



COVID-19

Legal Insights no. 59

Regulation of the state of calamity

On April 30th, 2021, it was published on “Diário da República” the Decree of the Presidency of the Council of Ministers no. 45-C/2021, which, considering COVID-19 epidemiologic situation, declared the situation of public calamity in the whole national mainland territory until May 16th, 2021 and established the applicable exceptional and temporary measures, among which we highlight the following applicable to the whole national mainland territory:

- **Sanitary and public health measures**

1. Compulsory confinement

- Patients with COVID-19 and those infected with SARS-CoV-2, as well as citizens for whom active surveillance has been determined by the health authority or other health professionals shall remain in mandatory confinement.

2. Civic duty of domiciliary retreat

- Citizens shall remain at their domicile, avoiding unnecessary travels.

3. Use of masks or visors

- The use of masks or visors is mandatory for accessing to or staying at workplaces whenever the physical distance recommended by the health authorities is not feasible.
- The obligation to use masks or visors is not applicable to employees working in an office, room or equivalent, with no other occupants or where impermeable physical barriers are used to separate and protect workers.

4. Body temperature control

- Body temperature measurements may be taken by non-invasive means in controlling access to workplaces, public services, educational establishments, commercial, cultural or sports venues, means of transport, health establishments, jail, residential structures. The access to such places may be prevented in case (i) body temperature measurement is refused or (ii) the measurement result is equal or above 38°C.
- In cases where the access to the workplace is prevented on the basis body temperature of 38°C or above, the absence is considered justified.

- **Measures applicable to activities, establishments, services, companies and similar**

1. Closure of facilities and establishments

- The following facilities and establishment are closed and the following activities are suspended:
 - (i) Nightclubs, bars, ballrooms; amusement and recreational parks and the like; water parks; other places or facilities similar to the preceding;
 - (ii) Nautical and aeronautical competitions and exhibitions, parades, popular festivals or folkloric manifestations in open places, public spaces and streets, private spaces and stress equivalent to public roads;
 - (iii) Amusement and similar equipment, game rooms and recreational halls;
 - (iv) Bars and alike.
- The breach of this obligation is considered a crime of disobedience.

2. General provisions applicable to establishments or places open to the public

- In establishments which maintain their activity, the following rules of occupation, stay and physical separation must be observed:
 - (i) The allocation of spaces accessible to the public must observe a maximum indicative occupation rule of 0.05 people per square metre of area, except for establishments providing services;
 - (ii) The adoption of measures that ensure a minimum distance of 2 meters between people;
 - (iii) The assurance that people remain inside the facilities only for as long as strictly necessary;
 - (iv) The prohibition of waiting situations for service provision within service establishments; economic operators shall preferably resort to prior appointment mechanisms;
 - (v) The definition, whenever possible, of specific entry and exit circuits in establishments and facilities, using separate doors;
 - (vi) The compliance with other rules defined by DGS.

3. Working period

- The establishments that have not closed under the provisions of Decree 3-A/2021, of January 14th, hairdressing salons, barbers, beauty salons, restaurants and similar, cafeterias, tea rooms and the like and sports facilities may open to the public before 10 a.m.
- Retail trade and service activities in operating establishments close at 9 p.m. during weekdays and at 7 p.m. on Saturdays, Sundays and holidays;

- Restaurants and similar establishments close at 10.30 p.m., except for restaurants and similar establishments located in commercial complexes that do not have an autonomous and independent entrance from the outside, which close at 7 p.m. on Saturdays, Sundays and holidays;
- Cultural facilities close at 10.30 p.m.

4. Restaurants and similar

- Restaurants and similar may operate for the purpose of indoor consumption provided that:
 - (i) DGS instructions and other rules are complied;
 - (ii) The occupation inside the establishment is limited to 50% of its capacity or, in alternative, impermeable physical barriers are used to separate clients sat face to face and tables are parted with at least 1.5 m.
 - (iii) Prior scheduling mechanisms are adopted;
 - (iv) It is not allowed groups with more than 6 people inside or 10 people outside or in open services, except if all belong to the same cohabiting household.
- It is prohibited to consume meals, products or drinks at the door of the establishment or in its surroundings.

5. Sale and consumption of alcoholic beverages

- The sale of alcoholic beverages at gas stations and the consumption of alcoholic beverages in public spaces is prohibited.
- It is prohibited the selling of alcoholic beverages through home delivery or take-away between 9 p.m. and 6 a.m.

6. Bars and similar drinking establishments

- Bars, drinking establishments without entertainment and drinking establishments with dancing floors remain closed.

7. Public services

- Public services continue to provide face-to-face service by appointment, and the provision of services through digital means and contact centres with citizens and companies is maintained and strengthened.

- **Measures applicable to air traffic, airports and land and river borders**

1. Air traffic and airports

- Air traffic from and to mainland Portugal is suspended, except for the following flights:
 - (i) To and from European Union countries and countries associates with the Schengen Area;
 - (ii) To and from countries and special administrative regions whose epidemiological situation is in accordance with the Council Recommendation (UE) 2020/912, of June 30th, 2020 and relevant updates;
 - (iii) Essential travels to and from countries that are not part of the European Union or countries that are not associated with the Schengen Area;
 - (iv) Aimed to allowing the return to the respective countries of foreign citizens that were staying in mainland Portugal;
 - (v) Of recognized humanitarian nature, for purposes of repatriation of national and European citizens and from countries associated with the Schengen Area and their family members, as well as nationals from third countries with residence in mainland Portugal.
- ANA – AEROPORTOS DE PORTUGAL, S.A. is responsible for controlling the temperature via infrareds of all passengers that arrive to mainland Portugal.
- Passengers whose temperature is equal or higher to 38°C shall be subject to a new body temperature measurement and, if necessary, to a new RT-PCR molecular test.

2. Testing

- Airlines shall only allow passengers on flights to or wit stopover mainland Portugal if they present proof of a negative RT-PCR molecular test result, taken within 72 hours before boarding.

3. Compulsory confinement

- A 14-day prophylactic isolation period is mandatory at home or at place indicated by the health authorities for passengers on flights from countries listed by the Government or for citizens entering the Portugal by land or waterway.
- The abovementioned prophylactic isolation is also applicable to passengers on flights from South Africa, Brazil and India or with entrance registry in these countries within 14 days before their entrance in Portugal, either by flight, land or waterway.

- **Measures applicable to events, structures, establishments or other cultural, sporting, entertaining and social activities**
 - It is allowed to hold religious ceremonies, family events, including weddings and christenings, corporate events and other events, provided rules of occupation, crowding and physical distance and other specific guidelines to be defined by DGS are complied;
 - Museums, monuments, palaces, archaeological sites and the like, theatres, cinemas and the like, as well as events of cultural nature held outdoors are allowed to be open and held, provided standards, instructions and rules of occupation, physical distance, hands and surfaces hygiene are complied;
 - The practice of physical and sporting activities, in training and competitive context, without public, is allowed, provided guidelines defined by DGS are complied.

- **Special provisions applicable to specific municipalities**
 - The Decree of the Presidency of the Council of Ministers no. 45-C/2021, of April 30th also identifies the municipalities that correspond to level 2, level 3 and level 4 of the gradual strategy of lifting of lockdown measures in the fight against COVID-19 disease pandemic and relevant applicable rules.

The Decree of the Presidency of the Council of Ministers no. 45-C/2021, of April 30th, entered into force and took effect as of May 1st, 2021.

To access to Decree of the Presidency of the Council of Ministers no. 45-C/2021, of April 30th, full text please click [here](#).

If you do not intend to receive these communications, you may oppose, at any time, to the use of your data for these purposes, by sending a written request to the following email address: geral@ctsu.pt. CTSU also ensures the right to access, update, rectify and delete, as per the applicable law, upon written request sent to the above mentioned email address. This communication contains only general information, therefore it is not an advice nor a provision of professional services by CTSU. Before any act or decision which may affect you, you should seek advice from a qualified professional. CTSU is not liable for any damages or losses suffered as a result of decision-making based on this communication.

CTSU - Sociedade de Advogados, SP, RL, SA is an independent law firm member of Deloitte Legal network. "Deloitte Legal" means the legal practices of Deloitte Touche Tohmatsu Limited member firms or their affiliates that provide legal services. For legal and regulatory reasons, not all member firms provide legal services.