

Informal translation into English

DECREE OF THE PRESIDENT OF REPUBLIC Nº / 2020

The situation of public calamity caused by the pandemic COVID-19, with still very high numbers of infected people and deaths, even though there is an evolution of the downward trend, with a reduction in the growth of these numbers, but with the clear risks of worsening in case of a reduction in the measures taken to deal with it, as warned experts and the European Centre for Disease Prevention and Control (ECDC) require renewal of the declaration of state of emergency, to consolidate the current trajectory.

This renewal will enable the Government to maintain and take measures that it considers measures to combat the pandemic and continue to mitigate the risks of Contagion. Indeed, the expert presentations at the Infarmed meeting December 3 indicated that about two weeks after the declaration of the State of Emergency, on November 9, there started to be a lowest risk index of effective disease transmission (R_t) and the average rate new cases as a result of limited personal contacts, resulting directly and indirectly from the measures taken.

As Portuguese experts and ECDC also mentioned in their projections, the maintenance of restrictions aims to allow lower levels of new cases of COVID-19, and, consequently, also less admissions hospital deaths and fewer deaths, maintaining the patient's ability to respond SNS and the health system in general.

In view of these perspectives, it is foreseeable that this renewal will have to extend at least for a period until January 7, allowing the Government predict and announce the measures to be taken during the Christmas and New Year periods

New, especially since the good news about vaccination will only begin to have widespread repercussion throughout the year 2021.

This will imply a new Presidential Decree, preceded by an opinion from the Government and authorization from the Assembly of the Republic, already in a few days.

In these terms, the President of the Republic decrees, under the terms of articles 19, 134, paragraph d), and 138 of the Constitution and Law 44/86, of 30 September, amended by Organic Law No. 1/2011, of November 30, and by Organic Law No. 1/2012, of 11 May, on a proposal and after hearing the

Government and obtained the necessary authorization from the Assembly of the Republic, through Resolution of the Assembly of the Republic no. (...), (...) of November the following:

1st

The declaration of a state of emergency is renewed, based on the verification of a public calamity situation.

2nd

The declaration of a state of emergency covers the entire national territory.

3rd

The renewal of the state of emergency lasts for 15 days, starting at 00:00 on December 9, 2020 and ending at 23:59 on 23 December

December 2020, without prejudice to possible renewals, under the terms of the law.

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4th

During the entire period referred to in the previous article, it is partially exercise of the following rights is suspended, in the strict terms set out below expected:

1) Rights to freedom and movement:

a) In the municipalities with the highest levels of risk, necessary restrictions are imposed to reduce the risk of contagion and implement measures to prevent and combat the epidemic, with the measures to be adopted are calibrated according to the degree of risk of each municipality and, for this purpose, they can be grouped according to the data and assessment of the competent authorities, including a ban on driving on public roads during certain periods of the day or certain days of the week, as well as the interdiction of travel that is not justified in the under point (c).

b) To the extent strictly necessary and proportionally, it may compulsory confinement in a health establishment be imposed, at home or, where this is not possible, in another place defined by competent authorities, persons carrying the SARS-CoV2 virus, or under active surveillance.

c) The restrictions referred to above in point (a) must provide for rules indispensable for obtaining health care, for supporting third parties, namely the elderly, including those who are sheltered in residential, for the attendance of educational establishments, for the production and supply of goods and services and for travel by other ponderous reasons, with the Government, in this event, specify the situations and purposes in which freedom of movement individual, preferably unaccompanied, remains.

2) Private, social and cooperative initiative: 2) Private, social and cooperative initiative:

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(a) May be used by the competent public authorities, preferably by agreement, the resources, means and establishments of integrated healthcare delivery in the private sector, social and cooperative, through fair compensation, depending on the necessary to ensure the treatment of patients with COVID-19 or the maintenance of assistance activity in relation to other pathologies.

b) Appropriate and indispensable measures can be taken to guarantee normal conditions in production, transport, distribution and supply of goods and services essential to the activity health sector, in particular with a view to ensuring access and regularity in the circuit of medicines and vaccines, devices medical and other health products, such as biocides, solutions disinfectants, alcohol and personal protective equipment.

c) The competent public authorities may determine the total or partial closure of establishments, services, companies or means of production and changes to the respective regime or opening hours.

3) Workers' rights:

a) They can be mobilized, by the competent public authorities and in the respect of their remaining rights, workers of entities public, private, social or cooperative sectors, regardless

of the respective type of link or functional content and even though it is not health professionals, namely public servants in prophylactic isolation or covered by the exceptional regime of protection of immune-compromised and chronically ill patients to support health authorities and services, namely in carrying out epidemiological surveys, contact tracking and follow-up of people under active surveillance.

b) The possibility of terminating employment relationships may be limited workers of services and establishments integrated in the NHS.

4) Right to the free development of the personality and negative aspect of the right to health: the use of a mask and the performance of body temperature controls, by non-invasive means, as well as such as performing SARS-CoV-2 diagnostic tests, namely for the purpose of accessing and remaining at the workplace or as a condition of access to public services or institutions, educational or vocational training establishments and spaces commercial, cultural or sports, in the use of means of transport or in relation to institutionalized or sheltered persons residential, health facilities, prison or educational centres and their workers.

5) Right to the protection of personal data: There may be room for processing personal data to the extent strictly indispensable for the implementation of the measures provided for in paragraph 3 of this article and in 5 of this decree, as well as for the purposes of paragraph 4 of this article without, in this case, being able to save memory or recording of body temperature measurements taken or results of the SARS-CoV-2 diagnostic tests.

5th

1) The Armed and Security Forces are responsible for supporting the authorities and health services, namely in conducting surveys epidemiological, tracking contacts and tracking people in active surveillance.

2) Resources, means and establishments can also be mobilized Armed Forces and Security for Health Care Provision supporting and strengthening the National Health Service.

6th

The bodies responsible, under the terms of Law no. 44/86, of 30 September, for execution of the declaration of state of emergency must maintain the President of the Republic and the Assembly of the Republic of the acts in which this execution consists.

7th

This Decree enters into force immediately, producing effects on the terms defined in Article 3

Signed on (...) December 2020.

Publish by.

THE PRESIDENT OF THE REPUBLIC

Countersigned on (...) December 2020

THE PRIME MINISTER