



COVID-19

Legal Insights no. 52

Amendments to the regulation of the state of emergency decreed by the President of the Portuguese Republic

The Decrees no. 3-B/2021, of January 19, and no. 3-C/2021, of January 22, which amend the Decree no. 3-A/2021, of January 14, were published on “Diário da República”. They clarify the measures that regulate the emergency state decreed by the President of the Portuguese Republic, on January 13, 2021 and they establish additional measures to fight the spread of COVID-19 disease, among which we highlight the following:

I. Teleworking

In order to reinforce the mandatory adoption of teleworking, all travels to the work place must hold a declaration attested by statement issued by the employing entity or similar.

II. Prohibition of travels between municipalities

Travels outside the municipality of residence are forbidden between Fridays’ 8 p.m. and Mondays’ 5 a.m.

III. Closure and suspension of activities, facilities and establishments

- a) Suspension of academic and training activities, such as study and tutoring centres, language schools, driving schools and test centres and dance and music establishments;
- b) Mandatory closure of establishments that sell cycles, cars and motorcycles;
- c) All establishments besides the ones included in the food sector are forbidden to sell and delivery products at the door of the establishment or at the counter (take-away);
- d) Retail sale and service activities in establishes allowed to be open shall close at 8 p.m. on weekdays and at 1 p.m. on Saturdays, Sundays and public holidays; food retail sale activities may close at 5 p.m. on Saturdays, Sundays and public holidays; the foregoing working period is not applicable to medical or other health or social care establishments, pharmacies, educational institutions, tourist and accommodation establishments, funeral agencies, gas stations, rent-a-car and establishments inside the airports, after security checkpoint.

IV. Commercial practices with price reduction

Advertising, publicity activities and adoption of any form of commercial communication that may result in an increase in the flow of people attending the establishments allowed to be open are prohibited, namely through announcement of sale or promotions.

V. Restaurants and similar

- a) The sale and delivery at the door of the establishment or at the counter (take-away) of any kind of beverages is prohibited, as well as the consumption of meals and product goods at the door of the restaurant or similar or its surroundings;
- b) The sale of alcohol beverages is prohibited everyday starting at 8 p.m.;
- c) Mandatory closure of restaurants and similar located in shopping centres, including for sale and delivery of meals or packaged products at the door of the establishment or at the counter (take-away); these establishments may only operate through home delivery.

VI. Closure of citizens' advice bureaux ("lojas do cidadão")

The citizen's advice bureaux ("lojas do cidadão") are closed, maintaining face-to-face services by appointment at the relevant service counters, as well as the provision of services through digital means and contact centres with citizens and companies.

VII. Suspension of academic, non-academic and training activities

Mandatory suspension of:

- a) Pre-school, basic and high-school education educational and academic activities of public, private, cooperative, social and solidarity sector education establishments;
- b) Early childhood support activities of kindergartens and nannies and social support activities developed in occupational activity, day care, social and leisure centres for elderly people and senior universities;

- c) Face-to-face academic and non-academic activities in higher education institutions;
- d) Face-to-face training activities developed by public, private, cooperative or social training entities.

VIII. Access to public spaces

The mayor of the municipality with territorial jurisdiction is entitled to:

- a) Close all public spaces where may happen a gathering of people, namely walkways, sidewalks and beaches;
- b) Mark the prohibition of use of park benches, playgrounds and sports public equipment.

The Decree no. 3-B/2021, of January 19, entered into force on January 20, 2021 and the Decree no. 3-C/2021, of January 22, entered into force on January 23, 2021, except for the provisions regarding the closure of academic, non-academic and training activities, which entered into force on January 22, 2021.

To access the full text of these legal acts, please click in following links: [Decree no. 3-B/2021, of January 19](#) and [Decree no. 3-C/2021, of January 22](#).

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 a Portuguese independent law firm, and the Deloitte Legal practice in Portugal.

Deloitte Legal means the legal practices of Deloitte Touche Tohmatsu Limited (“DTTL”) member firms, their affiliates or their related entities that provide legal services. The exact nature of these relationships and provision of legal services differs by jurisdiction, to allow compliance with local laws and professional regulations. Each Deloitte Legal practice is legally separate and independent, and cannot obligate any other Deloitte Legal practice. Each Deloitte Legal practice is liable only for its own acts and omissions, and not those of other Deloitte Legal practices. For legal, regulatory and other

reasons, not all member firms, their affiliates or their related entities provide legal services or are associated with Deloitte Legal practices.