

PR STATE OF EMERGENCY DECLARATION

PRESIDENCY OF THE REPUBLIC

Decree of the President of the Republic nº 17-A/2020

of April 2

Summary: Renews the declaration of state of emergency, based on the verification of a public calamity.

Following the qualification by the World Health Organization of the public health emergency caused by the disease COVID-19 as an international pandemic, constituting a public calamity, the President of the Republic declared, on March 18, the state of emergency.

In implementation of the declaration of the state of emergency, the Government approved the Decree No. 2-A/2020 of March 20, which contains a set of measures in order to contain the spread of the disease and, also, protect citizens and ensure the responsiveness of the National Health Service and the supply chain of essential goods, regulating the functioning of companies and the circulation of people in a context of public calamity. The adoption of these measures by the Government had in account the existing situation at the time of its approval, and are based in a judgment of strict proportionality, as they impose the Constitution and the law, but merely the indispensable to safeguard the public health and the functioning of the economy, namely as regards the essential goods supply to citizens.

In addition to the said Decree of the Government, were approved by the Assembly of the Republic and the Government a set of legislation in order to support citizens and businesses in the collective containment effort, and these deserved immediate promulgation by the President of the Republic.

Regardless the exemplary behavior of the Portuguese in compliance with these measures, as well as the acceptance and support that deserved the declaration of state of emergency, and without prejudice to the effects positive that they have allowed to achieve in fighting the spread of disease,

Its maintenance is essential.

Obtaining these effects was possible through a very limited suspension of rights without need of obliteration of the right to individual freedom, the restrictions on the right of movement are

sufficient, and without, in most cases, there having been a need for appeal to criminal sanctions to ensure compliance.

Health authorities have determined the transition from the containment phase to the mitigation phase. This means, of course, that the level of prevention must be increased, otherwise the effort made so far will be wasted.

The initial effects of the measures adopted confirm the correctness of the strategy followed and advise its maintenance.

This is all the more evident when Easter is approaching, a traditional time for families to meet and for international circulation. It is essential for the success of the strategy designed and conducted so far that this time does not lead to an increase in contacts between people and, consequently, in infections.

In effect, our concern should continue until the end of one process that all we know it will be long.

That is why the President of the Republic considers essential, so just like what happened on 18 of March, the renewal of the declaration of state of emergency, with the addition of matters relating to the protection of employment, price control, to support the elderly in residences or home, to education and the adoption of urgent measures for protection of citizens deprived of liberty, especially vulnerable to COVID-19 disease, in accordance with the exhortation contained in the message of the High Commissioner for Human Rights of the United Nations, of 25 of March. In these terms, the President of the Republic decrees, under the terms of articles 19, 134, paragraph d), and 138 of the Constitution and the Law No. 44/86, of 30 of September, amended by Organic Law nº. 1/2011, of 30 of November, and the Organic Law nº. 1/2012, of 11 of May, having heard the Government and obtained necessary authorization from the Assembly of the Republic, through Resolution of the Assembly of the Republic nº 22-A / 2020, of April 2, the following:

1st

The declaration of a state of emergency is renewed, based on the verification of a continuous situation of public calamity.

2nd

The declaration of a state of emergency covers the entire national territory.

3rd

The renewal of the state of emergency lasts for 15 days, starting at 12:00 am on April 3, 2020 and ending at 11:59 pm on April 17, 2020, without prejudice to any new renewals, under the law.

4th

The exercise of the following rights is partially suspended:

a) Freedom of movement and liberty to stay in any part of the national territory: it may be imposed by the competent public authorities the necessary restrictions to reduce the risk of contagion and implement measures to prevent and fight the epidemic, including the compulsive confinement at home, in health establishment or in another place defined by the competent authorities, the delimitation of sanitary fences, as well as, to the extent strictly necessary and proportionally, the prohibition of displacement and permanence in public spaces that are not justified, namely by the performance of professional activities, obtaining health care, assisting third parties, producing and supplying goods and services and for other ponderous reasons, and it is up to the Government, in this event, to specify the situations and purposes in which the freedom of individual movement, preferably unaccompanied, remains;

b) Property and private economic initiative: it can be requested by the competent public authorities the provision of any services and the use of movable and immovable goods, health care providing units, commercial and industrial establishments, companies and other production facilities, as well as can be determined the obligation to opening, to operating business, stores, services, and production facilities, or its closure, and impose other limitations or modifications to the respective activity, including limitations on dismissals, changes in quantity, nature or price of goods produced and marketed or the respective procedures and distribution and marketing circuits, namely for the purpose of centralized acquisition, by direct agreement, with priority or exclusive character, stocks or national production of certain essential goods, as well as changes at operating regimes to companies, establishments and production units; They can be adopted measures of control of prices to combat speculation and hoarding of certain products or materials; They can be temporarily modified the terms and conditions of contracts enforceability or waived the payment of debt instalments, as well as limited the right to restore the financial balance of concessions in virtue of a break in the respective use due to the measures adopted in the frame of state of emergency; the perception of rents, interest, dividends and other property or capital income can be reduced or deferred, without penalty.

c) Rights of workers: it can be determined by the competent public authorities that any public, private or social sector entities employees, regardless of the type of employment, present themselves at the service and, if necessary, perform functions in a different place, in a different entity and in conditions and working hours different from those that correspond to the existing labour link, namely in the case of workers in health, civil protection, security and defence sectors, as well as other activities necessary to treat patients, support vulnerable populations, elderly, people with disabilities, children and young people at risk in residential structures, home or street support, to prevent and combat the spread of the epidemic, the production, distribution and essential goods and services supply, the functioning of economic vital sectors, operation of networks and critical infrastructures and maintenance of public order and democratic rule of law, and it can be limited the possibility of termination the respective labour relations or overlapping functions between the public sector and the private sector; It can be extended and simplified the regime of temporary reduction of the normal period of work or the suspension of the work contract for fact concerning the employer. It is suspended the right of committees of workers, trade unions and associations of employers to participate in the drafting of the labour legislation, insofar as the exercise of such right can represent a delay in the entry into force of urgent legislative measures for the purposes intended in this Decree. It is

suspended the exercise of the right to strike insofar as that can compromise the operation of critical infrastructure, providing health care units and essential public services, as well as in economic vital sectors to production, supply and delivery of goods and essential services to the population;

d) International circulation: border controls on people and goods, including sanitary and phytosanitary controls in ports and airports, can be established by the competent public authorities, in liaison with the European authorities and in strict respect for the European Union Treaties, with the purpose of preventing entry into national territory or making that entry subject to compliance with the necessary conditions to avoid the risk of spreading the epidemic or overloading the resources related to its fight, namely by imposing the compulsory confinement of people in a place defined by the competent authorities. The necessary measures can also be taken to ensure the international circulation of essential goods and services;

e) Right of assembly and of expression: they may be imposed by the public competent authorities, based on the position of the of the Health National Authority, the necessary restrictions to reduce the risk of contagion and implement measures to prevent and combat the epidemic, including the limitation or prohibition of holding meetings or demonstrations that, due to the number of people involved, enhance the transmission of the new coronavirus;

f) Freedom of worship, in their collective dimension: it may be imposed by competent public authorities the necessary restrictions to reduce the risk of contagion and implement measures to prevent and combat the epidemic, including limiting or prohibiting conducting celebrations of religious nature and other events of worship that involve agglomeration of people;

g) Freedom to learn and teach: competent public authorities may impose the necessary restrictions to reduce the risk of contagion and implement measures to prevent and combat the epidemic, including the prohibition or limitation of class attendance, imposition of remotely learning by telematic means (using the internet or television), the postponement or extension of teaching periods, the adjustment of assessment methods and suspension or rescheduling exam tests or the opening of the school year, as well as any adjustments to the model of access to higher education;

h) The right to protection of personal data: the competent public authorities may determine that the operators of telecommunications send to respective clients messages written (SMS) with alert from the Health Directorate General or other related to the combat the epidemic.

5th

all and any act of resistance active or passive exclusively directed at legitimate orders issued by public competent authorities running the present state of emergency, is prevented and may incur its authors, under the law, in a crime of disobedience.

6th

Exceptional urgent measures to protect citizens deprived of their liberty in enforcement of conviction decision, as well as the staff employed in prison establishment, can be taken for the purpose of reducing vulnerability to the disease COVID-19 of people in these establishments.

7th

1 - The effects of this statement does no, under any circumstances, affect the rights to life, personal integrity, personal identity, civil capacity, citizenship, non - retroactivity of criminal law, protection of defendants and freedom of conscience and religion.

2 - The effects of this declaration also do not affect, under any circumstances , the freedom of expression and information.

3 – Under any circumstances may be put in question the principle of the State unit or the territorial continuity of the State.

4 - In terms of the law, the Attorney General of the Republic and the Ombudsman of Justice are maintained in permanent session.

8th

The responsible bodies, under the terms of Law no. 44/86, of September 30, for the execution of the declaration of the state of emergency must keep the President of the Republic and the Assembly of the Republic permanently informed of the acts in which this execution consists.

9th

All legislative and administrative measures adopted in the context of the present crisis, which depend on the declaration of a state of emergency, are ratified.

10th

This Decree enters into force immediately, taking effect under the terms defined in article 3.

Signed on April 2, 2020. Let it be published.

The President, M ARCELO R EBELO OF S DARE . Countersigned on April 2, 2020.

The Prime Minister, António Luís Santos da Costa .

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ASSEMBLY OF THE REPUBLIC

Resolution of the Assembly of the Republic no. 22-A / 2020

Summary: Authorization to renew the state of emergency.

Authorization to renew the state of emergency

The Parliament decides, in accordance with paragraph 1) of Article 161 and paragraph 5 of Article 166 of the Constitution and of paragraph 1 of Article 15 and of paragraph 1 of Article 23 of Law No. 44/86, of 30 of September, amended and republished by Law Organic No. 1/2012, of 11 of May, grant authorization to renew the state of emergency, requested by S. Excellency the President of the Republic, the message that addressed the Assembly of the Republic on 1 of April of 2020 on the exact terms and the rationale and content in Decree project the President of the Republic:

1st

The declaration of a state of emergency is renewed, based on the verification of a continuous situation of public calamity.

2nd

The declaration of a state of emergency covers the entire national territory.

3rd

The renewal of the state of emergency lasts for 15 days, starting at 12:00 am on April 3, 2020 and ending at 11:59 pm on April 17, 2020, without prejudice to any new renewals, under the law.

4th

The exercise of the following rights is partially suspended:

a) Right of movement and fixing in any part of the territory national: may be imposed by the authorities public competent the restrictions necessary to reduce the risk of contagion and execute the measures of prevention and combating the epidemic, including the confinement compulsive at home in establishment health facilities or in another place defined by the competent authorities, the establishment of sanitary fences, as well as, to the extent strictly necessary and proportionally, the prohibition of travel and stay on public roads that are not justified, namely by the performance of professional activities, obtaining health care, assisting third parties, producing and supplying goods and services and for other ponderous reasons , and it is up to the Government, in this event , to specify the situations and purposes in which the freedom of individual movement, preferably unaccompanied, s and maintains;

b) Property and initiative economic private: can be requested by the authorities competent public the provision of any services and the use of goods movable and immovable, of units providing health care, commercial and industrial establishments, companies and other production units , as well as the obligation to open, operate and operate companies, services,

establishments and means of production, or to close them, and impose other limitations or modifications to the respective activity, including limitations on dismissals, changes in quantity, nature or price the goods produced and marketed or the respective procedures and channels of distribution and marketing, in particular for the purpose of acquisition centralized, by setting direct, with character priority or exclusive, of inventories or the production national of certain goods essential, as well as alterations to the operating regime of companies, establishments and production units; They can be adopted measures of control of prices and combat the speculation and the hoarding of certain products or materials; They can be temporarily modified the terms and conditions of lasting execution of contracts or waived the payment of certain benefits, as well as limited the right to reset the balance financial of concessions in virtue of a break in the respective use due to the measures adopted in the state of frame emergency; the perception of rents, interest, dividends and other property or capital income can be reduced or deferred, without penalty ;

c) Rights of workers: it can be determined by the competent public authorities that any employees of public, private or social sector entities, regardless of the type of employment, present themselves at the service and, if necessary, start to perform functions in a different place. , in entity diverse and in conditions and hours of work many of which correspond to the linkage, particularly in the case of workers' health sectors, civil protection, security and defense and also of other activities necessary to treatment of patients, support vulnerable populations, elderly people, people with disabilities, children and young people at risk, in residential structures, home or street support, to prevent and combat the spread of the epidemic, the production, distribution and supply of essential goods and services, the functioning of vital sectors of the economy, the operation of critical networks and infrastructure and the maintenance of public order and the democratic rule of law, with the possibility of the termination of the respective labor relations or the cumulation of functions between the public and the private sector being limited . It can be extended and simplified the reduction scheme temporary the period typical of work or suspension of the contract of work for that relating to the employer. Is suspended the right of committees of workers, trade unions and associations of employers to participate in the drafting of the legislation of the work, as in that the exercise of such right can represent delay in the entry into force of of doubt urgent legislative me- for the purposes intended in this Decree. Is suspended the exercise of the right to strike in the measure in that can compromise the operation of infrastructure critical, units providing health care and essential public services, as well as in sectors economic vital to the production, supply and delivery of goods and essential services to the population;

d) International circulation: can be established by the competent public authorities, in articulation with the European authorities and in strict respect for the European Union Treaties, border controls on people and goods, including sanitary and phytosanitary controls in ports and airports, with the purpose of preventing entry into national territory or making that entry subject to compliance with the necessary conditions to avoid the risk of spreading the epidemic or overloading the resources related to its fight, namely by imposing the compulsory confinement of people in a place defined by the authorities competent authorities. The necessary measures can also be taken to ensure the international circulation of essential goods and services ;

e) Right of assembly and of expression: they may be imposed by the authorities public competent, with base in the position of the Authority of Health National, the restrictions necessary to reduce the risk of contagion and execute the measures of prevention and combating the epidemic, including the limitation or prohibition of holding meetings or demonstrations that, due to the number of people involved, enhance the transmission of the new Coronavirus;

f) Freedom of worship, in their collective dimension: can be imposed by the authorities competent public the restrictions necessary to reduce the risk of contagion and execute the measures of prevention and combating the epidemic, including the limitation or prohibition of realization of celebrations of religious nature and other events of worship that involve one agglomeration of people;

g) Freedom to learn and teach: competent public authorities may impose the necessary restrictions to reduce the risk of contagion and implement measures to prevent and combat the epidemic, including the prohibition or limitation of face- to- face classes , the imposition of distance learning by electronic means (using the Internet or television), the postponement or extension of periods academic year, the adjustment of methods of assessment and the suspension or recalendarization of exam tests or the opening of the school year, as well as any adjustments to the model of access to higher education;

h) Right to protection of data personal: the authorities public competent may determine that the operators of telecommunications send to respective clients messages written (SMS) alerts the Health Directorate-General or other related to the fight against the epidemic.

5th

Any act of active or passive resistance directed against legitimate orders issued by the competent public authorities in execution of the present state of emergency is prevented, and the perpetrators may incur, under the terms of the law, a crime of disobedience.

6th

They can be taken exceptional security measures and urgent private citizens of freedom running of conviction as well as the staff employed in the establishments prison, with a view to reducing the vulnerability of people who are find these establishments to the disease COVID-19.

7th

1 - The effects of this statement does not affect, in case some, the rights to life, the integrated gridade staff, the identity personnel, the ability civil and to citizenship, the non - retroactivity of criminal law, the protection of defendants and freedom of conscience and religion.

2 - The effects of this declaration also do not affect , under any circumstances , the freedom of expression and information.

3 - In case some may be put in question the principle of the State unit or the territorial continuity of the State.

4 - In terms of the law, the Attorney General of the Republic and the Ombudsman of Justice is maintained in permanent session.

8th

The bodies responsible, under the terms of Law no. 44/86, of September 30, for the execution of the declaration of the state of emergency must keep the President of the Republic and the Assembly of the Republic permanently informed of the acts in which this execution consists.

9th

All legislative and administrative measures adopted in the context of the present crisis, which depend on the declaration of a state of emergency, are ratified.

10th

This resolution enters into force with the Decree of the President of the Republic, taking effect in the same terms.

Approved on April 2, 2020.

The President of the Assembly of the Republic, Eduardo Ferro Rodrigues .

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