020, of March 18.

The World Health Organization qualified the current situation as an emergency of public health caused by the epidemic disease COVID-19, making it imperative to determine and ensure the treatment, through an appropriate regime to this reality, that allows establishment of exceptional and temporary measures to respond to the epidemic.

The exceptional situation that we live and the proliferation of cases registered of contagion of COVID-19 requires the application of extraordinary measures and urgency to restrict rights and freedoms, particularly with regard to freedom of movement and economic freedoms, in conjunction with the European authorities, with aim to preventing the transmission of the virus.

It is a priority of the Government to prevent the disease, contain the pandemic, save lives and ensure that the fundamental supply chains of essential goods and services continue to be assured. In effect, it is urgent to take the measures that are essential, appropriate and necessary to proportionally restrict certain rights to save the most important value that is the life and the public health of all Portuguese.

Democracy cannot be suspended in an open society where community feeling of solidarity is increasingly urgent. Thus, this decree intends to implement the state of emergency, in an appropriate and strictly necessary manner, which presupposes the adoption of measures with the intention of containing the transmission of the virus and containing the expansion of the disease COVID-19.

These measures must be taken with respect for constitutional and legal limits, which means that, on the one hand, they must be limited to what is strictly necessary and, on the other hand, that their effects must cease as soon as normality is resumed.

In this context, the Government approved Decree nº. 2-A/2020 of 20 March, focusing in particular on the matter of circulation in public spaces, regulating the displacement, tasks and

essential functions to survival, movement for health reasons, functioning of society in general, as well as the exercise of professionals functions from home. It was equally foreseen a generic exception that allows the circulation in cases which, by their urgency, are unavoidable, a permission of circulation for the purpose, for example, to physical exercise or the need to displaced for imperative family reasons.

Bearing in mind that contacts between people, which are a strong vehicle for the contagion and spread of the virus, rules have also been established relating to operation or suspension of certain types of facilities, establishments and activities, including those that, due to their essentiality, must remain in operation, with rules about permanence are established therein.

Noting that the declaration of a state of emergency was renewed by the Decree of the President of the Republic nº 17-A/2020, of 2 April, and having been, after the approval of Decree nº 2-A / 2020, of 20 of March, detected situations that lacked of express regulation in this exceptional area with the evolution perceived in the pandemic, the Government decided to approve an additional set of measures in order to reduce the risk of infection and spread of the disease.

In effect, in current time, the Government maintains the understanding that the contacts between people who are strong vehicle of infection and virus propagation, as well as movements, should remain at the necessary minimum level, and to highlight, to the purposes required, the special need of people confinement. Therefore, in the present decree, it creates additional limitations on circulation.

On the other hand, it was found that certain economic activities must continue to be exercised, and the respective activity should be maintained.

In these terms:

Under the article 17 of Law no. 44/86, of September 30, in its current wording, and of paragraph g) of article 199 of the Constitution, the Government decrees:

Article 1

### **Object**

This Decree shall implement the state of emergency declaration made by the Decree of the President of the Republic nº. 14-A/2020 of 18 of March, and renewed by Decree of the President of the Republic nº. 17-A/2020 of April 2.

Article 2

### **Territorial application**

This decree is applicable in all the national territory.

## The Article 3

### **Mandatory confinement**

1 – The following remains in compulsory confinement in medical institution or in the appropriate domicile:

- a) Patients with COVID-19 and those infected with SARS-Cov2;
- b) Citizens in respect to whom the health authority or other health professionals determine active surveillance.

2 - A violation of the obligation of confinement, in the cases provided for in paragraph above, constitutes a crime of disobedience.

## Article 4

### **Special duty of protection**

1 - The following are subject to a special duty of protection:

- a) Those over than 70 years;
- b) Immunocompromised and those with chronic disease that in accordance with the guidelines of the health authority should be considered at risk, particularly those hypertensive patients, diabetic, cardiovascular patients, patients with chronic respiratory disease and cancer patients.

2 - Citizens covered by the preceding paragraph may only circulate on public spaces and roads, or on private spaces and roads equivalent to public roads, for any of the following purposes:

- a) Acquisition of goods and services;
- b) Displacements for health reasons, in particular for the purpose of obtaining health care;
- c) Displacements to post stations and post offices, bank agencies and insurance broker or insurance agencies;
- d) Short trips for the purpose of physical activity, the exercise of collective physical activity being prohibited;
- e) Short trips for the purpose of walking pets;
- f) Other activities of a similar nature or for other reasons of force majeure or imperative necessity, as long as they are duly justified.

3 - Except in situation of medical license, citizens covered by subparagraph b) of paragraph 1 may also circulate to the exercise professional activity.

4 - The restriction provided for in paragraph 2 does not apply to:

- a) To health professionals, other workers of health and social support institutions, and civil protection agents;
- b) At security services forces, military and civil personal of Armed Forces and Food and Economic Safety Authority inspectors;
- c) Holders of political offices, magistrates and leaders of the social partners.

Article 5

**General duty of home retirement**

1 - Citizens not covered by the provisions of the articles above may only circulate in public spaces and roads, or in spaces and private roads similar to public roads, for any of the following purposes:

- a) Acquisition of goods and services;
- b) Displacement for the purpose of performing professional or similar activities;
- c) Search for a job or responding to a job offer;
- d) Displacements for health reasons, in particular for the purpose of obtaining care and transport of persons to whom they should be given such care or blood donation;
- e) Displacements to emergency hosting in residential care or familiar home, of victims of domestic violence or trafficking in human beings and children and youth at risk, by applying enacted measures by judicial authority or Commission on Children and Youth Protection;
- f) Displacement to assist vulnerable people, people with disabilities, children, parents, elderly or dependents;
- g) Displacement to accompany minors:
  - i) In short trips, for the purpose of enjoying moments outdoors;
  - ii) For frequency of school, under the paragraph 1 of Article 10 of the Decree -Law Nº. 10-A / 2020, of 13 March;
- h) Short trips for the purpose of physical activity, the exercise of collective physical activity being prohibited;
- i) Displacement to participate in social volunteering actions;
- j) Displacement for other imperative family reasons, namely to fulfil parental responsibility sharing, as determined by agreement or by the competent court;

k) Displacement for visits, when authorized, or delivery of essential goods to people with disabilities or deprived of freedom of movement;

l) Participation in procedural acts before the judicial entities;

m) Displacement to mail stations and post offices, banking agencies and insurance agencies brokers or insurers;

n) Short trips for the purposes of walking pets and feeding animals;

o) Displacement by veterinarians, animal keepers for medical veterinary assistance, caregivers of colonies recognized by the municipalities, volunteers in zoophilic associations with animals in charge that need to move to animal shelters and rescue teams animals;

p) Displacement by persons with a free pass, issued under legal terms, in the exercise of their functions or because of them;

q) Missions for part of the staff of diplomatic or consular missions, and of international organizations located in Portugal, if related to the performance of official duties;

r) Displacements required for the exercise of press freedom;

s) Return to personal home;

t) Other activities of a similar nature or for other reasons of force majeure or imperative need, as long as duly justified.

2 - The private vehicles can circulate on the roads to carry out the activities indicated in preceding paragraph or for refuelling at gas stations.

3 - For the purposes of this decree, high-performance athlete activity and their coaches and sports companions of disabled sports, is equated with professional activity.

4 - Without prejudice to the established in above paragraphs, all the displacements made must be in compliance with recommendations and orders determined by the health and the security forces and services authorities, in particular those relating to the distances to be observed between people.

## Article 6

### **Restriction on circulation during Easter period**

1 - Citizens do not can move to outside the municipality of habitual residence in the period between 00: 00h of April 9 and 24: 00h on 13 April, except for health reasons or other reasons of absolute urgency.

2 - Restriction provided for in the preceding paragraph does not apply to citizens covered by paragraph 4 of article 4, provided that in the exercise of functions, as well as performance of professional activities admitted by this decree.

3 - In the period referred to in paragraph 1, the workers mentioned in the final part of the previous number, must circulate with a declaration from the employer that attests that they are in performance of their professional activities.

4 - The restriction provided for in paragraph 1 does not prevent movement between areas of the municipalities where there is a territorial discontinuity.

5 - During the period referred to in paragraph 1, are not allowed commercial passenger flights from and to national airports, without prejudice of emergency landings, humanitarian flights or for the purpose of repatriation.

Article 7

#### **Execution at local level**

The Prime Minister appoints the authorities that coordinate the implementation of the declaration of state of emergency in continental territory, at local level, in terms of paragraph 4 of Article 20 of Law No. 44/86 of 30 September, in its current wording.

Article 8

#### **Teleworking**

It is mandatory to adopt the teleworking regime, regardless of the employment relationship, whenever the functions in question allow it.

Article 9

#### **Closure of facilities and establishments**

The facilities and establishments referred to in annex I to this decree and which form an integral part thereof, are closed.

Article 10<sup>o</sup>

#### **Suspension of activities in the context of retail trade**

1 - The retail trade activities, except those that provide for basic goods or other considered essential at the present conjuncture, which are listed in Annex II to this decree and that it is an integral part, are suspended.

2 - The suspension determined in accordance with the preceding paragraph shall not apply to wholesale trade or to establishments wishing to maintain their activity exclusively for the purpose of delivery at home or for the provision of goods at the door or the wicket of the

establishment, being prohibited, in this case, the access to the interior of the establishment by the public.

Article 11º

#### **Suspension of activities within the scope of service provision**

1 - The activities of provision of services in establishments open to the public, except those who provide for first necessity services or other services considered essential in this context which are listed in Annex II to this decree, are suspended

2 - The restaurants and similar establishments can continue their activity, if their holders so the decide, for exclusive purposes of confection intended to consumption off-premises or deliveries, directly or through an intermediary.

3 - For the purposes of the provisions in paragraph above, the establishments of restoration and similar are exempt of license for confection destined to consumption off-premises or to delivery at home and can determine to their employees to participate in their activities, even if these didn't integrate the object of the respective labour contracts .

4 - The provisions of paragraph 1 do not apply to restaurant services practiced:

a) In canteens or cafeterias that are in regular operation;

b) In other collective units whose catering services are provided under a contract of continued execution.

Article 12º

#### **Effects on lease and other forms of use of property**

The closure of plants and establishments under this decree cannot be invoked as a ground for resolution, report or other form of extinguishing non housing lease or other forms of contract of exploitation of properties, nor as a ground for obligation to vacate properties in which they are installed.

Article 13º

#### **E-commerce and remote services or via electronic platform**

E-commerce activities or the activities of provision of services that are provided at distance, without contact with the public, or to develop to their activity through electronic platform are not to suspend.

## Article 14

### **Itinerant sellers**

1 - It is permitted the exercise of activity for itinerant salespeople for provision of first necessity goods or of other goods considered essential at conjuncture, in locations where this activity is necessary to ensure the population access to essential goods.

2 - The identification of locations where itinerant sale is essential to guarantee access to essential goods by the population is defined by a decision of the municipality, after a favorable opinion from the competent health authority at local level, and must be published on the respective Internet website.

## Article 15

### **Renting of passenger vehicles without driver**

Renting a car without a driver (rent-a-car) is permitted in the following circumstances:

a) For exceptionally displacements authorized under this decree namely, to acquisition of essential goods or services, particularly medicines, and for health reasons or to care other people;

b) For the pursuit of retail trade activities or the provision of services authorized under the present decree or in subsequent law that authorizes it;

c) Provide for assistance to drivers and vehicles damaged, immobilized or to victims;

d) When the vehicles are intended for the provision of essential public services or are contracted under the legal regime of the State vehicles fleet, provided in Decree-Law Nº. 170/2008, of August 26, in its current wording.

## Article 16

### **Restrictions on access to wholesale establishments and markets**

The rule of maximum indicative occupation of 0.04 people per square meter provided for in Article 1 of Decree No. 71/2020, of 15 of March, is applicable to wholesale establishments and to any markets and auctions authorized to operate.

## Article 17

### **Funerary activity**



Companies that exercise funeral activity in terms of the Decree-Law Nº. 10/2015, of 16 of January, in his writing current, remain operating and perform the funeral services of dead people diagnosed with COVID-19.

## Article 18

### **Authorizations or suspensions in special cases**

1 - Retail activities and service provisions located along the motorway network, inside airports and hospitals, are not suspended.

2 - The member of the Government responsible for the area of economics can by dispatch:

a) Allow the opening of some facilities or establishments referred to in annex I to this decree;

b) Allow the exercise of other activities of retail trade or provision of services including restoring, in addition to the predicted in Annex II to this decree, which may prove to be essential for the evolution of the present conjuncture;

c) Impose the exercise of some of the activities of retail trade or service provision mentioned in annex II to the present decree, if it proves essential to ensure the regular supply of essential goods to the population;

d) Determining the exercise of retail trade of wholesale stores if it comes to prove essential to keep the continuity of products distribution chain to consumers;

e) limit or suspend the exercise of retail trade activities or service provided for in Annex II to this decree, if the appropriate exercise come to manifesting dispensable or undesirable in the fight against infection and spread of virus .

3 - The small establishments of retail trade and those who provide proximity services may, exceptionally, by substantiated request, require the municipal or protection civil authority authorization to operate,

4 - The member of the Government responsible for the area of the economy may delegate the powers provided for in paragraph 1.

## Article 19

### **Safety and hygiene rules**

In case of retail trade establishments or provision of services that keep the respective activity in terms of the articles above, should be observed the following safety and hygiene rules:

a) In establishments in physical space , should be adopted measures to ensure a minimum distance of two meters between people, a stay for the strictly necessary time to purchase goods and the prohibition of the consumption in its interior, without prejudice to respect for the rules of access and allocation provided for in Ordinance No. 71/2020, of 15 March;

b) The provision of the service and the transport of goods should be made in compliance with the required hygiene and health rules defined by the Directorate-General of Health.

c) Where the activity in question involves intense contact with objects or surfaces, as with vending machines, payment terminals, pass and tickets dispensers or vehicles rented, the responsible for the space or the economic operators shall ensure periodic disinfecting of such objects or surfaces, using suitable and effective products in combating the spread of the virus, except if weighty food safety reasons so obstruct.

## Article 20º

### **Priority service health**

1 - Retail trade establishments or provision of services that keep the respective activity in terms of articles above, should serve with priority the persons subject to a special duty of protection, in terms set out in Article 3, as well health professions, forces and service of security and protection and rescue elements, armed forces personnel and the social services support providers.

2 - The responsible for the establishment must inform, clearly and visibly, about the right to priority serving provided in the preceding paragraph, and adopt the necessary measures so that the service be done in an organized way and with respect for the hygiene and safety rules.

## Article 21

### **Free movement of goods**

The restrictions on movement, including the municipalities in which has been delimited an health fence, do not prevent free movement of goods.

## Article 22

### **Public services**

1 - Citizen's stores are closed, maintaining in-person attendance by appointment, at the branch network of the different services, as well as the provision of these services through digital media and contact centers with citizens and companies.

2 - The functioning of public services considered essential can be determined, under the terms to be defined by order of the Government members responsible for the area of the service in question and for the area of Public Administration.

3 - The member of the Government responsible for the area of Administration Public, with faculty of delegation, except for the services essential to that it refers the article 10 of Decree-Law No. 10-A / 2020 of 13 March, in its current wording, can determine:

a) Setting guidelines on telework, particularly on situations that require the presence of workers of Administration Public in their places of work, as well as on the compatibility of the functions with the home;

b) The definition of guidelines related to the constitution and maintenance of situations of mobility;

c) The definition of guidelines on the cases in which the employees of the Public Administration may be imposed to exercise functions in a different place than usual, in a different entity or in different working conditions and schedules ;

d) The coordination with the authorities in that it refers to services public places, in particular the citizen spaces and the provision of labour regime in the administration site;

e) The centralization and coordination of information as to the operation and communication of utility service;

f) The dissemination of information, instruments of support and practical innovative of management and organizational of work, to provide support to activity of services and of workers in new environments of work;

g) Change the deadlines for reporting data within the scope of the State Organization Information System.

5 - The member of the Government responsible for the area of foreign affairs adapts the provisions of this article to the external peripheral services of the Ministry of Foreign Affairs.

Article 22<sup>o</sup>

### **Public services**

1 – “As Lojas do Cidadão” [multiple services space for citizens] are closed, maintaining personal assistance by appointment, at the branch network of the different services, as well as the provision of these services through digital media and contact centers with citizens and companies.

2 - The functioning of public services considered essential can be determined, under the terms to be defined by order of the Government members responsible for the area of the service in question and for the area of Public Administration.

3 - The member of the Government responsible for the area of the Public Administration , with faculty of delegation, except for the essential services to that it refers the article 10 of Decree-Law No. 10-A / 2020, March 13, can determine:

a) Setting guidelines on telework, particularly on situations that require the presence of workers of Administration Public in their places of work, as well as on the compatibility of the functions with telework at home;

b) The definition of guidelines for the creation and maintenance of conditions of mobility;

c) The definition of guidelines on the cases in which the workers of Public Administration may be imposed the exercise of functions in different location than usual, in another entity or working conditions and different schedules;

d) The articulation with the local authorities in that it refers to local public services, in particular the “Espaços Cidadão” [citizen spaces] and the provision of labour regime in the local administration;

e) The centralization and coordination of information as to the operation and communication of public utility services;

f) The dissemination of information, instruments of support and innovative practices of management and organization of work, to provide support to activity of services and workers in new environments of work.

e) The centralization and coordination of information as to the operation and communication of utility service;

4 - The members of the Government responsible for the areas of Public Administration and Labour, Solidarity and Social Security, with faculty of delegation:

a) Define guidelines that it reveal necessary in the context of the disease and attending remotely training actions;

b) Define terms under which the employees of the Central Administration can exercise functions in the Local Administration, regardless of their consent, as well as the terms in which the employees of the Central Administration and the Local Administration can exercise functions, with their consent, in private institutions of social solidarity or other institutions, from the private or social sector, to support the most vulnerable populations, elderly people, people with disabilities, children and young people at risk, in residential structures, home or street support.

5 - The member of the Government responsible for the area of foreign affairs adapts the provisions of this article to the external peripheral services of the Ministry for Foreign Affairs.

Article 23

**Exceptional regime of social support activities**

1 - During the state of emergency it can be used social fittings, able to enter in operation and furnish with the necessary supplies, in accordance with Article 11 and following of Decree-Law nº. 64/2007 of March 14, in its current wording .

2 - It is up the competence of the Social Security Institute, I. P.:

a) Set the number of vacancies in these establishments in accordance with the guidelines issued by the Directorate-General for Health or in conjunction with it;

b) Carry out the management of occupation of these vacancies, privileging the host of people with hospital discharge and other needs detected in the community.

3 - This provisional authorization for operation ends with the term of the decreed state of emergency, after which the procedure for the authorization of operation must be resumed and concluded, safeguarding, in legal terms and whenever possible, the continuity of the activity already started.

4 - During the state of emergency could have temporary use of buildings space, relative to the currently established, either in social establishments referred to in paragraph 1, or in which that is found in operation, licensed and or with cooperation agreement

5 - In compliance with the rules and guidelines of the Directorate-General for Health, and for the purposes of the measures provided for in this article, the capacity of each establishment can also be redefined.

#### Article 24

##### **Reinforcement of the Authority's for Working Conditions means and powers**

1 - During the term of this decree and in order to strengthen the rights and guarantees of workers whenever, whenever labour inspectors check for evidence of a dismissal in violation of articles 381, 382, 383 or 384 of the Labour Code, approved by Law no. 7/2009, of February 12, in its current wording, draw up a statement and notify the employer to rectify the situation.

2 - With the notification to the employer in terms of the number above and to the regularization of the situation of the worker or the court final decision, according to the case, the work contract in question did not cease, keeping the parties all the rights, namely the right to remuneration, as well as the inherent obligations under the general social security regime.

3 - During the term of this decree and to allow emergency reinforcement in human recourses in order to ensure the ability of the Authority for Work Conditions:

a) It is dispensed the agreement of the organ or service of origin, laid down in Article 94 of the Law of the General Work In Public Functions, approved in annex to Law No. 35/2014, of 20 of June, in its current wording, and as well as the provisions of subparagraph a) of paragraph 2 of Order no. 3614-D / 2020, published in the Diário da República [Official Journal], 2nd series, nº. 58, of 23 March, regarding mobility procedures of the Authority for the Work Conditions inspectors and senior technicians, started before or after the entry into force of this decree;

b) By order of the Prime Minister and the Government member responsible for the area of Work, Solidarity and Social Security, inspectors and senior technicians of the inspection services provided for in article 3 of Decree-Law n<sup>o</sup>. 276/2007 of 31 July, can be requested to strengthen temporarily the Authority for Work Conditions, and to this effect waived the agreement of the heads of the services mentioned in the preceding paragraph and the respective employee, who must exercise, preferably, its activity in the geographical area provided for in paragraph 1 of article 95 of the General Labour Law in Public Functions, approved in annex to Law n<sup>o</sup> 35/2014, of 20 June, in its current wording, and remains subject to the legal and disciplinary regime that arises from its employment relationship;

c) The Authority for Labour Conditions is authorized to purchase external services to assist the implementation of its activity under the provisions of the exceptional system of public procurement set out in Decree-Law No. 10-A/2020, March 13, in its current wording.

## Article 25

### **Essential services**

Are essential services for the purposes of paragraph 1 of article 10 of Decree-Law No. 10-A / 2020 of 13 of March, in his writing current, the defined in Ordinance of the member of the Government responsible for the Presidency of the Council of Ministers.

## Article 26

### **Religious and worship events**

1 – It is forbidden the realization of celebrations of religious nature and other worship events involving an agglomeration of people.

2 - The holding of funerals is subject to the adoption of organizational measures that guarantee the absence of groups of people and the control of safety distances, namely the establishment of a maximum attendance limit, to be determined by the local authority that exercises management powers of the respective cemetery.

## Article 27

### **Individual Protection**

All the activities that remain working or in operation must comply with the recommendations of the health authorities, in particular in the field of hygiene and distances to be observed between people.

## Article 28

### **Public health guarantee**

1 - The member of the Government responsible for health, with the faculty to delegate, determines:

a) Exceptional measures applicable to assistance activity carried out by the services and establishments integrated in the National Health Service;

b) Exceptional measures of coordination of services and establishments integrated in National Health Service with health care establishments service of private and social sectors, in the provision of health care;

c) Issuing orders and necessary instructions to guarantee the goods supply and the functioning of services and production centers affected by the scarcity of products necessary to protect public health ;

d) The necessary measures and the practice of acts that, in the context specific of their action, are appropriate and necessary to ensure the normal conditions in the production, transmission, distribution and supply of essential goods and services to the health sector of activity ;

e) The temporary requisition of industries, factories, workshops, farms or facilities of any nature, including health services and establishments of private and social sectors;

f) The temporary requisition of all kinds of goods and services, including professional and the imposition of instalments required to any entity, in cases in which this is appropriate and indispensable for the protection of public health, in the context of the emergency situation caused by the SARS-CoV-2 epidemic, as well as for the treatment of COVID-19.

2 - Without prejudice to the provisions of the preceding paragraph , the member of the Government responsible for health, with the faculty of delegation, determines the necessary exceptional measures, in the context of the emergency situation caused by the SARS-CoV-2 epidemic, as well as for the treatment of COVID-19, regarding :

a) Circuits of medicine and medical devices, as well as other health products, biocides, disinfectant solutions, alcohol and personal protective equipment, namely in the scope of manufacture, distribution, marketing, import, acquisition, dispensation and prescription, tending to ensure and enable the supply, availability and access of the necessary products to health units, patients and other users;

b) Access to medicines, namely experimental ones, used within the scope of pandemic and the continuity of clinical trials;

c) Market containment and limitation measures, maximum price fixing, centralized monitoring of stocks and quantities produced, and exemption from payment of fees for economic operators acting in urgent situations;

d) Mechanisms for prior notification of exports of goods referred to in point a), in order to ensure the needs of these goods at national level .

3 - The member of the Government responsible for health, with the faculty of delegation determines the ability of operators of telecommunications to send to their clients communications and written alert messages from the Directorate General of Health or other related fighting pandemic.

#### Article 29

##### **Exceptional suspension of termination of employment contracts**

1 - During the period of validity of the state of emergency, is suspended, temporarily and exceptionally, the possibility of terminating the employment contracts of health professionals linked to the services and establishments integrated in the National Health Service, regardless of the legal nature of the employment, either on the initiative of the employer or on the initiative of the worker, except in exceptional situations duly substantiated and authorized by the governing body.

2 - The provisions of the preceding paragraph also apply to the termination of individual employment contracts by revocation or termination and the termination of employment contracts in public functions upon termination by agreement, termination or exoneration, at the request of the worker.

3 - The employment term contracts of such professionals referred in paragraph 1, the expiry should operate in pending the period there mentioned, are considered automatic and exceptionally extended until the end of the state of emergency and its possible renewal.

4 - While the declaration of a state of emergency is in force, is still suspended, temporarily and exceptionally, the possibility of terminating contracts for the provision of health services , either on the initiative of the services and establishments integrated in the National Health Service, either at the initiative of the service provider, except in exceptional situations, duly substantiated and authorized by the governing body .

#### Article 30º

##### **Home Office**

The member of the Government responsible for the area of internal affairs, with the power to delegate:

a) Determine the interdiction of road and rail circulation, for reasons of public health, safety or traffic flow or restricting the movement of certain types of vehicles;

b) manages one structure of monitoring the state of emergency, composed by representatives of the governing areas defined by order of the Prime Minister and the representatives of security forces and services, for the purpose of monitoring and production regularly information on the situation, in particular for purposes of compliance with the provisions of paragraph 1 of



Article 28 of Law No. 44/86, of 30 of September, without prejudice to the powers own by the Secretary General of the Internal Security Service and by the Coordination Office Security .

c) Determines, in conjunction with the member of the Government responsible for health, in accordance with guidelines from the World Health Organization, the countries or territories from which persons must be subject to health control, for the purposes of paragraph b ) of Article 3 (1) ;

d) Establish, together with the member of the Government responsible for the health area, health fences, upon proposal by the health authorities.

Article 31<sup>º</sup>

### **National defence**

The member of the Government responsible for the area of national defence ensures the coordination with other governmental areas to assure, where appropriate, the commitment of personnel, resources, goods and services of National Defence necessary to comply with the provisions of this Decree.

Article 32<sup>º</sup>

### **Access to law and courts**

The member of the Government responsible for the area of justice articulates with the Superior Councils and the Attorney General's Office the adoption of appropriate measures for the effective access to law and courts, to safeguard the rights, freedoms and guarantees injured or threatened with injury.

Article 33

### **Transports**

1- Members of the Government responsible for the area of transport, according to the competences conferred by Decree-Law nº 169-B/2019, 3 of December, with faculty of delegation, provide:

a) The practice of acts that, in legal terms and in the specific scope of its action, are adequate and indispensable to guarantee, ordinary or extraordinary mobility services, in order to protect people and goods, as well as the maintenance and functioning of road, rail, port and airport infrastructures;

b) The rules for the sector of civil aeronautics, with the definition of measures for screening and organization of the terminals of international airports and flexibility in the management of airports, as well as the definition of guidelines on the situations that require the presence of

workers to safeguarding the provision of essential minimum services, adapting, if necessary, the level of professional categories, vacations and working hours and stopovers;

c) The establishment of concrete terms and conditions in which the transport of goods must take place throughout the national territory, in order to guarantee the respective supply;

d) A statement of the obligation of, in relation to all the means of transport, the operational transport services of passengers perform cleaning of transport vehicles, according to the recommendations established by the Ministry of Health;

e) The establishment of a reduction in the maximum number of passengers per transport to one third of the maximum number of seats available, in order to guarantee an adequate distance between transport users;

f) The adoption of other additional measures that are adequate and necessary to limit the circulation of collective means of transport in order to preserve public health;

g) The adoption of the necessary measures to ensure the national airline's participation in operations aimed to support return of national citizens to national territory, either through maintenance of temporary scheduled flights, either through operations committed to that goal.

2 - The provisions of paragraph e ) of the previous number apply to air transport, except in cases established by order of the Government member responsible for the area of air transport.

#### Article 34

#### **Agriculture**

1- The Member of the Government in charge for agriculture, with the possibility of delegation, determines, in legal terms, the necessary measures and the practice of acts which, under specific scope of their action, are appropriate and necessary to ensure conditions for normality in production, transport, distribution and supply of agricultural goods and services and livestock, products to protect plants and vegetables essential to food processing chain, including operational activity of hydro-agricultural facilities, activity of national reference laboratories and official control, collection of corpses in livestock farms, certifications and sanitary and phytosanitary controls, as well as the import of raw materials for food.

2 - The members of the Government responsible for the areas of economy and agriculture, by dispatch:

a) Allow the exercise of other activities or provision of services related to agriculture and animal production , in addition to those provided for in Annex II to this decree, which may prove to be essential with the evolution of the current situation;

b) Impose the exercise of some of the activities or provision of services related to agricultural and agri-food production, mentioned in annex II to this decree, if it proves to be essential to ensure the regular supply of essential agri-food goods to population.

Article 35

### **Sea**

The Member of the Government responsible for the area of Sea determines, with faculty of delegation, in legal terms, the necessary measures and to perform acts that, in their particular action scope, are appropriate and necessary to ensure the normalcy conditions in production, transport, distribution and supply in fisheries, aquaculture and processing field.

Article 36

### **Energy and Environment**

The member of the Government responsible for the area of the environment, with faculty of delegation, determines, in accordance with law, the necessary measures to ensure the urban water cycle , electricity and gas, as well as the derivatives of oil and natural gas , the collection and treatment of solid waste , including temporary derogations from the general waste management regime, and the provision of essential services related to the conservation of nature and forests, namely the permanent mobilization of the teams of Forest Sappers, the National Body of Forest Agents and the “Vigilantes da Natureza” (Nature Watchers) that are part of preventing and fighting fires apparatus.

Article 37º

### **Civil requisition**

By decision of health or civil protection authorities can be requested any goods or services of legal persons of public or private law, as may be needed to combat the disease COVID-19, including equipment of health, masks of respiratory protection or ventilators, that are in stock or that will be produced from the entry into force of this decree.

Article 38º

### **Civil Protection**

Within the scope of Civil Protection, and without prejudice to Law 44/86, of September 30:

a) There are activated policy coordination structures institutional and territorially competent, which evaluate, according to the evolution of the situation, the possible activation of civil protection emergency plans at the respective territorial level;

b) It is done the permanent evaluation of operational situation and the corresponding adjustment of the State Special Alert Integrated Protection and Operations System Relief.

Article 39

#### **Access to anonymized data from the National Epidemiological Surveillance System for scientific research**

The General Directorate of Health makes available to Portuguese scientific and technological community access to microdata of public health related with the patients infected by the new coronavirus SARS-CoV-2 and persons suspected of having COVID-19, duly anonymized and without the possibility of identifying the respective holder, who are in the possession of the Directorate-General for Health or under their responsibility.

Article 40º

#### **Exceptional regime**

During the period of the state of emergency:

a) Counting the effective service time is suspended for the purposes of calculating the upper limit of duration of contracts, fixed in paragraph 1 of Article 28 of Military Service Law, approved by Law nº. 174/99, of 21 of September, in his current wording and in paragraph 3 of Article 45 of Regulation of the Military Service Law, approved by Decree-Law nº. 289/2000 of 14 November, in its current wording;

b) it is not permitted the termination of the contractual relationship by the military in the situation referred to in point b) of paragraph 4 of Article 264 of the Statute of the Military Armed Forces, approved by Decree-Law nº. 90/2015, of May 29, in its current wording ;

c) it is applicable the exceptional regime of waiver of service provided in Article 26a and 26b of Decree-Law nº. 241/2007, of 21 of June, in his writing current, with the necessary adaptations, to volunteers from the Portuguese Red Cross who are proven called to provide relief or transportation in the context of the epidemic situation of COVID-19.

Article 41º

#### **Licenses and authorizations**

During the validity of this decree, licenses, authorizations or other types of administrative acts, remain valid regardless of the expiry of the respective term.

## Article 42º

### **Regulations and implementing acts**

1 - The regulations and administrative acts for the execution of the present decree are effective through mere notification to the recipient, by electronic or other means, with the remaining applicable formalities being waived.

2 - For the purposes of the provisions in the above number, it is understood by carried out the notification to the recipients through the publication of regulations or acts on the competent authority site for the approval of the regulations or the practice of acts.

## Article 43

### **Inspection**

1 - It is up the services of security forces and municipal police to supervise the compliance with provisions of this decree by:

- a) Awareness of community about the the general duty to retirement at home;
- b) Closure of establishments and the cessation of activities provided for in annex I to this decree;
- c) Emanation of legitimate orders, in terms of this decree, in particular for retreat to the respective home;
- d) Commination and participation by crime of disobedience, in terms and for the purposes of subparagraph b ) of paragraph 1 of Article 348 of the Penal Code, as well as of Article 7 of Law No. 44 / 86, of September 30 , for violation of the provisions of articles 6, 9 to 11 of this decree, as well as of the mandatory confinement of whoever is subject to it under the terms of article 3;
- e) Advice for no concentration of people in public spaces and dispersion of concentrations greater than five people, unless they belong to the same household family;
- f) Recommendation to all citizens for fulfilment of the general duty of home retirement, under the terms and with the exceptions provided for in article 5.

2 - The parish councils are responsible for ensuring compliance with the provisions of this decree:

- a) Advice on non-concentration of people on public spaces;
- b) Recommendation to all citizens for fulfilment of the general duty of home retirement, under the terms and with the exceptions provided for in article 5;

c) Point out to services and security forces, as well as the municipal police, establishments to be closed, to guarantee the cessation of activities provided for in Annex I to this decree.

3 - For the purposes of paragraph c) of paragraph 1, health authorities communicate to the security forces and services of the place of residence the application of mandatory containment measures.

4 - Forces and security services report permanently to the member of government responsible for the area of internal affairs the level of compliance by the population with the provisions of this decree, so that the Government can evaluate at all times the situation, namely the need for approval a frame of sanctions for breach the special duty of protection or the general duty of retreat at home.

5 - Without prejudice to the provisions in paragraph above, the entities of the Ministry of Health communicate the Government member responsible for the internal affairs the general nature guidelines of health authorities.

6 - The disobedience and the resistance to legitimate orders from competent authorities, when committed in violation of the provisions in this decree, are sanctioned in accordance with criminal law, and the respective penalties are always increased by one third, in their minimum and maximum limits, pursuant to paragraph 4 of article 6 of Law nº. 27/2006, of 3 July.

Article 44

#### **General duty of cooperation**

During the period of validity of the state of emergency the citizens and other entities have the duty of cooperation, particularly in the fulfilment of orders or instructions of bodies and officials responsible for security, civil protection and public health in ready satisfaction of requests, which justifiably they are made by the entities responsible for implementation the measures of this decree.

Article 45

#### **Safeguarding measures**

This decree does not prejudice the already adopted measures, within the scope of the state of alert or the state of calamity declared for the municipality of Ovar, as well as those aimed at preventing, containing, mitigating or treating the epidemiological infection by SARS-Cov-2 and COVID-19 disease, as well as those aimed at restoring normality as a result of them.

Article 46

#### **Revoking rule**

Decree nº 2-A / 2020, of 20 March, is revoked.

Article 47

### **Implementation**

This decree shall enter into force at 00:00 on April 3, 2020.

### **ANNEX I**

[referred to in article 9, paragraph a ) of paragraph 2 of article 18, paragraph b ) of paragraph 1 and paragraph c ) of paragraph 2 of article 43. ]

#### **1 - Recreational, leisure and fun activities:**

Discotheques, bars and dance or party halls;

Circuses;

Amusement parks and recreational parks for children and the like;

Parks Water and gardens zoos, without prejudice to the access of workers to the care effects animals;

Any places for leisure sports;

Other places or facilities similar to the previous ones.

#### **2 - Cultural and artistic activities:**

Auditoriums, cinemas, theaters and concert halls;

Museums, monuments, palaces and archaeological or similar sites (interpretive centers, caves, etc.), national, regional and municipal, public or private, without prejudice to workers' access for conservation and security purposes;

Libraries and archives;

Bullfighting squares, places and installations;

Art galleries and exhibition halls;

Congress halls, multipurpose rooms, conference rooms and multi-purpose pavilions.

**3 - Activities sports, except those destined to the activity of practicing sports professional and high performance, in training context:**

Football, rugby and similar fields; Pavilions or enclosures;

Futsal, basketball, handball, volleyball, roller hockey and similar pavilions; Firing ranges;

Tennis courts, padel courts and similar;

Skating rinks, ice hockey and similar;

Pools;

Boxing rings, martial arts and the like;

Permanent circuits for motorcycles, automobiles and similar;

Velodromes;

Race courses and similar tracks; Multisport pavilions; Gymnasiums and gyms;

Athletics tracks;

Stadiums;

Golf courses.

**4 - Activities in open spaces, spaces and public roads, or spaces and private roads similar to public roads:**

Cycling, motorcycling, motoring and similar routes, except those intended for the activity of professional and high-performance sportsmen, in training context;

Nautical events and exhibitions;

Aeronautical tests and exhibitions;

Parades and popular parties or folkloric or other manifestations of any nature.

**5 - Gaming and betting spaces:**

Casinos;

Gambling establishments such as bingo or similar;

Game rooms and recreational rooms.

**6 - Restauration activities:**

Restaurants and similar, coffee shops, tea houses and the like, with the exceptions of this decree;

Bars and similar;

Hotel bars and restaurants, with the exceptions of this decree;

Terraces;

Vending machines, with the exceptions of this decree;



## **7 – Hot springs, spas or similar establishments.**

### ANNEX II

[which refer to paragraph 1 of article 10, paragraph 1 of article 11, paragraphs b ) , c ) and e ) of paragraph 2 of article 18 and paragraphs a ) and b ) of paragraph 2 of article 34]

- 1 - Minimarkets, supermarkets, hypermarkets;
- 2 - Fruit shops, butchers, fishmongers, bakeries;
- 3 - Markets, in the case of sale of food products;
- 4 - Agri-food production and distribution;
- 5 - Auctions;
- 6 - Catering and drinks, under the terms of this decree;
- 7 - Confection of meals ready to take to home, in terms of this decree;
- 8 - Medical services or other health and social support services;
- 9 - Pharmacies and places of sale of medicines not subject to medical prescription;
- 10 - Medical and orthopedic products establishments;
- 11 - Opticians;
- 12 - Cosmetic and hygiene products establishments;
- 13 - Establishments of natural and dietary products;
- 14 - Essential public services and respective repair and maintenance (water, electricity, natural gas and piped liquefied petroleum gases, electronic communications, postal services, wastewater collection and treatment service, wastewater collection and treatment services, services of management of urban solid waste and of urban hygiene and service of postage transported passengers);
- 15 - Services authorized for water supply, collection and treatment of waste water and / or waste generated within the scope of the activities or in the establishments referred to in this annex;
- 16 - Stationery and tobacconists (newspapers, tobacco);
- 17 - Social games;
- 18 - Veterinary medical care centers;
- 19 - Establishments selling pet animals and food and feed;

- 20 - Establishments for sale flowers, plants, seeds and fertilizers and phytosanitary chemical and biological products;
- 21 - Textile and fur washing and dry-cleaning establishments;
- 22 - Drugstores;
- 23 - Hardware stores and stores selling DIY material;
- 24 - Supply fuel stations and electric vehicle charging stations;
- 25 - Fuel sales establishments for domestic use;
- 26 - Shops, maintenance or repair of bicycles, motor vehicles and motorcycles, tractors and agricultural machinery, ships and boats, as well as sale of parts and accessories and towing services;
- 27 - Establishments of sale and repair of appliances, equipment computer and communications and respective repair;
- 28 - Banking, financial and insurance services;
- 29 - Funeral and related activities;
- 30 - Home maintenance and repair services;
- 31 - Security or home surveillance services;
- 32 - Cleaning, disinfection, rat removal and similar activities;
- 33 - Home delivery services;
- 34 - Tourist establishments, except campsites, which can provide food and drink services on the establishment itself exclusively for the respective guests;
- 35 - Services that guarantee student accommodation;
- 36 - Vending machines in companies, in companies, institutions or any institutions of where those machines represent the only mean of access to food products;
- 37 - Activity by itinerant sellers, under the terms provided for in article 14;
- 38 - Activity of renting vehicles of transport without a driver (rent-a-cargo);
- 39 - Activity of rental of vehicles of passengers without driver (rent-a-car), in accordance with Article 15;
- 40 - Activities and establishments listed in the previous numbers, even if integrated into shopping center;
- 41 - Provision for execution or improvement services of Fuel Management Band Networks;

42 - Establishments selling irrigation material and equipment, as well as products related to wine making, and fruit and vegetable accommodation material;

43 - Establishments for the sale of plant protection products and biocides;

44 - Establishments selling veterinary medicines.