



CLIENT NEWSLETTER

Individuals
7 April 2020

(UPDATE)

COVID-19

INTRODUCTION

In the context of the public health emergency resulting from the spread of the new Coronavirus – COVID-19 – in Portugal and the effect it has had on people's lives and on the day-to-day activity of economic agents, we have prepared this newsletter that summarises several information that may be useful to our clients in this context; in particular it covers:

- (i). General safety measures;
 - (ii). Restrictions on entering and leaving Portuguese territory;
 - (iii). Validity of identification documents;
 - (iv). Pending applications for residence permits;
 - (v). Measures to support persons and businesses; and
 - (vi). Contact with public services.
-

GENERAL SAFETY MEASURES

On 18 March 2020, the President of the Portuguese Republic declared a state of emergency by means of Decree 14-A/2020. The state of emergency was decreed for 15 days but it can be extended for the same period if necessary. On 2 April 2020, the state of emergency was extended for a further 15 days, until 17 April 2020, by Decree of the President of the Republic 17-A/2020.

BY DECLARING A STATE OF EMERGENCY AND ITS EXTENSION THE PRESIDENT OF THE PORTUGUESE REPUBLIC HAS ENABLED THE PORTUGUESE GOVERNMENT TO IMPLEMENT MEASURES TO PREVENT AND CONTAIN THE SPREAD OF COVID-19.

IN THIS REGARD, THE PORTUGUESE GOVERNMENT HAS APPROVED, THROUGH COUNCIL OF MINISTERS DECREE 2-A/2020 OF 20 MARCH 2020, WHICH ENTERED INTO FORCE ON 22 MARCH 2020, SEVERAL EXCEPTIONAL MEASURES TO BE ENFORCED DURING THE STATE OF EMERGENCY.

THESE MEASURES WERE REINFORCED BY COUNCIL OF MINISTERS DECREE NO. 2-B/2020 OF 2 APRIL 2020, WHICH ENTERED INTO FORCE ON 3 APRIL 2020 AND APPROVED THE EXCEPTIONAL MEASURES TO BE IMPLEMENTED DURING THE EXTENSION OF STATE OF EMERGENCY, INCLUDING THE FOLLOWING:

MANDATORY CONFINEMENT

All citizens that test positive for COVID-19, who are infected with SARS-Cov2, and who are under medical surveillance imposed by the health authorities are to remain confined or isolated in a healthcare facility, at home, or elsewhere (to be defined by the health authorities), under penalty of being prosecuted for civil disobedience.

RESTRICTION OF PEOPLE'S MOVEMENT

A restriction of people's movement has been imposed to reduce the risk of infection.

Therefore, persons who are not in mandatory confinement may only leave their homes for specific purposes, such as to buy goods or services, work and seek

employment, as well as travel to assist vulnerable persons, the disabled, children, parents, the elderly or other dependants, travel to accompany children, for example to walk exercise for short periods of time outdoors or to take pets out for walks, or to travel for health reasons or vital family reasons.

People over the age of 70, immunosuppressed people, and people with chronic diseases who, according to the guidelines of the health authority, should be considered to be at risk, such as those with hypertension, diabetes, cardiovascular disease, chronic respiratory disease and cancer patients, are also subject to a special duty of protection. For those included in this group, restriction of movement is greater¹.

Public roads, within the limits mentioned above, may be used by private vehicle or public transport.

Additional limitations on the movement of persons were also decreed for the Easter period, that is, between 00:00 on 9 April and 24:00 on 13 April.

During this period, citizens may only leave their municipality of main residence for health reasons, professional reasons or in cases of extreme urgency. All commercial passenger flights to and from national airports have also been suspended, except for emergency landings, humanitarian flights and flights for repatriation purposes.

Disobeying these limitations during the Easter period constitutes a criminal offence of disobedience (*crime de desobediência*).

Disobeying and defying the legitimate orders of the competent authorities in violation of the exceptional measures implemented by the Government for the state of emergency may constitute a criminal offence of disobedience (*crime de desobediência*) and a criminal offence of resisting and coercing authority (*crime de resistência e coacção sobre funcionário*), and the respective penalties are always increased by one third, within their higher and lower ranges.

¹ However, this group does not include health professionals, other workers in health and social welfare institutions, and civil protection agents and political office-holders, judges and heads of social partner organisations, security forces and services personnel, military and civilian personnel of the armed forces and inspectors of the Authority for Economic and Food Safety (known as “ASAE”, for its Portuguese acronym) who are subject to general limitations. On the other hand, in addition to the cases provided for in the Decree, people who are immunosuppressed and those with chronic diseases mentioned above may also leave their home to go to work, unless they are on medical leave.

TELEWORKING AND INTERRUPTION OF TEACHING ACTIVITIES

- **Teleworking:** The implementation of the teleworking measures is mandatory, regardless of the employment relationship, provided that this is compatible with the functions to be performed.
- **Education:** Since the beginning of March, the activities of public and private schools, as well as other educational establishments, of all levels of education, have been suspended.

RESTRICTIONS ON THE OPERATION OF CERTAIN COMMERCIAL ESTABLISHMENTS

GENERAL RULES

Some establishments shall remain closed, of which the following are worth highlighting: nightclubs, bars, recreational or amusement parks, monuments, museums, art and exhibition galleries, cinemas, theatres, concert halls, sports fields, stadiums or all types of sports halls, casinos, restaurants, terraces, cafeterias, as well as hotel bars and restaurants – except to deliver meals to guests – and spas.

Retail trade and service activities in establishments open to the public **are also suspended**. However, **these activities are not suspended** where they relate to basic needs, essential services and similar, namely:

- Minimarkets, supermarkets, hypermarkets, greengrocers, butchers, fishmongers, auction houses, bakeries or markets (the latter in cases where food is sold);
- Newsstands (to sell newspapers and tobacco);
- Commercial establishments that sell cosmetic, hygiene, pharmaceutical, medical, orthopaedic or optical products;
- Pet shops, namely for the sale of animal feed;
- Establishments that sell parts, components or fuel for motor vehicles and/or provide maintenance and repair services for such equipment;
- Establishments that sell household appliances, computer and communications equipment and/or provide maintenance and repair services for such equipment;
- Establishments that provide banking, financial and insurance services;
- Establishments that provide medical, veterinary and social support services;
- Pharmacies and non-prescription drug stores;
- Petrol stations;
- Tourist establishments, except camping sites;
- Student accommodation establishments;

- xiii. Cleaning, disinfecting, pest control and similar activities; and
- xiv. Home delivery services.

Establishments that carry out retail activities are **also allowed to open**, provided that they only provide (a) home delivery or e-commerce services; or (b) takeaway services.

Retail activities and service activities along the motorway network, within airports and in hospitals are not suspended.

RESTRICTIONS ON THE OPERATION OF CERTAIN COMMERCIAL ESTABLISHMENTS

RESTAURANTS AND SIMILAR ESTABLISHMENTS

Restaurants and similar establishments are closed to the public.

However, cafeterias and canteens can open.

In tourist establishments, food and drink may also be served in the establishment itself, but only to guests.

Restaurants and similar establishments may continue to operate to prepare food for takeaway or home delivery by the establishment itself or through an intermediary.

RESTRICTIONS ON THE OPERATION OF CERTAIN COMMERCIAL ESTABLISHMENTS

E-COMMERCE

E-commerce activities are not suspended, nor are services provided at a distance, without contact with the public, or carried out online.

RESTRICTIONS ON THE OPERATION OF CERTAIN COMMERCIAL ESTABLISHMENTS

AUTHORISATIONS OR SUSPENSIONS IN SPECIAL CASES

The list of closed establishments and suspended activities, as well as the establishments that may continue to operate, may be amended by decision of the Minister of State, Economy and the Digital Transition, who may, if necessary, order the mandatory provision of retail activities or the provision of services relating to basic goods and essential services for the public.

In addition, upon a reasoned request to the municipal civil protection authority, small retail establishments and those providing local services may be granted an extraordinary authorisation to operate.

RESTRICTIONS ON THE OPERATION OF CERTAIN COMMERCIAL ESTABLISHMENTS

SAFETY AND HYGIENE RULES

In establishments open to the public, appropriate rules must be observed to minimise the risks to persons, such as prohibiting the consumption of products inside and ensuring that persons maintain a safety distance of at least two metres from each other and only for as long as strictly necessary to purchase the products.

In addition, a maximum number of one person per 25 m² may be present in an establishment at once.

Finally, when the activity involves a high degree of contact with objects or surfaces, those responsible for the space must ensure that the objects or surfaces are disinfected periodically, except where this cannot be done for serious food safety reasons.

The service must be provided and the products transported in compliance with the hygiene and health rules laid down by the health authorities.

On the other hand, persons subject to a special protection duty will be given priority, such as health professionals, members of the security, protection and rescue forces and services, personnel of the armed forces and social welfare services.

PROVISION OF ESSENTIAL SERVICES

The provision of essential public services and their repair and maintenance is guaranteed, including: services related to water, electricity, natural gas and liquefied petroleum gas pipelines, electronic communications, postal services, wastewater collection and treatment services, solid urban waste management and urban hygiene services and passenger transport services.

In addition, the Portuguese Government may order the provision of other essential public services.

TEMPORARY REQUISITION AND OTHER IMPOSITIONS

The Minister of Health may:

- i. Issue orders to guarantee the supply of goods and services at production centres affected by the shortage of health protection products;
- ii. Temporarily take control of premises and establishments, as well as of goods or services, and order any company to provide services, as appropriate and where this is indispensable to protect public health.

By decision of the health authorities or the civil protection authorities, any goods or services of public or private law entities, which are necessary to protect citizens against the spread of COVID-19, such as health equipment,

respiratory protection masks or ventilators, which are in stock or which will be produced as from the entry into force of this decree, may be requisitioned.

RESTRICTIONS ON ENTERING AND LEAVING PORTUGUESE TERRITORY

In order to contain the spread of the virus, several measures to restrict the movement of people to and from the Portuguese territory have been implemented.

THERE IS NO GENERAL RESTRICTION ON THE ENTRY OF FOREIGN NATIONALS INTO PORTUGAL. NATIONALS OF MEMBER STATES OF THE EUROPEAN UNION AND OF STATES ASSOCIATED WITH THE SCHENGEN AREA, AS WELL AS NATIONALS OF THIRD COUNTRIES, WILL CONTINUE TO BE GENERALLY PERMITTED TO ENTER THE PORTUGUESE TERRITORY, IN ACCORDANCE WITH THE REGULATIONS IN FORCE TO DATE AND SUBJECT TO THE LEGAL RESTRICTIONS LISTED BELOW AND THE PRACTICAL LIMITATIONS ASSOCIATED WITH THEM.

CRUISE SHIP LANDING

Landing and shore leave for passengers and crew of cruise ships is prohibited. This limitation does not apply to Portuguese citizens or holders of residence permits in Portugal. In exceptional cases and with the authorisation of the health authority, the disembarkation of persons who do not fall into these categories is also allowed.

The ban is in force until 9 April and can be extended, if necessary.

DOCUMENT CHECKS AT THE INTERNAL BORDERS AND LIMITATIONS AT THE BORDER WITH SPAIN

Identification control through document checks has been temporarily introduced at the Portuguese borders with Spain and started at 23:00 on 16 March. This control will be in force until 00:00 on 15 April 2020, but may be extended.

The control, which will be carried out by the Portuguese Foreigners and Borders Service (“SEF”) in cooperation with the security forces, must be appropriate and proportionate in order to reduce its impact on the free movement of persons.

In parallel, **a number of restrictions have been laid down on border traffic between Portugal and Spain**, including the suspension of commercial flights between Portugal and Spain, the prohibition of road traffic at land borders regardless of the type of vehicle, except for international freight transport, the transport of cross-border workers and the movement of emergency and rescue vehicles, and the suspension of rail and inland waterway traffic, with some exceptions, and the prohibition of docking for cruises and other pleasure craft and the disembarkation of people.

As mentioned above, however, **movement is still permitted for nationals and holders of residence permits in their respective countries, which includes Golden Visas.**

The movement of diplomatic personnel, armed forces and security forces and services is also permitted:

- i. By way of exception, to reunite spouses and relatives up to the first degree;
- ii. To access health facilities under bilateral healthcare agreements;
- iii. For citizens residing in another country to exercise the right to leave the national territory; and
- iv. For the international transport of goods, the transport of cross-border workers and emergency and rescue vehicles and emergency services.

AIR CONNECTIONS TO AND FROM COUNTRIES OUTSIDE THE EU

By recommendation of the European Commission, the Extraordinary European Council of 17 March 2020 approved the application of a coordinated temporary restriction on non-essential travel to the EU for 30 days.

Following this decision, the Portuguese Government has decided to suspend air services from outside the EU to any national airport from 00:00 on 18 March and for 30 days.

However, exceptions will be made for countries outside the EU that belong to the Schengen Area, for countries with a strong presence in Portuguese communities, such as the United Kingdom, Canada, the United States, Venezuela and South Africa, and **also for Portuguese-speaking countries, including Brazil.**

With regard to Brazil, the routes will be restricted to flights from Rio de Janeiro and São Paulo and to Humberto Delgado airport (Lisbon), and vice versa, with all other connections to the other airports of these two countries being suspended.

The above limitations do not apply to flights intended to allow nationals or holders of residence permits in Portugal (in particular Golden Visas) to return to their respective countries, nor to flights intended to allow foreign nationals in Portugal to return to their respective countries, provided that such flights are authorised by the competent authorities.

Thus, within the framework of these limitations, entry into Portugal by external air borders (from outside the EU) will only be permitted for the following groups of people, among others:

- a) Nationals of an EU Member State, Liechtenstein, Norway, Iceland or Switzerland (countries associated with the Schengen Area) and members of their families in accordance with the law in force;

- b) Passengers on flights from Portuguese-speaking countries, South Africa, Canada, the United States of America, the United Kingdom and Venezuela, provided that reciprocal treatment in those countries is ensured for Portuguese nationals;
- c) Citizens who hold a residence permit in Portuguese territory, including a residence permit for professional services, whether employed or self-employed, for highly qualified professional services, for retired people and for investment (also known as a Golden Visa); and
- d) Citizens travelling for duly substantiated urgent professional reasons.

TAP offers a screening service for people wishing to travel to and from Portugal, in order to assess the possibility of making extraordinary flights on the routes on which it is still possible to operate, namely in Brazil. It is possible to register for these purposes on the following website:

<https://tapdigital.solutions/forms/return/index.php?lang=eng>

Lastly, border control measures are expected to be adopted at the level of the whole EU, with some differences with regard to other Member States.

TRIPS TO THE AUTONOMOUS REGIONS OF MADEIRA AND AZORES AND OTHER REGIONS IN PORTUGAL

With regard to trips to the Autonomous Region of Madeira, a compulsory quarantine has been decreed by the respective regional governments for a period of fourteen days, regardless of the country of origin of the flight, for those arriving in the region through any of its airports.

As to the Autonomous Region of the Azores, air links between all the islands in the region and all air links outside the region, operated by SATA Group, have been suspended, except for cargo flights or cases of force majeure, provided that they are authorised by the regional health authority.

In addition, the regional health authorities in mainland Portugal may also decide that Portuguese or foreign citizens coming from outside Portugal are subject to compulsory quarantine. For example, the Regional Health Authority of the Algarve has already ordered mandatory quarantine for a period of fourteen days for all citizens entering the region from abroad.

VALIDITY OF IDENTITY DOCUMENTS AND EQUIVALENT

A provisional regulation has been implemented allowing the use and presentation of identification documents and other documents required for to exercise of rights that are due to expire during the state of emergency.

THE PUBLIC AUTHORITIES ACCEPT, FOR ALL LEGAL PURPOSES, DOCUMENTS THAT MAY BE RENEWED AND WHICH VALIDITY PERIOD HAS EXPIRED AS FROM 24/02/2020.

ON THE OTHER HAND, THE CITIZEN'S CARD, CERTIFICATIONS AND CERTIFICATES ISSUED BY THE CIVIL REGISTRATION AND IDENTIFICATION SERVICES AND DRIVING LICENCES, AS WELL AS DOCUMENTS AND VISAS CONCERNING STAYS IN THE NATIONAL TERRITORY, WHICH EXPIRE AFTER 24/02/02020, WILL BE ACCEPTED, ON EQUAL TERMS, UNTIL 30 JUNE 2020.

RIGHTS OF FOREIGN NATIONALS WHOSE REQUESTS ARE PENDING

A special regime for the management of cases pending with the Portuguese foreigners and border service (known as SEF under its Portuguese acronym) has been implemented to guarantee the rights of all foreign nationals during the state of emergency.

THIS REGIME, ESTABLISHED BY JOINT ORDER OF THE MINISTER OF STATE AND OF THE PRESIDENCY, THE MINISTER OF INTERNAL ADMINISTRATION; AND THE MINISTER OF WORK, SOLIDARITY AND SOCIAL SECURITY, AND THE MINISTER OF HEALTH (ORDER 3863-B/2020, OF 27 MARCH 2020), PROVIDES RULES ON THE STAY AND RIGHTS OF FOREIGN CITIZENS WHOSE APPLICATIONS WERE PENDING ON THE DATE THE STATE OF EMERGENCY IS DECLARED AND ON THE MANAGEMENT OF THE PUBLIC SERVICE TO BE PROVIDED BY THE SEF:

PENDING CLAIM MANAGEMENT

REGULARISATION OF STAY IN PORTUGAL

Foreign citizens whose procedure with the SEF under Law 23/2007 , particularly applications for the granting and renewal of residence permits, or under Law 27/2008, particularly applications for asylum, was pending by 18 March will be legally entitled to remain in the country.

PENDING CLAIM MANAGEMENT

PROOF OF APPLICATION

The persons referred to in the preceding paragraph can certify their legitimacy to stay in the country with the following documents:

- **For online applications concerning residence permits for professionals, residence permits for independent professional activity or for entrepreneurial immigrants and residence permits for investment (known as Golden Visas) processed online:** SEF's online confirmation that the application has been made;
- **For other pending cases, not processed online,** such as the granting or renewal of residence permits, under either the general or the exceptional regime: a document proving that the person has an appointment with the SEF or confirmation that the application has been made.

These documents are valid for all public services, such as to obtain the Portuguese national healthcare number, to have access to the Portuguese national healthcare system or to other healthcare rights, access to social support benefits, to sign lease

contracts, enter into employment contracts, open bank accounts and to engage essential public services.

**PUBLIC SERVICE
MANAGEMENT - SEF
URGENT APPOINTMENTS**

Similarly to other public services, SEF's in-person service to the public is limited to exceptional and urgent cases.

Therefore, urgent appointments are available in the following situations:

- Citizens who need to travel or who can prove they have an urgent and unavoidable reason to be absent from the national territory for unforeseeable and unavoidable reasons; and
- If the document has been lost or stolen.

For the urgent issue of passports, the SEF will only accept requests in cases of *force majeure* or other proven emergencies .

The Office of Asylum and Refugees remains open to the public for the submission and registration of new applications for international protection. Legal terms in international protection proceedings are interrupted.

**PUBLIC SERVICE
MANAGEMENT - SEF
NON-URGENT
APPOINTMENTS**

The services provided by the Automatic Pre-Appointment System (known as SAPA, for its Portuguese acronym) and other systems used by the SEF are suspended, and all scheduled appointments that were scheduled up to 27 March 2020 will be rescheduled starting on 1 July 2020, in chronological order so as to ensure the equal treatment of foreign citizens.

DONATIONS FROM COMPANIES AND INDIVIDUALS

In the current context of the COVID-19 health crisis, the number of donations to hospitals and other entities involved in providing health care for persons infected with the virus have multiplied.

THESE DONATIONS MAY BENEFIT FROM THE TAX REGIME APPLICABLE TO PATRONAGE (*MECENATO*), AS FOLLOWS:

TAX BENEFIT - CIT COMPANIES

Donations – in cash or in kind – made by resident entities and permanent establishments of non-resident entities subject to Portuguese corporate income tax (“CIT”) to the Portuguese State, the Autonomous Regions and local authorities and any of their services, establishments and bodies, as well as to associations of municipalities and parishes, and also foundations in which the formers hold initial assets:

- are considered tax-deductible expenses, even if they are not made with the objective of obtaining a profit; and
- are increased by 140% when intended exclusively for social welfare purposes.

A similar regime applies to donations made to private non-for-profit charitable organisations (known as “IPSS”, for its Portuguese acronym), public utilities and other similar entities.

TAX BENEFIT - PIT INDIVIDUALS

The donations – in cash or in kind – mentioned above, when made by individuals residing in Portugal, are deductible for Portuguese personal income tax (“PIT”) purposes up to 25% of the value of the donation.

Donations made to IPSS, public utilities and other similar entities will benefit from a similar deduction, but only up to 15% of the tax due.

VAT

As a general rule, donations in kind – namely equipment or services – to companies or other VAT-taxable persons and for which VAT has been deducted entail the settlement of VAT (even if borne exceptionally by the patron).

However, transfers of goods free of charge to (i) the State, (ii) private charitable organisations and (iii) non-governmental non-for-profit organisations for the subsequent making available of goods to persons in need are exempt from VAT.

According to Order 122/2020-XXII of 24 March of the Secretary of State for Tax Matters, for this purpose, those who are receiving health care in the context of the COVID-19 health crisis are considered to be persons in need and victims of a disaster.

This tax exemption shall apply even if the goods remain the property of the bodies that receive them.

This is a full exemption, thus the VAT borne by the patron is deductible under the general terms.

PLATFORM TO COLLABORATE WITH SNS

In order to encourage and organise donations to the Portuguese National Health Service (known as “SNS”, for its Portuguese acronym), the Ministry of Health has set up an area on the website *COVID-19 | ESTAMOS ON* for anyone who wishes to help the SNS combat the health crisis.

To help, you will need to access this area of the website and fill out a form with the identification of the patron, your contact details and the type of support you can provide.

MEASURES IN SUPPORT OF INDIVIDUALS AND BUSINESSES

In addition to the security measures implemented, the Government has taken measures to support companies and workers, including easing compliance with some tax obligations. For further information on tax matters, you can access our TAX NEWSLETTER [here](#).

CONTACT DETAILS FOR PUBLIC SERVICES

COVID-19 | ESTAMOS ON

In order to provide information on prevention and containment measures for the coronavirus to be provided to citizens in one place, the website covid19estamoson.gov.pt/ and an app with the same name have been created.

Both platforms provide a wide range of useful information on public health, legislative and other measures taken by the institutions, forms of contact with the institutions, the exercising of rights and ways of contributing to and supporting the institutions.

LINHA SNS 24

The SNS 24 Service (+ 351 808 24 24 24) is available for symptom screening and queries about COVID-19 and the SNS 24 Channel is also available but just for queries (atendimento@SNS24.gov.pt).

EMERGENCY LINE COVID-19 MNE

In order to provide support to Portuguese citizens abroad who help to return to Portugal, the Ministry of Foreign Affairs ("MNE") created the COVID-19 emergency line. Contact can be made by e-mail (covid19@mne.pt) and telephone (+351 217 929 755), on working days, between 9am and 5pm, and, outside this time, the Consular Emergency Office ("GEC") is open 24 hours a day.

ONLINE ACCESS TO STATE SERVICES

Due to the current situation, public services have suspended in-person services, except in exceptional situations. Namely, the *Lojas de Cidadão* are closed, and face-to-face services are available by appointment only, and some of the services are being provided online.

In order to facilitate contact with public services, online access to various services has been reinforced and can be done through the website <https://eportugal.gov.pt/>.

 **PORTUGUESE
FOREIGNERS AND
BORDERS SERVICE**

As mentioned above, the SEF has restricted its service to the public. However, the SEF's official website is still operational and provides useful information that you can access at <https://www.sef.pt/pt/Pages/homepage.aspx>.

CONTACTS



Filipe Romão
+351 919 618 84 67
filipe.romao@uria.com



Marta Pontes
+351 916 32 26 01
marta.pontes@uria.com



António Castro Caldas
+351 917 71 27 44
antonio.caldas@uria.com



Cláudia Reis Duarte
+ 351 917 71 01 91
claudia.reisduarte@uria.com

A informação contida no presente Boletim é de carácter geral e não constitui assessoria jurídica.

BARCELONA
BILBAO
LISBOA
MADRID
PORTO
VALENCIA
BRUXELLES
LONDON
NEW YORK
BOGOTÁ
CIUDAD DE MÉXICO
LIMA
SANTIAGO DE CHILE
BEIJING