

7TH APRIL 2020

COVID 19

RENEWAL OF THE STATE OF EMERGENCY AND STRENGTHENING OF ENFORCEMENT MEASURES

Given the evolution of the pandemic, last Thursday, 2nd April, the renewal of the State of Emergency was declared for another 15 days (starting at 00:00 on 3rd April, until 23:59 on 17th April), through Presidential Decree No. 17-A/2020.

Subsequently, by Decree of the Presidency of the Council of Ministers No. 2-B/2020 of 02.04, the measures to extend the state of emergency were regulated (entering into force at 00:00 on 3th April), maintaining all the measures already provided for in the previous Decree No. 2-A/2020¹, some of which now being matured and others added, particularly the following:

- i. During Easter (between 00:00 on 9th April and 24:00 on 13th April), commercial passenger flights at national airports are prohibited and citizens may not travel outside the municipality of usual residence, except for health reasons and extreme urgency, or for the performance of the professional activities admitted during the State of Emergency, in which case employees must submit a certifying declaration from their employer;
- ii. The following, among others, have been added to the list of activities that are not suspended pending the State of Emergency (see Annex II of that Decree no. 2-B/2020 available [here](#)):
 - Vending machines in premises where they are the only means of access to food products;
 - Activity by street vendors, for the provision of essential goods and in locations defined by municipal decision (following opinion by the health authorities);
 - Rental of goods vehicles without driver (rent-a-cargo);
 - Rental of passenger vehicles without drivers (rent-a-car), for journeys exceptionally authorised for the purchase of essential goods or services, medicines, for health reasons or to assist other persons; for retail trade activities or the provision of permitted services (see Annex II of Decree No. 2-B/2020); assistance to drivers and vehicles that are faulty,

¹ See previous Information Note on "State of Emergency - Legal regime, its effects and enforcement measures" [here](#)

immobilised or damaged; when the vehicles are intended for the provision of essential public services or under the legal regime of the State vehicle fleet;

- Provision of services for the implementation or improvement of the Fuel Management Networks;
- Establishments for the sale of plant protection products and biocides;

iii. In the wholesale trade, in markets and auction rooms, the maximum occupancy rule of 0.04 people per m² is now in force (see Order 71/2020, of 15.03);

iv. Restrictions on movement and sanitary fences shall not hinder the free movement of goods;

v. In reference to public services, it is provided that the Government member responsible for Public Administration may determine a change in the reporting deadlines of the State Organisation Information System (provided for in Article 21 of Law no. 104/2019, of 6th June), and may also, such as the member responsible for Social Security, define the terms under which central government officials may exercise functions in local government, regardless of their consent, and the terms under which the central government and local government officials may exercise functions, with their consent, in private charitable institutions or other institutions, in the private or social sector;

vi. An exceptional regime is envisaged for social support activities, allowing the use of social support establishments, provided for in Decree-Law no. 64/2007 of 14.03, in accordance with what regulated by the Social Security Institute (which will define the number of vacancies and occupation criteria, giving priority to the hosting of people discharged from hospital);

vii. Special protection is granted to workers against indicatively unlawful dismissals which are suspended upon notification to the employer, by the inspectors of the Autoridade para as Condições de Trabalho (Authority for Working Conditions - ACT), the employment contract remaining in force until the worker's situation is regularised or the judicial decision has become final (including the right to remuneration and the obligation to make social security contributions);

- viii. Also prescribed is an exceptional and temporary suspension of the termination of employment contracts of health professionals of the National Health Service, at the initiative of the employer or the employee (unless duly substantiated exceptions, authorised by the governing body), with fixed-term employment contracts whose termination occurs during this period being automatically extended until the end of the state of emergency;
- ix. The same regime applies to the termination of individual employment contracts, which cannot be terminated by revocation or termination, and to the termination of employment contracts in public functions, through agreement, termination or dismissal, at the request of the employee.
- x. The termination of contracts for the provision of health services is also suspended, either at the initiative of the services and establishments integrated within the National Health Service, or at the initiative of the service provider (bar exceptions duly substantiated exceptions, authorised by the governing body).

We will update this information as and when legislative acts amending or supplementing the above are published.

PARES | Advogados is available to provide information on the legal regime of the State of Emergency, its effects and enforcement measures, in a more detailed manner that will adequately suit the specific needs of each client, being able to offer all necessary support on this matter.

Sónia Afonso Vasques

sav@paresadvogados.com

Cristina Lopes Curto

clc@paresadvogados.com

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