

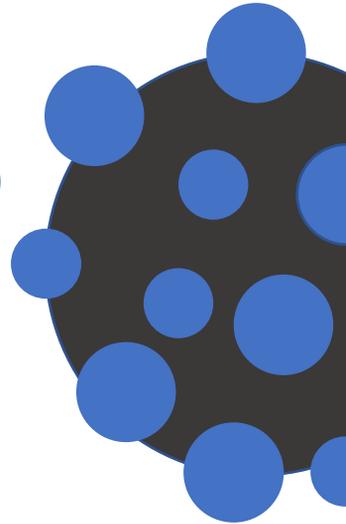


**Gil Figueira  
& Devillet Lima**  
Advogados

# Insights

**Private Client**  
**22/03/2020**

## **Coronavirus / Covid19** **State of Emergency**



### **Synopsis**

An overview of the new restrictions implemented by the Portuguese Government following the Covid19 outbreak.

For those who are not able to read and understand Portuguese.

These measures are specifically aimed at containing the propagation of Covid19 and were enacted by Decree-Law 2-A/2020 of 20<sup>th</sup> March 2020.

[www.gfdl.legal](http://www.gfdl.legal)  
**Your goals, our expertise**

## State of Emergency

On March 18, 2020, the State of Emergency was declared in Portugal due to the Covid19 outbreak.

This exceptional situation was triggered by the need to urgently restrict the movement of individuals to decrease the spread of this new coronavirus.

Restrictions apply throughout the national territory of Portugal. Specific rules for certain municipalities may be enforced depending on the circumstances.

In a nutshell, the Portuguese Government:

- Restricted traveling and movement of individuals
- Can impose quarantine on individuals
- Can put geographic sanitary fences in place
- Imposed the shut down of several business sectors
- Can commandeer property, factories, companies or production units, and set prices

## Which civil liberties have been restricted?

Partial restrictions will be enforced on:

- Freedom of movement and settlement
- Freedom of assembly
- Labor rights
- Private Property and Freedom of enterprise
- Right of resistance

## Restrictions on the freedom of movement

Circulation and travelling is forbidden, except for the purposes of:

### Subsistence & Necessities

- Acquiring goods and services
- Delivering essential goods to those who are disabled or lack freedom of movement
- Going to post offices, banks and insurance companies or brokers

### Work & Business

- Professional or similar activities (job interviews)

### Healthcare & Family

- Seeking health care services
- Assisting vulnerable individuals, such as the elderly, parents, children and disabled people
- Monitoring minors or complying with parental responsibilities
- Walking pets (short-term) or visits to a veterinarian

### Exercise & Leisure

- Enjoying quick walks in the street, near the person's domicile
- Physical exercise (exercising with a group of people is forbidden)
- Returning home

### Emergencies & Obligations

- Reasons of force majeure or unenforceable necessity, if duly justified
- Related to the protection of victims of domestic violence or human trafficking
- Participating in judicial proceedings

## **Restrictions on the freedom of movement cont.**

Restrictions also apply to drivers and vehicular transportation. However, driving to a gas station to purchase fuel is allowed.

Those issued a special authorization of free transit are not subject to these restrictions.

## **Mandatory Telework**

If allowed by the type of work, teleworking scheme is mandatory.

## **Mandatory confinement**

Mandatory confinement in a health facility or domicile is required for patients with COVID-19 and those infected with SARS-Cov2 and citizens under active surveillance as determined by the Health Authorities or health care professionals.

Violation of the obligation of confinement constitutes a crime of disobedience.

Individuals may be sentenced up to two-year imprisonment or a fine of up to 240 days. The fine's amount varies according to several factors.

## Individuals under special protection

The following individuals are considered under special duty of protection:

- Individual over 70 year of age; and/or
- Immunosuppressed patients and patients with chronic diseases or illnesses considered at risk.

Per the guidelines of the Health Authorities, including patients who are hypertensive, diabetic, cardiovascular patients, patients with respiratory disease chronic and cancer patients.

Freedom of movement of these individuals is restricted (public or private roads or areas) to travelling for the following purposes:

- Acquisition of goods and services
- Obtaining health care
- Going to post offices, banks and insurance companies or brokers
- Physical exercise (exercising with a group of people is forbidden)
- Walking pets (short-term)
- Reasons of force majeure or unenforceable necessity, if duly justified
- Professional activity, if under 70 years old

These restrictions do not apply to health professionals, policemen, firefighters, holder of political offices, and magistrates.

Priority service must be granted to individuals under special protection.

## Active Businesses

- Mini-markets, supermarkets, hypermarkets
- Fruit shops, butchers, fishmongers, bakeries
- Food Markets
- Food production and distribution
- Fish Markets
- Catering businesses and takeaway restaurants
- Medical clinics and other healthcare units
- Medical and orthopedic products stores
- Pharmacies & Opticians
- Cosmetic and Hygiene product stores
- Natural and dietary products stores
- Essential public services and utility companies
- Stationery and Tobacco stores
- Veterinary Clinics
- Pet & Pet food stores
- Cleaning and dry-cleaning stores
- Drugstore
- Hardware stores
- Gas stations & Fuel stores
- Motor vehicle repair workshop
- Lotteries
- Car towing services
- Vehicle parts stores
- Banks, financial services and insurance companies
- Funeral homes
- Home maintenance services
- Flowers, plants, seeds and fertilizers stores
- Sales and repair stores of household appliances, IT and communications equipment
- Home delivery services
- Cleaning & Pest control services
- Security and surveillance services
- Touristic establishments, except camping lodges
- Student lodging

Wholesale businesses do not have to suspend their activities, nor does any retail store selling goods to the public without granting access to the inside of the store.



## **Businesses closed**

- Bars, clubs and dancehalls
- Amusement and recreational park
- Zoos and water parks
- Sports venues, tracks, fields, pavilions, rings, stadiums, and bullfighting arenas
- Gymnasiums and Spas
- Auditoriums, cinemas, theaters and concert halls
- Museums, monuments, palaces, archaeological or similar sites
- Libraries
- Art galleries and exhibition rooms
- Congress venues and multipurpose pavilions, halls or rooms
- Casinos and bingos
- Restaurants, coffee shops, tea houses
- Hotel bars and restaurants, except to provide meals to guests
- Vending machines

## How can we assist?

Gil Figueira & Devillet Lima Advogados is a Portuguese law firm.

We advise corporations and individuals with complex needs, attractive projects and challenging requirements.

Let's get in touch.

### Industries

Private Equity  
Fintech & Blockchain  
Private Client & Asset Protection  
Global Talent Advisory  
Media Sports & Performing Arts  
Manufacturing & Retail  
Hospitality & Leisure  
Real Estate & Construction

### Practices

Corporate & Commercial Contracts  
Capital Markets  
Tax & Social Security  
Immigration & Citizenship  
Public Law  
Labour & Employment  
Real Estate & Construction

### Contacts

Rua Rodrigues Sampaio 97 - 4º  
1150-279 Lisboa  
Portugal

Tel.: +351 210 997 356  
Tel.: +351 210 200 076  
Tel.: +1 646 760 56 61  
E-mail: [hello@gfdl.legal](mailto:hello@gfdl.legal)  
Web: [www.gfdl.legal](http://www.gfdl.legal)

Insights

Handouts, brochures and newsletters contain only an overview of the possible implications and benefits related to a specific topic. Please do not base your decisions on these documents alone. The information contained in this document is not to be used in place of proper and complete professional advice, as it does not constitute a binding legal opinion nor does it not consider the particularities of your case.

Gil Figueira & Devillet Lima – Sociedade de Advogados SP RL is a limited liability law firm.