

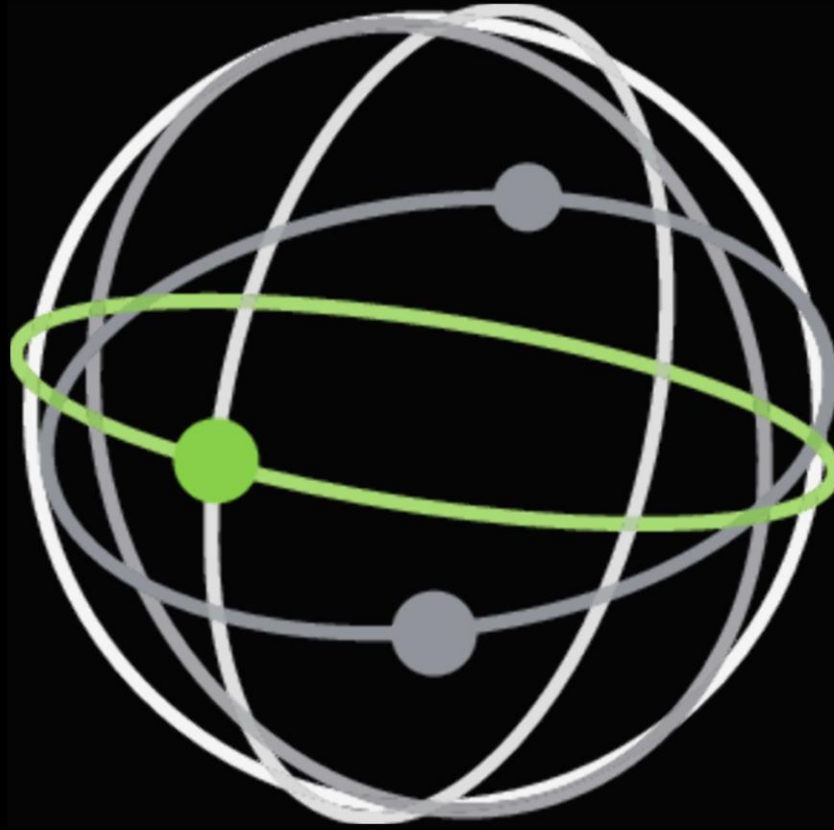
**CTSU**

Sociedade de Advogados

Member of Deloitte Legal network

**COVID-19 Legal Insights**

March 21, 2020



**COVID-19**

**Legal Insights nr 6**

Emergency State: implementation legal measures

Decree 2-A/2020, of March 20<sup>th</sup>, carries out the declaration of state of emergency ordered by Decree of the President of the Republic No. 14-A/2020, of March 18<sup>th</sup>.

This Decree establishes a general duty of domiciliary recalling, allowing citizens who are not under mandatory confinement or under a special duty of protection, to transit for performing professional activities or similar, among other purposes.

Citizens who, according to the guidelines of the health authority, should be considered at risk, may also transit for performing professional activities or similar, provided that they are not on sick leave.

Without prejudice to the mandatory adoption of the remote working regime, regardless of the contractual relationship, and whenever the nature of the labour functions so permits, it is foreseen, along with the closure of the facilities and establishments listed in annex I of the Decree under analysis, the suspension of the majority of the activities in the areas of retail trade and service rendering, allowing the development of these activities for the purposes of take away and home delivery.

Thus, restaurants and similar establishments are exempted of having a permit for the confection intended for the consumption outside the establishment or home delivery, and may integrate their employees in this type of activities, even when their respective work contracts do not establish it.

Regarding electronic commerce and service provision activities that operate through electronic platforms, these are not suspended.

Likewise, retail activities and service activities located along the motorway network, inside airports and in hospitals, are not suspended.

With regard to public services, the functioning of those services considered essential can be determined. "Lojas do Cidadão", in turn, are closed, maintaining face-to-face service by appointment, as well as the provision of these services through digital media and contact centers with citizens and companies.

The responsible Government member (s) may also determine, among other similar measures, the situations that impose the presence of Public Administration workers in their workplaces, as well as the compatibility of functions with teleworking, as well as the definition of guidelines in cases in which Public Administration workers may be forced to exercise functions in a different place than usual, in a different entity or under different working conditions and schedules.

Violated or threatened rights, freedoms and guarantees will be protected, and the responsible Government member for Justice, in liaison with the Superior Councils and the Attorney General's Office, shall adopt the appropriate measures for the effective access to the law and the courts.

As for licenses, authorizations or other types of administrative acts, during the term of this decree, they will remain valid, regardless of the expiry of their respective term.

This decree takes effect at midnight on March 22, 2020.

For further information please see below link:

<https://dre.pt/application/file/a/130519527>

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