

Informal translation into English

DECREE OF THE PRESIDENT OF THE REPUBLIC Nº /2021

Since the situation is evolving favourably, as a result of the measures taken under the state of emergency, but external signs still remain complex and requiring caution in the steps to be taken in the near future, it is understood that there are reasons to maintain it for another 15 days, under the same terms of the last renewal.

Under these terms, the President of the Republic decrees the following, under the terms of Articles 19, 134(d) and 138 of the Constitution and Law 44/86 of 30 September, as amended by Organic Law 1/2011 of 30 November and Organic Law 1/2012 of 11 May, on a proposal from and in consultation with the Government and having obtained the necessary authorisation from the Assembly of the Republic, through Resolution of the Assembly of the Republic No. (...) of (...)

1st

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

2nd

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

3rd

The renewal of the state of emergency shall last for 15 days, beginning at 00h00 on 17 March 2021 and ending at 23h59 on 31 March 2021, without prejudice to any possible renewal, in accordance with the law.

4th

During the entire period referred to in the preceding article, the exercise of the following rights shall be partially suspended, under the strict terms set forth below:

1) Rights to liberty and movement:

(a) The restrictions necessary to reduce the risk of contagion and implement measures to prevent and combat the epidemic may be imposed, and the measures to be adopted may be calibrated in accordance with the degree of risk of each municipality, and to this end they may be grouped in accordance with the data and assessment of the competent authorities, based on the best scientific knowledge, including the prohibition of movement on public roads, as well as the prohibition of movement which is not justified under subparagraph (c);

(b) to the extent strictly necessary and proportionate, the compulsory confinement of a person suffering from the disease to a health care facility, to his or her home or, if this is not possible, to another place determined by the competent authorities, of persons carrying the SARS-CoV2 virus, or in active surveillance;

c) The restrictions referred to above in sub-paragraph a) must foresee the indispensable rules for obtaining health care, for supporting others, namely the elderly, including those sheltered in residential structures, for commuting to workplaces when indispensable and not replaceable by tele-work, for the production and supply of goods and services, and for commuting for other

relevant reasons, in which case the Government shall be responsible for specifying the situations and purposes in which the individual freedom of movement, preferably unaccompanied, is maintained.

2) Private, social and cooperative initiative:

a) The competent public authorities may use, preferably by agreement, the resources, means and establishments for the provision of health care integrated into the private, social and cooperative sectors, with fair compensation, according to what is necessary to ensure the treatment of patients with COVID-19 or the maintenance of the healthcare activity in relation to other pathologies;

b) The appropriate and indispensable measures may be adopted 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, namely with a view to ensuring access and regularity in the circuit of medicines and vaccines, medical devices and other health products, such as biocides, disinfectant solutions, alcohol and individual protection equipment

c) The total or partial closure of establishments, services, companies or means of production may be determined by the competent public authorities and changes to the respective regime or operating hours may be imposed; the Government shall continue to provide for social support and protection mechanisms within the budgetary framework in force. The closure of facilities and establishments, under the terms of this decree-law, may not be invoked as grounds for termination, rescission or other form of extinction of non-housing leases or other forms of property exploitation contracts. Advertising campaigns for commercial practices that, namely through the advertisement of sales, promotions or sales, aim at increasing the flow of people to frequent establishments that remain open to the public may be prohibited, raising issues of respect for the freedom of competition. Limitations may be placed on the sale of certain products in establishments which remain open, excluding in particular books and school materials, which must remain available to students and citizens in general;

d) Measures may be adopted to control prices and combat speculation or hoarding of certain products or materials;

e) Service fees and commissions charged to economic operators and consumers by intermediary home delivery platforms for the sale of goods or the provision of services may be limited;

f) Lower noise levels in decibels or at certain times of the day may be determined, by Government decree, in residential buildings so as not to disturb teleworkers.

3) Workers' rights:

a) Workers may be mobilised, by the competent public authorities and with respect for their other rights, workers of public, private, social or cooperative public, private, social or cooperative sector entities, regardless of the the respective type of employment contract or functional content and even if they are not health professionals, namely public servants in prophylactic isolation or covered by the exceptional regime of protection of immunosuppressed and chronically ill people, to support health authorities and services, specifically in carrying out epidemiological surveys, contact tracing and follow-up of persons under active surveillance;

b) The possibility of terminating, at the request of the interested parties, the employment contracts of workers of the services and establishments integrated in the National Health Service, for a period not exceeding the duration of the state of emergency and for imperious service needs may be limited;

c) The adoption of telework may be imposed, regardless of the employment relationship, whenever the functions in question allow it and the worker has the conditions to exercise them;

d) Any health professionals who are retired or serving in reservations or who have obtained their qualification abroad may be recruited or mobilized for the provision of health care.

4) Right to free development of personality and negative side of the right to health: the wearing of masks and non-invasive body temperature checks may be required, as may diagnostic tests for infection with SARS-CoV-2, in particular for the purposes of access to and remaining in the workplace or as a condition of access to public services or institutions, educational or vocational training establishments and commercial, cultural or sporting venues, in the use of means of transport or in relation to persons institutionalised or housed in residential structures, health establishments, prisons or educational centres and their employees.

5) Freedom to learn and teach: the competent public authorities may impose at any level of education in the public, private and cooperative, social and solidarity-based sectors, including pre-school, primary, secondary and higher education, the restrictions necessary to reduce the risk of contagion and to implement measures to prevent and combat the epidemic, namely the prohibition or limitation of face-to-face classes, the postponement, alteration or extension of teaching periods, the adjustment of assessment methods and the suspension or rescheduling of exams. A phased plan of reopening should be defined based on objective criteria and respecting public health purposes, **namely articulating with testing, screening and vaccination**.

6) Rights to emigrate or leave the national territory and to return, and international movement: Border controls on persons and goods, including sanitary and phytosanitary controls at ports and airports, may be established by the competent public authorities, in conjunction with the European authorities and in strict compliance with the European Union Treaties, in order to prevent entry or exit into or from the national territory or to make such entry or exit conditional on compliance with the conditions necessary to avoid the risk of spreading the epidemic or overloading the resources allocated to combating it, namely by suspending or limiting arrivals or departures from or to certain origins, imposing a diagnostic test for SARS-CoV-2 infection or the compulsory confinement and prophylactic isolation of persons, in a place defined by the competent authorities, with the Government being able to establish differentiated rules, namely for **family reunification**, for professional or educational reasons, such as Erasmus students.

7) Right to the protection of personal data:

a) Personal data may be processed to the extent strictly necessary to carry out the measures set out in paragraph 3 and Article 5, and for the purposes of paragraph 4 without, in this case, being

able to keep a memory or record of the body temperature measurements taken or the results of the SARS-CoV-2 infection diagnostic tests;

b) Health data may be accessed and processed by health professionals, including laboratory technicians responsible for carrying out diagnostic tests for SARS-CoV-2 infection, medical or nursing students, as well as professionals deployed in accordance with paragraph 3(a) and Article 5;

c) Personal data may be processed in the case of non-face-to-face teaching and insofar as is necessary for learning to take place by telematic means.

5th

1) The Armed and Security Forces shall be responsible for supporting health authorities and services, namely in the carrying out of epidemiological surveys, contact tracing and the monitoring of persons under active surveillance.

2) The resources, means and health care facilities of the Armed and Security Forces may also be mobilized to support and strengthen the National Health Service.

6th

1) As provided for and under the terms of article 7 of Law 44/86, of 30th September, in its current wording, the violation of the provisions of the declaration of a state of emergency, including its enforcement, shall make the perpetrators incur in the crime of disobedience.

2) When administrative offences are applied, immediate collection of fines due for violation of containment rules is allowed.

7th

The bodies responsible, under the terms of Law 44/86, of 30th September, in its current wording, for carrying out the declaration of a state of emergency shall keep the President of the Republic and the Assembly of the Republic permanently informed of the acts of such enforcement.

8th

This Decree shall enter into force immediately, producing effects under the terms defined in article 3.

Signed on

Publish by

THE PRESIDENT OF THE REPUBLIC

Countersigned on

THE PRIME MINISTER

Informal translation Safe Communities Portugal

