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Decree No. 2-C / 2020

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SUMMARY

Regulates the extension of the state of emergency decreed by the President of the Republic

TEXT

Decree No. 2-C / 2020

of April 17

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, recognizing the need to adopt measures to ensure the treatment of COVID -19, through a regime appropriate to this reality, which allows the establishment of exceptional and temporary measures to respond to the disease that was qualified by the World Health Organization as a pandemic.

The exceptional situation and the proliferation of registered cases of contagion of COVID-19 has required the Government to approve extraordinary and urgent measures, which necessarily involve the restriction of rights and freedoms, especially with regard to the rights of movement and economic freedoms, in conjunction with European authorities, with a view to preventing the transmission of the virus.

In this context, the Government approved [Decree no. 2-A / 2020](#) , of 20 March, having been, following the renewal of the declaration of a state of emergency by the [Decree of the President of the Republic no. 17-A / 2020](#) , of 2 April, [Decree 2-B / 2020](#) of 2 April was approved, in which an additional set of measures was approved in order to reduce the risk of contagion and the spread of the disease.

In view of the extension of the state of emergency through the [Decree of the President of the Republic no. 20-A / 2020](#) , of April 17, and with the priority being to prevent the disease, contain the pandemic and guarantee the security of the Portuguese, the Government believes that contacts between people, which are a strong vehicle for the contagion and spread of the virus, as well as their movements, must remain at the minimum essential level, and the special need for confinement imposed on citizens must be emphasized for the purposes pursued.

Indeed, it is necessary to make adjustments to the measures already approved, in an appropriate and strictly necessary manner, in order to contain the transmission of the virus and the expansion of the disease COVID-19, but which, concomitantly, ensure the proper functioning supply chains for essential goods and services.

Like this:

Under the terms of 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 proceeds to the declaration of the state of emergency made by the [Decree of the President of the Republic no. 14-A / 2020](#) , of 18 March, renewed by the [Decree of the President of the Republic no. 17-A / 2020](#) , of April 2, and by the [Decree of the President of the Republic No. 20-A / 2020](#) , of April 17.

Article 2

Territorial application

This decree is applicable throughout the national territory.

Article 3

Mandatory containment

1 - Are in compulsory confinement, in a health establishment, at their home or in another place defined by health authorities:

- a) Patients with COVID-19 and those infected with SARS-Cov2;
- b) Citizens for whom the health authority or other health professionals have determined active surveillance.

2 - The violation of the obligation of confinement, in the cases foreseen in the previous number, 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 70 years of age;
- b) Immunocompromised patients and those with a chronic disease who, according to the guidelines of the health authority, should be considered at risk, namely hypertensive patients, diabetics, cardiovascular patients, patients with chronic respiratory disease and cancer patients.

2 - Citizens covered by the preceding paragraph may only travel 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) Travel for health reasons, namely for the purpose of obtaining health care;
- c) Travel to post offices 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 purposes of walking pets;
- f) Other activities of a similar nature or for other reasons of force majeure or imperative necessity, as long as duly justified.

3 - Except in situations of medical discharge, citizens covered by paragraph b) of paragraph 1 may also move to exercise their professional activity.

4 - The restriction provided for in paragraph 2 does not apply, in the exercise of functions:

- a) To health professionals and other workers of health and social support institutions, as well as civil protection agents;
- b) Security forces, military, militarized and civilian personnel of the Armed Forces and inspectors of the Food and Economic Security Authority;
- c) Holders of political offices, magistrates and leaders of the social partners.

Article 5

General duty of home collection

1 - Citizens not covered by the provisions of articles 3 and 4 may only circulate in public spaces and roads, or in spaces and private roads equivalent 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) Looking for a job or responding to a job offer;
- d) Displacement for health reasons, namely for the purpose of obtaining health care and transportation of people to whom such care or blood donation should be administered;
- e) Travel for the emergency reception of victims of domestic violence or trafficking in human beings, as well as children and young people at risk, by applying a measure decreed by a judicial authority or Commission for the Protection of Children and Young People, in a residential home or familiar;
- f) Travel to assist vulnerable people, people with disabilities, children, parents, the elderly or dependents;
- g) Travel to accompany minors:
- i) In short trips, for the purpose of enjoying moments outdoors;
- ii) To attend school establishments and day-care centres, under the terms of paragraph 1 of article 10 of [Decree-Law no. 10-A / 2020](#) , of 13 March, in its current wording;
- h) Short trips for the purpose of physical activity, the exercise of collective physical activity being prohibited;
- i) Travel to participate in social volunteering actions;
- j) Displacement for other imperative family reasons, namely the fulfillment of parental responsibility sharing, as determined by agreement between the holders of the same or by the competent court;

- k) Travel for visits, when authorized, or delivery of essential goods to people with disabilities or deprived of freedom of movement;
- l) Participation in procedural acts with judicial entities;
- m) Travel to post offices and post offices, bank agencies and insurance broker or insurance agencies;
- n) Short trips for the purposes of walking pets and feeding animals;
- o) Travel by veterinarians, animal keepers for veterinary medical assistance, caregivers of colonies recognized by the municipalities, volunteers from zoophilic associations with dependent animals who need to go to animal shelters and municipal veterinary services for collection and animal assistance;
- p) Travel by persons with free transit, issued under legal terms, in the exercise of their functions or because of them;
- q) Travel by staff of diplomatic, consular missions and international organizations located in Portugal, as long as they are related to the performance of official functions;
- r) Travel required to exercise freedom of the press;
- s) Return to personal home;
- t) Participation in activities related to the official celebrations of Labour Day, by observing the recommendations of health authorities, namely in terms of social distance, and organized in accordance with paragraph 6 of article 46;
- u) Other activities of a similar nature or for other reasons of force majeure or imperative necessity, as long as duly justified.

2 - Private vehicles may travel on the public road to carry out the activities mentioned in the previous paragraph or to refuel at gas stations.

3 - For the purposes of this decree, the activity of high-performance athletes and their coaches, as well as sporting companions in adapted sports, is equated with professional activity.

4 - Without prejudice to the provisions of the preceding paragraphs, the recommendations and orders determined by the health authorities and the security forces and services, in particular those concerning the distances to be observed between people, must be respected in all trips made.

Article 6

Special limitations applicable in the municipality of Ovar

1 - In the geographical area of the municipality of Ovar, the movement and permanence of people on the public road is prohibited, including travel with origin or destination in that municipality, except those necessary and urgent, namely for:

- a) Acquisition or sale of food, hygiene or pharmaceutical goods, as well as other goods transacted in industrial or commercial establishments and for the provision of services authorized to operate under the terms of this decree;
- b) Access to health care units;

- c) Access to the workplace, with workers circulating with a declaration from the employer certifying that they are in the performance of their professional activities;
- d) Assistance and care for the elderly, minors, dependents and especially vulnerable people;
- e) Travel for the emergency reception of victims of domestic violence or trafficking in human beings, as well as children and young people at risk, by applying a measure decreed by a judicial authority or Commission for the Protection of Children and Young People, in a residential home or familiar;
- f) Participation in procedural acts with the judicial entities;
- g) Travel to post offices and post offices, bank branches and agencies of insurance brokers or insurance companies.

2 - The operation of industrial, commercial and service establishments located in the municipality of Ovar, authorized to operate within the scope of this decree, must observe:

- a) An occupancy level of the number of workers permanently in the establishment that guarantees a minimum distance of 3 meters between jobs;
- b) The mandatory use of a mask by all workers who are inside the establishment;
- c) The limitation of use to 1/3, simultaneously, of the capacity of common living spaces, including canteens;
- d) The limitation of the provision of work by individuals over 60 years of age or subject to the special duty of protection, namely the immunocompromised and those with a chronic disease who, according to the guidelines of the health authority, should be considered at risk, namely hypertensive, diabetic, cardiovascular patients, patients with chronic respiratory disease and cancer patients;
- e) Compliance with the rules and guidelines of the Directorate-General for Health in force for the respective branch of activity.

3 - The municipal civil protection commission of Ovar remains in operation and the respective municipal civil protection emergency plan is in execution.

4 - The operational activity of security forces and services and rescue services operating in the municipality of Ovar, within the scope of the execution of this decree, may be reinforced, if necessary, by personnel from other geographical areas, in conjunction with the municipal civil protection structure.

Article 7

Execution at local level

The Prime Minister appoints the authorities that coordinate the execution of the declaration of a state of emergency in the continental territory, at the local level, under the terms of paragraph 4 of article 20 of [Law no. 44/86](#), of 30 September, in its current wording.

Article 8

Telecommuting

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

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

Suspension of activities in the context of retail trade

1 - Retail trade activities are suspended, with the exception of those that provide essential goods or other goods considered essential in the present situation, which are listed in Annex II to this Decree and which is an integral part of it.

2 - The suspension determined under the terms of the previous paragraph does not apply to wholesale establishments or establishments that intend to maintain their activity exclusively for the purpose of home delivery or availability of goods at the door of the establishment or the wicket, in which case access to the interior of the establishment by the public is prohibited.

Article 11

Suspension of activities in the scope of service provision

1 - Service provision activities in establishments open to the public are suspended, with the exception of those providing basic services or other services considered essential in the present situation, which are listed in Annex II to this Decree.

2 - Catering establishments and the like may maintain their respective activity, if their holders so decide, for the exclusive purpose of cooking intended for consumption outside the establishment or delivery at home, directly or through an intermediary.

3 - For the purposes of the preceding paragraph, catering establishments and the like are exempted from a license for cooking intended for consumption outside the establishment or home delivery and may determine their workers to participate in the respective activities, even if they do not integrate the object of the respective employment 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 catering units whose catering services are provided under a contract of continuous execution.

Article 12

Effects on lease agreements and other forms of property exploitation

The closure of facilities and establishments under this Decree cannot be invoked as a basis for resolution, denunciation or other form of extinction of non-housing lease contracts or other contractual forms of exploitation of real estate, nor as a basis for the obligation to vacate property. Properties in which they are installed.

Article 13

E-commerce and services remotely or through an electronic platform

E-commerce activities and service provision activities that are provided remotely, without contact with the public, or that develop their activity through an electronic platform, are not suspended.

Article 14

Traveling sellers

1 - It is permitted the exercise of activity by itinerant sellers, for the provision of essential goods or other goods considered essential in the present situation, in the locations where this activity is necessary to guarantee access to essential goods by the population.

2 - The identification of the 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 favourable opinion from the health authority of a locally competent territorial level, and must be published on the respective website.

Article 15

Complaints book available in physical format

During the period in which the state of emergency is in force, the following obligations arising from [Decree-Law No. 156/2005](#), of 15 September, in their current wording, are suspended:

- a) The obligation to provide immediately and free of charge to the consumer or user the complaints book referred to in paragraph b) of paragraph 1 of article 3 of that diploma;
- b) The obligation to comply with the deadline for sending the original complaint sheets referred to in paragraph e) of paragraph 1 and under the terms of article 5 of that diploma.

Article 16

Renting of passenger vehicles without driver

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

- a) For journeys exceptionally authorized under this decree, namely journeys for the purchase of essential goods or services, namely medicines, and journeys for health reasons or to assist other people;
- b) For the exercise of retail trade or service provision activities authorized under this decree or in a subsequent diploma authorizing that exercise;

c) To provide assistance to damaged and immobilized or damaged drivers and vehicles;

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

Article 17

Exercise of retail trade activity in wholesale establishments

1 - The holders of the exploitation of wholesale food distribution establishments are allowed, during the period of validity of the present decree, to sell their products directly to the public, cumulatively exercising the retail trade activity.

2 - Holders of the operation of wholesale food distribution establishments wishing to engage in retail trade activities under the terms of the previous number are obliged to comply with the rules of access, safety and hygiene and the rules of priority service provided for in article 22

3 - Goods intended for retail sale must display the respective selling price to the public, ensuring their availability for purchase in unit form.

4 - Holders of the operation of wholesale food distribution establishments in which retail sales are carried out must adopt, if necessary, measures to ensure that the quantities available to each consumer are adequate and dissuasive of hoarding situations.

Article 18

Restrictions on access to wholesale establishments and markets

The maximum occupancy rule of 0.04 persons per square meter of area, provided for in article 1 of [Ordinance No. 71/2020](#) , of 15 March, is applicable to wholesale trade establishments and any markets and auctions authorized to operate.

Article 19

Funerary activity

Companies that carry out funeral activity under the terms of [Decree-Law no. 10/2015](#) , of January 16, in its current wording, maintain their activity and perform the funeral services of the dead diagnosed with COVID-19.

Article 20

Authorizations or suspensions in special cases

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

2 - The member of the Government responsible for the area of economy may, by means of an order:

- 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 restoration, 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;
- c) Impose the exercise of some of the retail trade or service provision activities mentioned in annex II to this decree, if it proves to be essential to ensure the regular supply of essential goods to the population;
- d) Determine the exercise of retail trade by wholesale establishments, if it proves to be essential to maintain the continuity of product distribution chains to consumers;
- e) Limit or suspend the exercise of the retail trade or service provision activities provided for in annex II to this decree, if the respective exercise becomes manifest as dispensable or undesirable in the context of combating the contagion and spread of the virus.

3 - Small retail establishments and those providing proximity services may, exceptionally, request authorization from the municipal civil protection authority to operate, upon reasoned request.

4 - The member of the Government responsible for the area of the economy may delegate the powers provided for in paragraph 2.

Article 21

Safety and hygiene rules

In the case of retail establishments or services that maintain their activity in terms of the previous articles, the following safety and hygiene rules must be observed:

- a) In establishments in physical space, measures must be taken to ensure a minimum distance of two meters between people, a stay for the time strictly necessary for the purchase of products and a ban on the consumption of products inside, without prejudice to respect for the access and allocation rules provided for in [Ordinance No. 71/2020](#) , of 15 March;
- b) The provision of the service and the transport of products must be carried out with respect for the necessary hygiene and sanitary rules defined by the Directorate-General for Health;
- c) In cases where the activity in question involves intense contact with objects or surfaces, as with vending machines, payment terminals, passport and ticket dispensers or rented vehicles, those responsible for the space or economic operators must ensure periodic disinfection of such objects or surfaces, using suitable and effective products to combat the spread of the virus, unless there are significant food safety reasons.

Article 22

Priority service

1 - Retail or service establishments that maintain their respective activity under the terms of the previous articles must give priority to persons subject to a special duty of protection, under the terms provided for in article 4, as well as professionals health, elements of the security and protection forces and services, protection and relief personnel, armed forces personnel and the provision of social support services.

2 - Those responsible for the establishments must inform, in a clear and visible way, the priority service right provided for in the previous number and adopt the necessary measures so that it is carried out in an organized manner and with respect for the rules of hygiene and safety.

Article 23

Free movement of goods

Movement restrictions, including in municipalities where a sanitary fence has been determined, do not affect the free movement of goods.

Article 24

Public services

1 - Citizen's stores are closed, maintaining in-person attendance by appointment, in the branch network of the different services, as well as the provision of these services through digital media and contact centres 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 Public Administration area, with the power to delegate, except for the essential services referred to in article 10 of [Decree-Law no. 10-A / 2020](#) , of 13 March , in its current wording, determine:

- a) The definition of guidelines on teleworking, namely on the situations that impose the presence of Public Administration workers in their workplaces, as well as on the compatibility of functions with teleworking;
- b) The definition of guidelines related to the constitution and maintenance of mobility situations;
- c) The definition of guidelines on the cases in which Public Administration workers may be required to exercise functions in a different place than usual, in a different entity or in different working conditions and schedules;
- d) The articulation with the municipalities with regard to local public services, in particular the citizen spaces, and the regime of work provision in the local administration;
- e) Centralization and coordination of information regarding the functioning and communication of public attendance services;
- f) The dissemination of information, support instruments and innovative practices for managing and organizing work, to provide support to the activity of services and workers in new work environments;
- g) Changing the deadlines for reporting data within the scope of the State Organization's Information System.

4 - The members of the Government responsible for the areas of Public Administration and labour, solidarity and social security, with the power to delegate:

a) Define guidelines that prove necessary in the context of the eventuality of illness and in the scope of the frequency of distance training actions;

b) Define the terms under which the employees of the Central Administration can perform 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 institutions social solidarity individuals 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 Government member 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 25

Exceptional regime of social support activities

1 - During the state of emergency, social equipment that is able to start operating and equipped with the necessary equipment may be used, pursuant to article 11 and following of [Decree-Law no. 64/2007](#) , of 14 March, in its current wording.

2 - It is incumbent upon the Social Security Institute, IP:

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 the occupation of these vacancies, favouring the reception of people with hospital discharge and other needs detected in the community.

3 - This provisional authorization for operation ends with the end 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 there may be a transient change in the use of the building space, in relation to that currently established, either in the social facilities referred to in paragraph 1, or in those that are in operation, licensed and or with an agreement of cooperation.

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 may also be redefined.

Article 26

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

1 - During the term of this decree and in order to reinforce workers' rights and guarantees, whenever the labour inspector verifies the existence of evidence of 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, draws up a statement and notifies the employer to rectify the situation.

2 - With the notification to the employer under the terms of the previous number and until the situation of the worker is regularized or the judicial decision is res judicata, as the case may be, the employment contract

in question does not end, maintaining all the rights of the parties, 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 the reinforcement of an emergency in human resources in order to ensure the capacity of the Authority to respond to Working Conditions:

a) The agreement of the original agency or service, provided for in article 94 of the General Law on Labour in Public Functions, approved in annex to [Law no. 35/2014](#) , of 20 June, in its current wording, is [waived](#) , and as well as the provisions of subparagraph a) of paragraph 2 of Order no. 3614-D / 2020, published in the Diário da República, 2nd series, no. 58, of 23 March, regarding lawsuits mobility of inspectors and senior technicians to the Authority for Labour Conditions, initiated before or after the entry into force of this decree;

b) By order of the Prime Minister and the member of the Government responsible for the area of work, solidarity and social security, inspectors and senior technicians from the inspection services provided for in article 3 of [Decree-Law no. 276 / 2007](#) , of July 31, for temporary reinforcement of the Authority for Working Conditions, for this purpose the agreement of the top managers of the services mentioned in the previous number and of the respective worker, who should preferably exercise their activity in the area, is waived. provision provided for in paragraph 1 of article 95 of the General Law on Labour in Public Functions, approved as an annex to [Law no. 35/2014](#), of June 20, in its current wording, and remains subject to the legal and disciplinary regime that arises from its employment relationship;

c) The Authority for Working Conditions is authorized to contract the acquisition of external services that assist the performance of its activity, under the provisions of the exceptional public procurement regime provided for in [Decree-Law no. 10-A / 2020](#) , of March 13, in its current wording.

Article 27

Essential services

Essential services, for the purposes of paragraph 1 of article 10 of [Decree-Law no. 10-A / 2020](#) , of 13 March, in their current wording, are those defined in an ordinance of the responsible Government member by the Presidency of the Council of Ministers.

Article 28

Religious and cult events

1 - It is forbidden to hold religious celebrations and other worship events that involve an agglomeration of people.

2 - The holding of funerals is conditioned to the adoption of organizational measures that guarantee the absence of clusters 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 29

Individual Protection

All activities that remain in operation or operation must respect the recommendations of the health authorities, namely in terms of hygiene and the distances to be observed between people.

Article 30

Public health guarantee

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

- a) The exceptional measures applicable to the assistance activity carried out by the services and establishments integrated in the National Health Service;
- b) Exceptional measures for the articulation of services and establishments integrated into the National Health Service with services providing health care in the private and social sectors, in terms of health care provision;
- c) Issuing orders and instructions necessary to guarantee the supply of goods and the functioning of services and production centres affected by the scarcity of products necessary to protect public health;
- d) The necessary measures and the practice of acts that, within the specific scope of its action, are adequate and indispensable to guarantee the conditions of normality in the production, transport, distribution and supply of goods and services essential to the activity of the health sector;
- e) The temporary requisition of industries, factories, workshops, farms or installations of any nature, including health services and establishments in the private and social sectors;
- f) The temporary requisition of all types of goods and services, including professionals, and the imposition of mandatory benefits on any entity, in cases where this is appropriate and indispensable for the protection of public health, in the context of the emergency caused the SARS-CoV-2 epidemic, as well as for the treatment of COVID-19.

2 - Without prejudice to the provisions of the previous paragraph, the member of the Government responsible for health, with the power of delegation, determines the necessary exception 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, aimed at 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 in the context of the 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 the 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 the health area, with the power of delegation, determines the possibility for telecommunications operators to send to their respective customer's

communications and written messages with alerts from the Directorate-General for Health or others related to the fight against pandemic.

Article 31

Exceptional suspension of termination of employment contracts

1 - During the period of validity of the state of emergency, the possibility of terminating, temporarily and exceptionally, the possibility of terminating the employment contracts of professionals linked to the services and establishments integrated in the National Health Service, as well as to other organs, agencies, services and entities of the Ministry of Health, regardless of the legal nature of the bond, 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 apply to the termination of 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 fixed-term employment contracts of the professionals referred to in paragraph 1, whose expiry should operate pending the period referred to therein, are considered automatically and exceptionally extended until the end of the state of emergency and its eventual renewals.

4 - While the declaration of a state of emergency is in force, the possibility of terminating service provision contracts is also suspended, either on the initiative of the entities mentioned in paragraph 1 or on the initiative of the service provider, except in exceptional situations, duly substantiated and authorized by the governing body.

Article 32

Suspension of the obligation to publish in the Labour and Employment Bulletin

1 - The mandatory publication of legislative acts to be approved by the Government under the terms of labour legislation is suspended in the Labour and Employment Bulletin, insofar as the exercise of such right may represent a delay in the entry into force of urgent legislative measures, in the combat the pandemic of COVID-19 disease or mitigate its effects.

2 - In cases where the suspension provided for in the preceding paragraph occurs, the Government promotes direct consultation of the social partners, through electronic means, with a deadline for pronouncement of 24 hours.

Article 33

Internal Administration

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

a) Determines the closure of road and rail traffic, for reasons of public health, safety or traffic fluidity or the restriction on the circulation of certain types of vehicles;

b) Coordinate a structure for monitoring the state of emergency, composed of representatives of government areas defined by order of the Prime Minister and representatives of the security forces and services, for the purpose of monitoring and producing regular information on the situation, namely for the purpose compliance with the provisions of paragraph 1 of article 28 of [Law no. 44/86](#) , of September 30, in its current wording, without prejudice to the specific powers of the Secretary General of the Internal Security System and the Office Security coordinator;

c) Determines, in conjunction with the Government member 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) Establishes, together with the Government member responsible for the health area, health fences, upon proposal by the health authorities.

Article 34

National defence

The member of the Government responsible for the area of national protection ensures coordination with the other governmental areas to guarantee, when necessary, the commitment of personnel, means, goods and services of the National Protection necessary to comply with the provisions of this decree.

Article 35

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 the appropriate measures for the effective access to the law and the courts, to safeguard the rights, freedoms and guarantees injured or threatened with injury.

Article 36

Transportation

1 - The members of the Government responsible for the transport area, in accordance with the powers conferred by [Decree-Law No. 169-B / 2019](#) , of December 3, with the power to delegate, determine:

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

b) The rules for the civil aeronautics sector, with the definition of measures for the screening and organization of international airport terminals and flexibility in airport management, as well as the definition of guidelines on situations that require the presence of workers to safeguard 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) The declaration of the obligation that, in relation to all means of transport, operators of passenger transport services perform the cleaning of transport vehicles, in accordance with 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 the 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 participation of the national airline in operations aimed at supporting the return of national citizens to national territory, either through the temporary maintenance of scheduled flights, or through operations dedicated to that objective.

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

Article 37

Agriculture

1 - The member of the Government responsible for the area of agriculture, with the power of delegation, determines, in legal terms, the necessary measures and the practice of acts that, within the specific scope of its action, are adequate and indispensable to guarantee the conditions of normality in the production, transport, distribution and supply of agricultural and livestock goods and services, of products essential to the phytosanitary protection of vegetables, and those essential to the agri-food chain, including the operational activity of hydro-agricultural facilities, the activity of national reference and control laboratories official documents, the collection of corpses on livestock farms, sanitary and phytosanitary certifications and controls, as well as the import of raw materials and foodstuffs.

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

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 agrifood production, mentioned in annex II to this decree, if it proves to be essential to ensure the regular supply of essential agrifood goods to the population.

Article 38

Sea

The Government member responsible for the sea area determines, with the power of delegation, under the legal terms, the necessary measures and the practice of acts that, within the specific scope of his action, are adequate and indispensable to guarantee the conditions of normal production, transport, distribution and supply in the field of fisheries, aquaculture and processing.

Article 39

Energy and Environment

The member of the Government responsible for the area of the environment, with the power of delegation, determines, in legal terms, the necessary measures to guarantee the urban cycle of water, electricity and gas, as well as oil and natural gas derivatives, 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 Forest Sapper teams, the National Body of Forest Agents and the Vigilantes of Nature that are part of the device for preventing and fighting fires.

Article 40

Civil requisition

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

Article 41

Civil Protection

Within the scope of Civil Protection, and without prejudice to the provisions of [Law No. 44/86](#), of September 30, in its current wording:

- a) Territorially competent political and institutional coordination structures are activated, which assess, depending on the evolution of the situation, the possible activation of the civil protection emergency plans at the respective territorial level;
- b) The permanent assessment of the operational situation and the corresponding adequacy of the Special Alert State of the Integrated System of Protection and Relief Operations are carried out.

Article 42

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

The Directorate-General for Health provides the Portuguese scientific and technological community with access to public health microdata relating to patients infected with the new SARS-CoV-2 coronavirus and to persons suspected of having COVID-19, duly anonymized and with no possibility of identifying the respective holder, held by the Directorate-General for Health or under his responsibility

Article 43

Exceptional regime

During the period of the state of emergency:

- a) The counting of the effective service time is suspended for the purposes of calculating the maximum duration limit of the contracts, established in paragraph 1 of article 28 of the Military Service Law, approved by [Law no. 174/99](#), of September 21, in its current wording, and in paragraph 3 of article 45 of the Military Service Law Regulation, approved by [Decree-Law no. 289/2000](#), of November 14, in its current wording ;
- b) Termination of the contractual bond by the military person who is in the situation provided for in paragraph b) of paragraph 4 of article 264 of the Armed Forces' Military Statute, approved by [Decree-Law no. 90 / 2015](#), of May 29, in its current wording;
- c) The exceptional service waiver regime provided for in articles 26-A and 26-B of [Decree-Law no. 241/2007](#), of 21 June, in its current wording, with the necessary adaptations, is applicable, to volunteers from the Portuguese Red Cross who are proven to be called in to provide relief or transportation in the context of the epidemic situation of COVID-19.

Article 44

Licenses and authorizations

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

Article 45

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 of the preceding paragraph, notification to recipients through the publication of regulations or acts on the website of the competent entities for the approval of regulations or the practice of acts is understood.

Article 46

Inspection

- 1 - It is incumbent upon the security forces and services and the municipal police to monitor compliance with the provisions of this decree, by means of:
- a) Raising the community's awareness of the general duty of collection;
- b) The closure of establishments and the cessation of activities provided for in annex I to this decree;
- c) The emanation of legitimate orders, under the terms of the present decree, namely for collection at the respective domicile;
- d) Commination and participation for the crime of disobedience, under the terms and for the purposes of paragraph 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 on the non-concentration of people on public roads and the dispersion of concentrations greater than five people, unless they belong to the same household or result from the exception provided for in paragraph u) of paragraph 1 of article 5;

f) The recommendation to all citizens to fulfil the general duty of home collection, 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 the non-concentration of people on public roads;

b) The recommendation to all citizens of the fulfilment of the general duty of home collection, under the terms and with the exceptions provided for in article 5;

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

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

4 - The security forces and services permanently report to the member of the Government responsible for the area of internal administration the degree of compliance by the population with the provisions of this decree, so that the Government can assess the situation at all times, namely the need approval of a sanctioning framework for violation of the special duty of protection or the general duty of home collection.

5 - Without prejudice to the provisions of the preceding paragraph, the entities of the Ministry of Health communicate to the member of Government responsible for the area of internal administration the general guidelines of the health authorities.

6 - The security forces and services articulate with the union centrals the organization and participation of citizens in activities related to the celebration of Labour Day.

7 - Disobedience and resistance to the legitimate orders of the competent entities, when practiced in violation of the provisions of this decree, are sanctioned under the terms of the criminal law and the respective penalties are always increased by one third, in their minimum and maximum limits, in pursuant to paragraph 4 of article 6 of [Law no. 27/2006](#) , of 3 July.

Article 47

Duty to collaborate

During the period of validity of the state of emergency, citizens and other entities have a duty to collaborate, namely in the fulfilment of orders or instructions from the bodies and agents responsible for security, civil protection and public health in the prompt satisfaction of requests, which are justifiably addressed to them. Made by the competent entities for the implementation of the measures of this decree.

Article 48

Safeguarding measures

This decree is without prejudice to the measures already adopted, 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 49

Repealing rule

1 - The following are repealed:

a) [Decree no. 2-B / 2020](#) , of 2 April;

b) [Resolution of the Council of Ministers no. 18-B / 2020](#) , of 2 April.

2 - All legal and regulatory references to [Decree no. 2-B / 2020](#) , of April 2, are considered to have been made to the corresponding provisions of this decree.

Article 50

Implementation

This decree shall enter into force at 00:00 on April 18, 2020.

Seen and approved by the Council of Ministers on April 17, 2020. - António Luís Santos da Costa.

Signed on April 17, 2020.

Publish yourself.

The President of the Republic, Marcelo Rebelo de Sousa.

Countersigned on April 17, 2020.

The Prime Minister, António Luís Santos da Costa.

ANNEX I

[referred to in article 9, paragraph a) of paragraph 2 of article 20, paragraph b) of paragraph 1 and paragraph c) of paragraph 2 of article 46.]

1 - Recreational, leisure and fun activities:

Discotheques, bars and dance or party halls;

Circuses;

Amusement parks and recreational parks for children and the like;

Water parks and zoos, without prejudice to workers' access for the purposes of animal care;

Any places for leisure sports;

Other locations or facilities similar to the previous ones.

2 - Cultural and artistic activities:

Auditoriums, cinemas, theatres and concert halls;

Museums, monuments, palaces and archaeological or similar sites (interpretive centres, 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 facilities;

Art galleries and exhibition halls;

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

3 - Sports activities, except those intended for the activity of professional and high-performance sportsmen, in the context of training:

Football, rugby and similar fields;

Pavilions or enclosures;

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

Firing ranges;

Tennis courts, padel courts and the like;

Skating rinks, ice hockey and the like;

Pools;

Boxing rings, martial arts and the like;

Permanent circuits for motorcycles, automobiles and the like;

Velodromes;

Racecourses 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 the context of training;

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 - Catering activities:

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

Bars and the like;

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

Terraces;

Vending machines, with the exceptions of this decree.

7 - Spa and 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 20 and paragraphs a) and b) of no. 2 of article 37]

1 - Minimercados, 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 - Preparation of meals ready to take home, under the 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 - Establishments of medical and orthopedic products;

11 - Opticians;

12 - Establishments of cosmetic and hygiene products;

13 - Establishments of natural and dietary products;

14 - Essential public services and respective repair and maintenance (water, electricity, natural gas and liquefied petroleum gas, electronic communications, postal services, wastewater collection and treatment services, wastewater collection and treatment services, wastewater services management of urban solid waste and urban hygiene and passenger transport service);

15 - Services authorized for the supply of water, the 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 - Establishment selling pet animals and food and feed;
- 20 - Establishments selling flowers, plants, seeds and fertilizers and chemical and biological phytosanitary products;
- 21 - Textile and fur washing and dry-cleaning establishments;
- 22 - Drugstores;
- 23 - Hardware stores and stores selling DIY material;
- 24 - Fuel filling stations and charging stations for electric vehicles;
- 25 - Establishments for the sale of fuels for domestic use;
- 26 - Maintenance and repair establishments for bicycles, motor vehicles and motorcycles, tractors and agricultural machinery, ships and boats, as well as the sale of parts and accessories and towing services;
- 27 - Establishments for the sale and repair of household appliances, computer and communications equipment;
- 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 beverage services on the establishment itself exclusively for the respective guests;
- 35 - Services that guarantee student accommodation;
- 36 - Vending machines in companies, establishments or any institutions in which those machines represent the only means of access to food products;
- 37 - Activity by itinerant sellers, under the terms provided for in article 14;
- 38 - Activity of renting goods vehicles without a driver (rent-a-cargo);
- 39 - Activity of renting passenger vehicles without a driver (rent-a-car), under the terms provided for in article 16;
- 40 - Activities and establishments listed in the previous numbers, even if integrated into shopping centers;
- 41 - Provision of services for the execution or improvement of the Fuel Management Band Networks.
- 42 - Establishments selling irrigation material and equipment, as well as products related to winemaking, as well as material for accommodating fruits and vegetables.

43 - Establishments selling plant protection products and biocides;

44 - Establishments selling veterinary medicines.