

**Simplifies the scheme of access and exercise of several economic activities  
within the scope of the “Zero Licensing” initiative**

**Decree-Law no. 48/2011 – Official Gazette no. 65/2011, Series I of 1 April 2011**

**Diploma**

*Simplifies the scheme of access and exercise of several economic activities within the scope of the “Zero Licensing” initiative, in the use of the legislative authorization granted by Law no. 49/2010, of 12 November, and by article 147 of the Law no. 55-A/2010, of 31 December*

Decree-Law no. 48/2011, of 1 April

The Programme of the 18<sup>th</sup> Constitutional Government establishes as a priority the continuation of the State’s modernisation reforms, aiming to simplify the life of the citizens and companies. The “zero licensing” initiative aims to comply with this priority, and it is a compromise of the 2010 SIMPLEX Programme and one of the emblematic measures of the “2015 Digital Agenda”.

Throughout four years, the SIMPLEX Programme showed that it is possible to improve the Public Administration’s response capacity, satisfying the citizens’ and companies’ needs in a faster, efficient and less expensive way, without abandoning other values, such as the businesses’ security or consumer protection.

Among many measures which reduced the context costs for the companies, we highlight: i) the streamline of the process to incorporate commercial companies, namely through the “Company on the spot” and “Company online” services; ii) the simplification of the industrial activity exercise scheme (REAI), comprising the information system which allows to know, in advance, the costs and terms for the exercise of an activity, send the request electronically and follow-up the procedure; iii) the concentration of the compliance with the information obligations on a single spot, through the “Simplified Business Information” (IES); or iv) the dematerialization of the industrial property registry. In turn, services such as “Casa Pronta - Ready House”, which, according to the Doing Business 2011 report of the World Bank, allowed Portugal to become the first country where it is faster to register the ownership of a Property, “Nascer Cidadão - Be a Citizen”, “Direct Social Security”, “NetEmprego - Net Job” or “eAgenda”, among others, allowed to provide the exercise of the rights and the compliance of the obligations to the citizens.

Actually, some of the initiatives of the SIMPLEX Programme arose from the citizens’ contributions, through public consultation comments, proposals sent to the suggestion box, ideas from public servants which applied to the Simplex Idea award or opinions registered in assessment studies, together creating a process of co-production of this Programme.

It is in this context that the “Zero Licensing” initiative appears, aimed to reduce the administrative charges for the citizens and companies through the elimination of prior licenses, authorizations, inspections and constraints for specific activities, being replaced by systematic supervision actions *a posteriori* and mechanisms of the promoters’ effective responsibility.

The “Zero Licensing” initiative also aims to dematerialize the administrative procedures and to modernize the form of relationship between the Administration and the citizens and companies, therefore complying with the obligations derived from the Directive no. 2006/123/CE of the European Parliament and Council, of 12 December, regarding the internal market services, which was transposed for the internal legal framework by the Decree-law no. 92/2010, of 26 July.

On the one hand, it contributes for the adaptation of the service provision activities’ legal scheme to the

principles and rules provided for in the directive and, on the other hand, it materializes the principle of the single electronic desk, making it possible to, in a single spot, comply with all the necessary acts and formalities to access and exercise a services activity, including the provision of electronic payment methods. This desk shall be available in three languages and accessible to all competent administrative authorities.

To comply with these objectives, this decree-law creates, firstly, a simplified scheme for the installation and alteration of food or drinks, trade of goods, services provision or storage establishments. Therefore, the administrative permit of these establishments are replaced by a mere prior communication, at a single electronic desk, of the information necessary for the verification of the compliance with the legal requirements. The registered information is shared by all authorities with interest relevant in its knowledge, namely for supervision or registry purposes.

Secondly, the licensing usually connected to that type of economic activities fundamental for its exercise is simplified or eliminated, concentrating the eventual prior communication obligations in a single electronic desk - just like the ones regarding: 1) private use of the municipal public domain for certain purposes (namely the installation of an awning, exhibition booth or another informative support, the placement of a flower vase or a waste recipient); 2) operation hours, its alterations and correspondent map; and 3) fixation and inscription of commercial advertising messages, in certain cases related to the establishment's activities, without prejudice to the rules on the occupation of the public domain.

The private use of the public space is regulated by criteria to be established by the municipalities, which aim to ensure that space's convenient use of the citizens and companies, within the scope of their commercial or service provision activity. The supervision of the private use of these public goods is also reinforced, namely through the power granted to the municipalities to remove, destroy or in any way render inoperable the elements which illicitly occupy the public domain, at the expense of the offender.

Thirdly, this decree-law eliminates the licensing scheme for the exercise of other economic activities for which a prior control scheme is not deemed as necessary, such as the sale of tickets for public shows in commercial establishments and the exercise of the activity of carrying out auctions in public locations.

Finally, in all of the above-mentioned schemes, the responsibility of the economic agents is increased, therefore reinforcing the superior and overloading the sanctions framework. The amounts of the fines are increased and the application of additional sanctions, which may consist on the interdiction to exercise the activity or the closing of the establishment for a maximum period of two years, is envisaged.

The following entities were heard: the Portuguese Hotel Business, Catering and Similar Association (AHRESP), the Portuguese Real Estate Mediation Professional and Companies Association (APEMIP), the Portuguese Industrial Association - Commerce and Industry Chamber (AIP-CCI), the National Association of Portuguese Municipalities (ANMP), the Portuguese Banks Association (APB), the Portuguese Casinos Association, the Portuguese Hotel Business, Catering and Tourism Association (APHORT), the Portuguese-Chinese Commerce and Industry Chamber, the Portuguese-Spanish Commerce and Industry Chamber, the Portuguese-Mexican Commerce and Industry Chamber, the Portuguese-Angolan Commerce and Industry Chamber, the City Council of Lisbon, the City Council of Porto, the National Data Protection Committee (CNPd), the Portuguese Tourism Confederation (CTP), the Portuguese Business Confederation (CIP), the Portuguese Building and Real Estate Confederation (CPCI), COTEC Portugal - Business Association for Innovation, DECO - Portuguese Association for the Consumer's Defence and the General Workers Union (UGT).

The hearing of the following entities was promoted: the Association of Micro, Small and Medium-Sized Companies (PME Portugal), the Portuguese Business Association, the Commerce and Industry Chamber (AEP), the National Parishes Association (ANAFRE), the National Association of Young Entrepreneurs (ANJE), the

Portuguese Association of Distribution Companies (APED), the Portuguese Association of Female Entrepreneurs (APME), the Portuguese Association of Insurance Companies (APS), the American Commerce Chamber, the Arabic-Portuguese Commerce and Industry Chamber, the Portuguese-German Commerce and Industry Chamber, the Portuguese-Brazilian Commerce and Industry Chamber, the Portuguese-British Commerce and Industry Chamber, the Portuguese-French Commerce and Industry Chamber, the Portuguese-Japanese Commerce and Industry Chamber, the Portuguese-Moroccan Commerce and Industry Chamber, the Portuguese-Dutch Commerce and Industry Chamber, the Italian Commerce Chamber in Portugal, the Portuguese-Swedish Commerce Chamber, the Portuguese-Mozambican Commerce Chamber, the Commerce, Industry and Tourism Chamber of Cape Verde, the Portuguese Commerce and Services Confederation (CCP), the Portuguese Farmers Confederation (CAP) and the Portuguese Unions Confederation CGTP-IN (General Confederation of Portuguese Workers - National Trades Union (CGTP-IN)).

Therefore:

Using the legislative authorizations granted by Law no. 49/2010, of 12 November, and by article 147 of Law no. 55-A/2010, of 31 December and pursuant to paragraph b) of no. 1 of article 198 of the Constitution, the Government decrees the following:

## **Chapter I**

### *Initial provisions*

#### **Article 1**

##### *Object*

- 1- This decree-law simplifies the scheme for the occupation of the public space, display and registry of commercial advertising messages, within the scope of the “Zero licensing” initiative, aiming to reduce the administrative charges on the citizens and companies.
- 2- For the purpose of the previous number, the following measures are adopted:
  - a) [Revoked];
  - b) The scheme for the occupation of the public space was simplified, replacing the licensing with a mere prior communication for certain purposes usually connected to catering and drinks, trade of goods, services provision or storage establishments;
  - c) The scheme for the display and registry of commercial advertising messages is simplified, namely through the elimination of the licensing for the display and registry of commercial advertising messages in certain situations;
  - d) The licensing of the activity of companies which sell tickets for public shows is eliminated;
  - e) The licensing of the exercise of the activity of auctions is eliminated, without prejudice to the special legislation which regulates certain auctions;
  - f) [Revoked];
  - g) [Revoked];
- 3- This decree-law also aims to adjust the scheme for the access and exercise of economic activities to the Decree-Law no. 92/2010, of 26 June, which transposed the Directive no. 2006/123/EC, of the European Parliament and Council, of 12 December, regarding the services in the internal market, which establishes the necessary principles and rules to simplify the free access and exercise of services activities.

#### **Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015.

## **Article 2**

### *Scope*

- 1- [Revoked];
- 2- [Revoked];
- 3- [Revoked];
- 4- [Revoked];
- 5- The simplified scheme for the occupation of the public space and the special procedures for the performance of urbanistic operations, established in this decree-law, are applicable to the establishments where any economic activity is carried out.
- 6- [Revoked];
- 7- [Revoked];
- 8- [Revoked];

### **Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015.

## **Article 3**

### *Entrepreneur's Desk*

- 1- A single electronic desk, called “Entrepreneur’s Desk” is created, which may be accessed through the Company’s Portal, under the terms to be established by an administrative decree of the Government members responsible for the administrative modernisation, local autarchies and economy areas.
- 2- The “Entrepreneur’s Desk” is also accessible in the Company’s Bureaus and in the municipalities which wish to provide it, as well as in other public or private desks, under the terms to be established by a protocol with the Agência para a Modernização Administrativa, I.P. [Agency for Administrative Modernisation] (AMA, I.P.).

## **Chapter II**

### *Installation, alteration and closing of establishments*

### **Section I**

#### *Applicable schemes*

## **Article 4**

### *General scheme*

- 1- The installation of an establishment covered by no. 1 and 2 of article 2 is subject to the scheme of a mere prior communication sent to the president of the correspondent city council and to the director-general of the Economic Activities, which must be mandatorily carried out by the exploitation’s holder or by his/her representative at the “Entrepreneur’s Desk”.
- 2- The mere prior communication consists of a statement which allows the stakeholder to immediately proceed to the opening of the establishment, to the exploitation of the warehouse or to the beginning of the activity, according to the case, after the payment of the due rates.
- 3- Without prejudice to other elements, identified in an administrative decree of the Government members responsible for the administrative modernisation, local autarchies and economy areas, the mere prior communication mentioned in the previous numbers contain the following data:
  - a) The identification of the establishment exploitation’s holder, mentioning the name or corporate name and

the tax identification number;

- b) The address of the legal person's registered office or of the individual entrepreneur;
- c) The address of the establishment or warehouse and the correspondent name or emblem;
- d) The CAE of the activities carried out in the establishment, as well as other relevant information for the characterization of such activities, namely the sales and storage area of the establishment or warehouse, the existing complementary sections, the number of individuals which are part of the staff, the type of location and the sales method;
- e) The establishment's date of opening to the public or the warehouse's date of beginning of exploitation;
- f) The statement of the establishment exploitation's holder declaring he/she was aware of the obligations derived from the legislation identified in annex III of this decree-law, which is an integral part thereof, and that these are fully complied with.

4- The establishment exploitation's holder is bound to keep the communicated data up-to-date and he/she must proceed to its update within 60 days after the occurrence of any alteration, without prejudice to the following number.

5- The holder is also subject to the scheme of mere prior communication at the "Entrepreneur's Desk" regarding the alteration of an establishment, covered by no. 1 and 2 of article 2, derived from the alteration of a field of activity of catering and drinks, trade of goods or services provision and the provisions in no. 2 and 3 are applied, with the due adaptations.

6- The closing of the establishment covered by no. 1 and 2 of article 2 must be communicated at the "Entrepreneur's Desk" within 60 days after its occurrence.

7- For the purposes mentioned in this decree-law, the following words are understood as:

- a) "Installation", the action carried out aiming to open an establishment, with the objective of exercise a catering or drinks, trade of goods or services provision activities, or to operate as a warehouse;
- b) "Alteration", the alteration of a field of activity of catering and drinks, trade of goods or services provision activities, the extension or reduction of a sales or storage area, the name or emblem alteration or the alteration of the exploitation's holder;
- c) "Closing", the termination of the exercise of a catering or drinks, trade of goods or services provision activity at an establishment or the closing of a warehouse.

#### **Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

### **Article 5**

#### *Waiver of requirements*

1- The installation or alteration of an establishment covered by no. 1 to 3 of article 2 is subject to the scheme of mere prior communication with a deadline, to be carried out by the stakeholders at the "Entrepreneur's Desk", when it depends of the prior waiver of legal or regulatory requirements applicable to the installations, equipment and operation of the economic activities to be carried out in the establishment.

2- The mere prior communication consists of a statement which allows the stakeholder to immediately proceed to the opening of the establishment, to the exploitation of the warehouse or to the beginning of the activity, according to the case, when the administrative authority issues a deferral order or when it does not issue an opinion within 20 days, after the payment of the due rates.

3- The assessment of the communication provided for in the previous numbers is carried out by the territorially competent city council's president in the establishment's location area, and it may be delegated:

- a) To the councillors, holding sub delegation powers; or

b) To the municipal services' directors.

4- The city council's president may consult other entities, namely the General-Directorate of the Economic Activities (DGAE) and this consultation does not suspend the deadline for the prior communication.

5- The waiver may be deferred provided that it does not regard imperative legal or regulatory conditions on the safety against fire, public health or operations of waste management, nor imperative hygiene requirements of the food products expressly provided for in Regulations (EC) no. 852/2004 and 853/2004, of the European Parliament and Council, of 29 April.

6- The following are grounds for the deferral of the requirements' waiver:

a) The contribute for the requalification or revitalization of the surroundings of the building or autonomous fraction in which the establishment is installed;

b) The contribute for the conservation of the building or autonomous fraction in which the establishment is installed;

c) Have an ongoing or almost initiated procedure leading to the preparation, review, rectification, alteration or suspension of a territorial management instrument which is not impeditive for the establishment's operation, for a certain period;

d) The strict observance of the requirements for the installations and equipment which significantly affect the profitability, or the architectonic or structural characteristics of the buildings classified as holding national, public or municipal interest or which hold historical, architectonic, artistic or cultural value;

e) The fact that the establishment integrates a commercial group which already complies with these requirements, which benefits the establishment.

7- The decisions of the city council's president, issued pursuant to this article, must be disclosed at the "Entrepreneur's Desk".

#### **Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

### **Article 6**

#### *Scheme of the provision of catering and drinks services with a non-sedentary nature*

1- To the prior communication with a deadline is subject the non-sedentary provision of catering and drinks services to be carried out, namely:

a) In mobile or removable units in fairs or public spaces authorized for the exercise of street trading;

b) In mobile or removable units in public or private spaces of public access;

c) In fixed premises in which, at least, 10 events are carried out annually.

2- The prior communication with a deadline consists of a statement which allows the stakeholder to proceed to the provision of non-sedentary catering or drinks services, when the territorially competent city council's president issues a deferral order or when no opinion is issued within 20 days or, in the case of paragraph b) of the previous number, five days from the payment of the due rates.

3- The communication provided for in the previous number is carried out at the "Entrepreneur's Desk" and its assessment is carried out by the territorially competent city council's president in the activity's location area, which may be delegated:

a) To the councillors, holding sub delegation powers; or

b) To the municipal services' directors.



**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Section II**

*Relevant schemes*

**Subsection I**

*Urbanistic Operations*

**Article 7**

*General scheme*

1- Without prejudice to the provisions in this subsection, whenever the installation or alteration of an establishment covered by no. 1 and 2 of article 2 involves the execution of works subject to prior control, before carrying out the mere prior communication provided for in no. 1 and 2 of article 4 or the prior communication with a deadline provided for in no. 1 and 2 of article 5, the stakeholder must comply with the legal scheme of urbanization and edification (RJUE), approved by the Decree-Law no. 555/99, of 16 December, amended by the Decree-Law no. 26/2010, of 30 March and by Law no. 28/2010, of 2 September.

2- In the case of a catering or drinks establishment which has spaces or rooms aimed for dancing or where dancing activities are usually carried out or which has a provisional entertainment room, the stakeholder must also comply with the scheme provided for in the Decree-Law no. 309/2002, of 16 December, amended by the Decree-Law no. 268/2009, of 29 September, before carrying out the mere prior communication provided for in no. 1 and 2 of article 4.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 8**

*Scheme of the urbanistic operations subject to prior communication*

3- Without prejudice to the provisions in the following number, when the stakeholder of an establishment's installation needs to carry out urbanistic operations subject to prior communication, pursuant to no. 4 of article 4 of RJUE, he/she may send the request and the necessary documents for this purpose through the "Entrepreneur's Desk", pursuant to the terms established by an administrative decree of the Government members responsible for the administrative modernisation, local autarchies, economy, environment and land use planning areas.

4- The mere prior communication scheme is applied to the urbanistic operations mentioned in the previous number in the situations identified in an administrative decree of the Government members responsible for the administrative modernisation, local autarchies, economy, environment and land use planning areas.

5- The mere prior communication mentioned in the previous number consists of a statement which allows the stakeholder to immediately proceed to the execution of the urbanistic operation, after the payment of the due rates.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

## Article 9

### *Scheme of the use of a building or autonomous fraction aimed for the installation of an establishment*

- 1- The use of a building or its fractions for the purposes of the installation of an establishment and the correspondent usage alterations may be requested to the municipality at the “Entrepreneur’s Desk”.
- 2- The provisions on the previous numbers do not prejudice the possibility of the municipalities identify geographic areas where it is possible to alter the use of a building or its fractions through a mere prior communication at the “Entrepreneur’s Desk”.
- 3- The mere prior communication mentioned in the previous number consists of a statement which allows the stakeholder to immediately proceed to the use of a building or autonomous fraction, after the payment of the due rates.

#### **Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

## Subsection II

### *Occupation of the public space*

## Article 10

### *Admissible purposes*

- 1- The stakeholder of the exploitation of an establishment must use the “Entrepreneur’s Desk” to declare that he/she wishes to occupy the public space, understood as the free access and collective use area connected to the public domain of local autarchies, for one or some of the following purposes:
  - a) Installation of an awning and the correspondent pelmet;
  - b) Installation of an open esplanade;
  - c) Installation of a platform and wind guard;
  - d) Installation of a showcase and exhibition booth;
  - e) Installation of a promotional support, in the cases in which the licensing of the display or registry of commercial advertising messages is waived;
  - f) Installation of ice-cream chests and machines;
  - g) Installation of mechanical toys and similar equipment;
  - h) Installation of a flower box;
  - i) Installation of a container for waste.
- 2- The stakeholder of an establishment’s exploitation must also use the “Entrepreneur’s Desk” to communicate the termination of the occupation of the public space for the previously declared purposes.
- 3- If the termination of the occupation of the public space derives from the closing of the establishment, the communication referred to in the previous number is waived and only the one mentioned in no. 6 of article 4 is necessary.
- 4- The occupation of the public space for purposes different from the ones in no. 1 follow the general scheme for the occupation of the public domain of the local autarchies.
- 5- To ensure a greater legal certainty in the occupation of the public space, the types of urban furniture more often installed, projected or supported in the public space are defined in annex II of this decree-law, which is an integral part thereof.



## Article 11

### *Criteria for the occupation of the public space*

- 1- For the purposes mentioned in the previous articles, the municipalities are responsible for the establishment of the criteria which the occupation of the public space must comply with to safeguard the urban safety, environment and balance.
- 2- The criteria mentioned in the previous number must aim to ensure that the occupation of the public space complies with the following rules:
  - a) Not obstruct the panoramic views or affect the aesthetics or the environment of the locations or landscape;
  - b) Not prejudice the beauty or the surroundings of national monuments, public interest buildings or others which may be classified by public entities;
  - c) Not prejudice third-parties;
  - d) Not affect the safety of people and goods, namely in the road and rail circulation;
  - e) Not present shapes, formats or colours which may be confused with traffic signs;
  - f) Not prejudice the circulation of pedestrians, namely pedestrians with a disability.
- 3- The provisions in this article do not prevent the municipality from prohibiting the occupation of the public space, for one or some of the purposes provided for in the previous article, in the entire area of the municipality or in a part therein.
- 4- If the municipality does not establish the criteria with which the occupation of the public space must comply nor prohibits it pursuant to the previous number, the criteria mentioned in annex IV of this decree-law, which is an integral part thereof, are alternatively applied.
- 5- Whenever there is a relevant interest, additional criteria may be established by other entities with jurisdiction on the public space area to be occupied, namely:
  - a) Instituto de Gestão do Património Arquitectónico e Arqueológico, I. P. [Institute of Architectonic and Archaeological Heritage Management];
  - b) Estradas de Portugal, S. A. [Portuguese Roads];
  - c) Instituto da Mobilidade e dos Transportes Terrestres, I. P. [Mobility and Land Transports Institute];
  - d) Turismo de Portugal, I. P. [Portuguese Tourism];
  - e) Instituto da Conservação da Natureza e da Biodiversidade, I. P. [Institute of Nature and Biodiversity Conservation];
  - f) The National Road Safety Authority.
- 6- The additional criteria which may be established, pursuant to the previous number, must be immediately communicated to the General-Directorate of Local Autarchies, as well as to the municipalities, for the purposes of its incorporation in the correspondent municipal regulations.
- 7- The criteria prepared pursuant to the previous numbers only take effect after available for consultation at the “Entrepreneur’s Desk”.

## Article 12

### *Applicable schemes to the occupation of the public space*

- 1- Without prejudice to the criteria established by the municipality pursuant to the previous article, the mere prior communication scheme of the statement mentioned in no. 1 of article 10 is applied if the characteristics and location of the urban furniture respect the following limits:
  - a) In the case of awnings and correspondent pelmets, flower boxes, showcases, exhibition booths, ice-cream

chests and machines, mechanical toys and waste containers, when their installation is carried out near the establishment's façade;

b) In the case of open esplanades, when their installation is carried out in an adjacent area to the establishment's façade and the cross occupation of the esplanade does not surpass the width of the correspondent establishment's façade;

c) In the case of wind guards, when their installation is carried out near the esplanades, perpendicular to the marginal plan of the façade and its advance does not surpass the esplanade;

d) In the case of platforms, when their installation is carried out as a support to an esplanade and does not surpass its size;

e) In the case of promotion supports:

i) When their installation is carried out in an adjacent area to the establishment's façade and does not surpass its width; or

ii) When the advertising message is displayed or registered in the façade or in urban furniture mentioned on the previous paragraphs.

2- The mere prior communication mentioned in the previous number consists of a statement which allows the stakeholder to immediately proceed to the occupation of the public space, after the payment of the due rates.

3- Without prejudice to other elements, identified in an administrative decree of the Government members responsible for the administrative modernisation, local autarchies and economy areas, the mere prior communication mentioned in the previous numbers contains:

a) The identification of the establishment exploitation's holder, mentioning the name or corporate name and the tax identification number;

b) The address of the legal person's registered office or of the individual entrepreneur;

c) The address of the establishment or warehouse and the correspondent name or emblem;

d) [Previous paragraph b)];

e) [Previous paragraph c)];

f) Previous paragraph d)].

4- Without prejudice to the compliance with the criteria established in the previous number, in the cases in which the characteristics and location of the urban furniture do not comply with the limits in no. 1, the occupation of the public space is subject to authorization, pursuant to the following numbers.

5- Without prejudice to other elements identified in the administrative decree of the Government members responsible for the administrative modernisation, local autarchies and economy areas, the authorization request mentioned in the previous number must be submitted at the "Entrepreneur's Desk", with the indication of the elements on paragraphs a) and e) of no. 3, be accompanied by the payment of the due taxes, identify the equipment which does not comply with the limits in no. 1 and contain the correspondent grounds.

6- [Revoked].

7- The establishment exploitation's holder is bound to keep the communicated data up-to-date, at the "Entrepreneur's Desk", and he/she must proceed to its update within 60 days after the occurrence of any alteration.

8- Without prejudice to the compliance with the criteria established pursuant to the previous article, the mere prior communication or the deferral of the prior communication with a deadline, carried out pursuant to article 10, waives the practice of any other permissive acts regarding the occupation of the public space, namely the need to carry out the licensing or to enter a concession contract.

9- The provisions in the previous number do not prevent the municipality from ordering the removal of the urban furniture which occupies the public space when, for duly grounded public interest reasons, it is deemed as necessary.

**Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 13**

*Hydric, rail and road public domain*

The provisions in this subsection do not prejudice the legal scheme applicable to the hydric public domain, namely the hydric public domain belonging to the municipalities and parishes established in Law no. 54/2005, of 15 November, and 58/2005, of 29 December, as well as the legal scheme applicable to the rail public domain established by the Decree-Law no. 276/2003, 4 November, and the legal scheme applicable to the road public domain, present in the Decree-Law no. 13/71, of 23 January, and 13/94, of 15 January.

**Subsection III**

*Commercial registry*

**Article 14**

*Scheme for the registry in the commercial registry*

1- The establishment exploitation's holders mentioned in paragraph a) of no. 3 of article 2 and the economic agents mentioned in paragraph b) of the same article are bound to proceed to the electronic communication of the data necessary for the registry, in the commercial registry, of the following facts:

- a) Installation of the commercial establishment;
- b) Alteration of the commercial establishment;
- c) Closing of the commercial establishment.

2- The communication mentioned in the previous number must be carried out by the establishment exploitation's holder within 60 days after the occurrence of the fact subject to the registry.

3- The compliance with the obligation in no. 1 is carried out at the "Entrepreneur's Desk" mentioned in article 3 and, for this purpose, the data mentioned in paragraphs a) and e) of no. 3 of article 4 must be submitted, together with the indication of the fact to be registered.

4- The registry in the commercial registry does not waive the compliance with the legal and regulatory obligations applicable to the establishment and present in annex III of this decree-law, which is an integral part thereof.

5- The compliance with the obligation provided for in article 4 by the establishment exploitation's holders mentioned in no. 1 and 2 of article 2 waive the provision of more information for the purpose of commercial registry.

6- The obligation mentioned in the previous numbers may be waived if the information necessary for the registry of the facts mentioned in no. 1 may be obtained in any other way, under terms to be established by an administrative decree of the Government members responsible for the administrative modernisation and economy areas.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

#### **Subsection IV**

##### *Procedures, titles and other requests, communications, notifications and registries*

#### **Article 15**

##### *Procedure of the authorization request*

1- The competent city council assesses the authorization request mentioned in no. 4 and 5 of article 12, within 20 days from the reception of the request and its compliance with the legal and regulatory provisions in force, communicating to the requestor, through the “Entrepreneur’s Desk”:

- a) The deferral order;
- b) The non-deferral order, which contains the identification of the nonconformities of the request with the legal and regulatory provisions applicable and which compliance with is not waived.

2- The authorization request is tacitly deferred if the city council does not issue an opinion within the term on the previous number.

##### **Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

#### **Article 16**

##### *Titles*

The electronic proof document of the submission, at the “Entrepreneur’s Desk” of the mere prior communications, together with the proof document of the payment of the eventually due amounts, of the authorization requests and of other communications provided for in this decree-law are, for all due purposes, the single admissible evidence of the compliance with these obligations, without prejudice to the situations of unavailability of the electronical process of the procedure at the “Entrepreneur’s Desk” or its inaccessibility.

##### **Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

#### **Article 17**

##### *Other requests, communications, notifications and registries*

The establishment exploitation’s holders covered by no. 1 to 3 of article 2 also carry out, at the “Entrepreneur’s Desk”, other similar acts and formalities for the exercise of the activity, pursuant to the terms established in the administrative decree by the Government members responsible for the administrative modernisation, local autarchies and economy areas and for the area in which the obligation at stake is integrated.

##### **Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

#### **Section III**

##### *Rates*

#### **Article 18**

##### *Disclosure of the rates in the “Entrepreneur’s Desk”*

1- The rates due for the procedure or the formula for its calculation are established by each municipality and disclosed by them at the “Entrepreneur’s Desk”.

2- Regarding the use of the public space, the rates mentioned in the previous number may be due for the use for a certain period.

3- The lack of introduction, by a municipality, of the information mentioned in the previous number determines that no rate is due.

4- The liquidation of the rates' value is automatically carried out at the "Entrepreneur's Desk", except in the cases in which the elements necessary for the payment through electronic means may be provided by the municipality at that desk, within five days after the communication or the request:

- a) Rates due for the procedures regarding urbanistic operations;
- b) Rates due for the occupation of the public space, which determination does not automatically result from the "Entrepreneur's Desk".

## **Article 19**

### *Payment of the rates*

The rates due within the scheme provided for in this chapter must be paid electronically before the beneficiaries, namely the municipalities.

## **Section IV**

### *Verification of the information and data protection*

## **Article 20**

### *Verification of the information*

1 - The information regarding the CAE and the legal persons' data is confirmed through the connection to the Information System of the Portuguese Economic Activities Classification (SICAE) and to the databases of Instituto dos Registos e do Notariado, I. P. [Registries and Notaries Institute] (IRN, I. P.), pursuant to the terms to be established by a protocol between IRN, I. P., the Instituto das Tecnologias de Informação na Justiça, I. P. [Justice Information Technologies Institute] (ITIJ, I. P.), AMA, I. P. and DGAE.

2 - The information regarding the CAE and the natural persons' data is confirmed through the connection to the database of the General-Directorate of Taxes (DGCI) pursuant to the law in force, established by a protocol between DGCI, the General-Directorate of Informatics and Support to the Tax and Customs Services (DGITA), AMA, I. P and DGAE.

3 - Before the entering of the protocols mentioned in the previous numbers, their content must be communicated to the National Data Protection Committee (CNPD).

## **Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

## **Article 21**

### *Competent body for the organisation and maintenance of the commerce and services sectoral registries*

1- DGAE organizes and updates the information regarding the catering or drinks, trade of goods, services provision and storage establishments, as well as those regarding the wholesale activities and distributors.

2-The information mentioned in the previous number aims to:

- a) Identify and characterize the universe of catering or drinks establishments, aiming to create an information base which allows the execution of studies on the sector and the monetarisation of its evolution;
- b) Identify and characterize the commercial offer, in the commercial establishment and through other sale methods, aiming to create an information base which allows the execution of studies on the commercial sector and the monetarisation of its evolution;

- c) Ease the control of the activities carried out in wholesale and retail non-food products and provision of services establishments which may involve risks for the people's health and safety;
  - d) Serve as a base for the official control in food safety matters in the catering, drinks or trade sectors, pursuant to article 6 of Regulation (EC) no. 852/2004, of the European Parliament and Council, of 29 April.
- 3-Without prejudice to the periodical disclosure of statistical information by DGAE and to the protection of personal data pursuant to the correspondent legal scheme, the information on the trade and services sectorial registries is public and its reuse must be promoted.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 22**

*Personal data*

- 1- Pursuant to the previous article, DGAE, and the other entities responsible for the processing of information on the communications provided for in this chapter, are responsible for the protection of the personal data therein pursuant to Law no. 67/98, of 26 October.
- 2- Without prejudice to the previous number, the personal data on the communications carried out pursuant to this decree-law shall be provided to the following entities:
  - a) Municipality where the establishment or warehouse is located;
  - b) Entities with powers to supervise or verify the compliance with the legal and regulatory obligations;
  - c) DGAE;
  - d) IRN, I. P.;
  - e) AMA, I. P.
- 3 - The holder of the information on the prior communication is entitled to, at all time, verify his/her personal data and request its correction when these are incomplete or inexact.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 23**

*Safety of the information*

DGAE and the other entities responsible for the processing of the data mentioned in this chapter adopt the proper technical and organisational measures to protect them against accidental or illicit destruction, accidental loss, alteration, diffusion or unauthorized access, pursuant to the personal data protection law.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 24**

*Data retention*

- 1-The data on the communications regulated in this decree-law are retained for the period in which the activity is ongoing, without prejudice to the provision in the following number.
- 2-After the termination of the activity, the data are retained for the term provided for in the archive regulations of the correspondent competent entities.

**Amendments**



Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

## **Section V**

### *Supervision e sanctions framework*

#### **Article 25**

##### *Supervision*

The supervision of the compliance with the rules established in this chapter falls on the responsibility of the municipalities, without prejudice to the competences of other entities, pursuant to the law.

##### **Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

#### **Article 26**

##### *Illicit occupation of the public space*

- 1- The municipalities may, upon notifying the offender, remove or in any way render inoperable the elements which occupy the public space in breach of the provisions on this chapter.
- 2- The municipalities, upon notifying the offender, also hold the power to arrest or demolish the works when they go against the provisions on this chapter.

#### **Article 27**

##### *Removal costs*

The charges with the removal of elements which occupy the public space, even if carried out by public services, shall be borne by the entity responsible for the illicit occupation.

#### **Article 28**

##### *Sanctions framework*

- 1- Without prejudice to the penalty for the crime of misrepresentation and the provisions in other legal provisions, as an infraction are deemed:
  - a) The issue of a statement certifying the compliance with the legal and regulatory obligations, pursuant to paragraph f) of no. 3 of article 12, which does not correspond to the truth, punishable with a fine from 1000.00€ to 7000.00€, in the case of natural persons, or 3000.00€ and 25000.00€, in the case of a legal person;
  - b) The non-compliance with the prior communications provided for in no. 1 of article 10, punishable with a fine from 700.00€ to 5000.00€, in the case of natural persons, or 2000.00€ and 15000.00€, in the case of a legal person;
  - c) The lack of an electronic notification, within 10 days, of an essential element of the mere prior communications provided for in no. 1 of article 10, punishable with a fine from 400.00€ to 2000.00€, in the case of natural persons, or 1000.00€ and 5000.00€, in the case of a legal person;
  - d) The non-update of the data provided for in no. 7 of article 12, punishable with a fine from 300.00€ to 1500.00€, in the case of natural persons, or 800.00€ and 4000.00€, in the case of a legal person;
  - e) The late compliance with the provisions in no. 7 of article 12, punishable with a fine from 100.00€ to 500.00€, in the case of natural persons, or 400.00€ and 2000.00€, in the case of a legal person;
  - f) [Revoked].

- 2- Negligence is always punishable under the general terms.
- 3- [Revoked].
- 4 – The starting of the processes shall under the responsibility of the municipalities and the president of the city council is responsible for the application of the fine.

**Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 29**

*Product of the fines*

- 1- [Revoked].
- 2- The product of the fines collected in the infraction processes fully reverts to the correspondent municipalities.

**Amendments**

Amended by Article 7 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 30**

*Additional sanctions*

- 1- According to the severity of the infraction and the agent's fault, simultaneously with the fine, additional sanctions may be applied, namely the closing of the establishment and the prohibition to exercise the activity, with the following application prerequisites:
  - a) The prohibition to exercise the activity may only be decreed if the agent practises the infraction with flagrant or severe abuse of the function exercised or as a severe and manifest breach of the inherent duties;
  - b) The closing of an establishment may only be established when the infraction was practiced due to the establishment's operation.
- 2- The duration of the prohibition to exercise the activity and the closing of the establishment cannot exceed the period of two years.

**Chapter III**

*Legislative amendments*

**Article 31**

*Amendment to the Law no.97/88, of 17 August*

The articles 1, 2 and 4 of Law no. 97/88, of 17 August, amended by Law no. 23/2000, of 23 August, are amended as follows:

"Article 1

[...]

- 1 - The display or registry of commercial advertising messages obey the general rules on advertising and depends on the prior licensing of the competent authorities, except the provisions in no. 3.
- 2-...
- 3- Without prejudice to the rules on the use of the public space and the legal scheme for the nature and biodiversity conservation, the display and registry of commercial advertising messages is not subject to licensing, authorization, authentication, validation, certification, acts issued after prior communications with a deadline, registry or any other permissive act, nor the mere prior communication in the following cases:

- a) When the commercial advertising messages are displayed or registered in goods held or legitimately owned by private entities and not visible or hearable from the public space;
  - b) When the commercial advertising messages are displayed or registered in goods held or legitimately owned by private entities and the message displays the distinctive signals of the establishment or correspondent exploitation's holder or is related to the goods or services traded in the building where it is located, even if visible or hearable from the public space;
  - c) When the commercial advertising messages occupy the public space adjacent to the establishment's façade and display the distinctive signals of the establishment or correspondent exploitation's holder or is related to the goods or services traded in the establishment.
- 4- In the case of properties, the display or registry of advertising messages in the property itself is deemed as covered by the provisions in paragraph *b)* of the previous number.
- 5- The municipalities are responsible, for the safeguard of the urban and environmental balance, for the establishment of criteria which must be complied with on the display and registry of advertising messages not subject to licensing pursuant to paragraph *b)* and *c)* of no. 3.
- 6- If the municipality does not establish the criteria pursuant to the previous number, the criteria mentioned in annex IV of this decree-law, which is an integral part thereof, are alternatively applied.
- 7- The criteria established pursuant to no. 5 only take effect after its disclosure at the "Entrepreneur's Desk", accessible through the Company's Portal, without prejudice to its publication in the websites of the correspondent municipalities.

## Article 2

[...]

1- ...

2- The deliberation of the city council must be preceded by an opinion of the entities with jurisdiction of the locations where the advertising is displayed, namely:

- a) Instituto de Gestão do Património Arquitectónico e Arqueológico, I. P. [Institute of Architectonic and Archaeological Heritage Management];
- b) Estradas de Portugal, S. A. [Portuguese Roads];
- c) Instituto da Mobilidade e dos Transportes Terrestres, I. P. [Mobility and Land Transports Institute];
- d) Turismo de Portugal, I. P. [Portuguese Tourism];
- e) Instituto da Conservação da Natureza e da Biodiversidade, I. P. [Institute of Nature and Biodiversity Conservation];
- f) The National Road Safety Authority.

3- ...

## Article 4

[...]

1- The criteria to be established in the licensing of commercial advertising and in the display and registry of advertising messages not subject to licensing pursuant to paragraphs *b)* and *c)* of no. 3 of article 1, as well as the exercise of the promotion activities, must pursue the following objectives:

- a) ...
- b) ...
- c)...
- d) ...
- e) ...

f) ...

2- ...

3- In any case, the execution of wall inscriptions or paintings in national monuments, religious buildings, registered offices of sovereign bodies, autonomous regions or local autarchies, as well as traffic signals, road signals, inside of any offices or public buildings and historical centres, just as declared pursuant to the competent urbanistic regulation, is prohibited.

4- The display and registry of advertising messages in any good without the consent of the owners, holders or proprietaries is prohibited.”

## **Article 32**

*Addition to the Law no. 97/88, of 17 August*

The articles 3-A and 10-A of Law no. 97/88, of 17 August, amended by Law no. 23/2000, of 23 August, are amended as follows:

“Article 3-A

Criteria prepared by other bodies

Whenever there is public interest, the entities with jurisdiction on the locations where the advertising is displayed or registered may establish criteria, which are communicated to the General-Directorate of Local Autarchies and to the municipalities, in order to be incorporated in the correspondent regulations.

Article 10-A

Additional sanctions

1- According to the severity of the infraction and the agent’s fault, simultaneously with the fine, additional sanctions may be applied, namely the closing of the establishment and the prohibition to exercise the activity, with the following application prerequisites:

a) The prohibition to exercise the activity may only be decreed if the agent practises the infraction with flagrant or severe abuse of the function exercised or as a severe and manifest breach of the inherent duties;

b) The closing of an establishment may only be established when the infraction was practiced due to the establishment’s operation.

2 - The duration of the prohibition to exercise the activity and the closing of the establishment cannot exceed the period of two years.”

## **Article 33**

*Amendment to the Decree-Law no. 48/96, of 15 May*

The articles 4 and 5 of the Decree-Law no. 48/96, of 15 May, amended by the Decree-Law no. 126/96, of 10 August, and 111/2010, of 15 October, are amended as follows:

“Article 4

1- ...

2- After the entry into force of this diploma and until the provisions in the previous number are verified, the commercial establishments’ holders must adapt the correspondent opening periods to the provisions in article 1 or keep the opening periods which has been practiced based on the municipal regulation for this purpose, communicating this fact to the city council of the area where the establishment is located.

3- ...

Article 5

- 1- [Revoked].
- 2- As an infraction punishable with a fine are deemed:
  - a) From 150€ to 450€, for natural persons, and from 450€ to 1500€, for legal persons, the non-compliance with the mere prior communication of the operation hours, as well as the alterations and lack of display of the operation hours map, in breach of the provisions in no. 1 and 2 of article 4-A.
  - b) From 250€ to 3740€, for natural persons, and from 2500€ to 25000€, for legal persons, the operation outside the operation hours established.
- 3- (Revoked by the Decree-law no. 111/2010, of 15 October.)
- 4- ...
- 5- ...
- 6- ...”

#### **Article 34**

*Addition to the Decree-Law no. 48/96, of 15 May*

To article 4-A of the Decree-law no. 48/96, of 15 May, is added the following:

“Article 4-A

- 1- The establishment exploitation’s holder, or the applicant, must proceed to the mere prior communication at the “Entrepreneur’s Desk” of the operation hours, as well as of its alterations.
- 2- Each establishment must display the operation hours map on a visible place outside.
- 3- The operation hours of each establishment, their alterations and the map mentioned in the previous number are not subject to licensing, authorization, authentication, validation, certification, acts issued after prior communications with a deadline, registry or any other permissive act.”

#### **Article 35**

*Amendment to the Decree-Law no. 310/2002, of 18 December*

The articles 1, 35, 36 and 47 of the Decree-Law no. 310/2002, of 18 December, are amended as follows:

“Article 1

[...]

This diploma regulates the legal scheme for the exercise of the supervision of the following activities:

- a) ...
- b) ...
- c)...
- d) ...
- e) ...
- f) ...
- g) ...
- h) ...
- i) (Revoked.)

Article 35

General principle

- 1-The sale of tickets for public shows or entertainment in agencies or sale points is not subject to licensing, authorization, authentication, validation, certification, acts issued after prior communications with a deadline, registry or any other permissive act, nor the mere prior communication.

2-(Revoked.)

#### Article 36

[...]

1- The sale of tickets for public shows or entertainment in agencies or sale points must be carried out in a private establishment, with good presentation and hygiene conditions and to which the public may access or in sections of establishments of any business area which meets these requirements.

2- ...

3- The display of the price list for each house or premise which sells tickets must be displayed, in a visible location, in the agencies or sale points.

#### Article 47

[...]

1- The following are deemed as infractions:

a) ...

b) ...

c)...

d) ...

e) ...

f) ...

g) ...

h) ...

i) ...

j) (Revoked).

k) The sale of tickets for a price higher than the allowed or outside the allowed locations, as well as the breach of the paragraphs c) and d) of article 38, punishable with a fine from 60€ to 250€;

l) ...

m) (Revoked).

n) ...

2- ...

3- ...

4- ...”

#### Article 36

*Amendment to the systematic organisation of the Decree-Law no. 310/2002, of 18 December*

The epigraph of chapter VIII, which contains articles 35 to 38, is amended, which is now called “Scheme of the exercise of the exploitation of entertainment machines”.

#### Chapter VI

*Final and transitional provisions*

#### Article 37

*Clear identification of the obligations*

1- The obligations derived from the legislation mentioned in annex III of this decree-law, which is an integral part thereof, must be clearly identified with the use of simple language at the “Entrepreneur’s Desk”.

2- If the obligations present at “Entrepreneur’s Desk” are obsolete or incomplete, these must be immediately updated or completed.



3- The compliance with the provisions in the previous numbers must rely on the participation of DGAE, the municipalities and the supervising entities, namely ASAE.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 38**

*Application to the autonomous regions*

The acts and procedures necessary for the execution of this decree-law in the Autonomous Regions of the Azores and Madeira shall fall under the responsibility of the correspondent regional administrations with powers and competences in the matters at stake.

**Article 39**

*Transitional provision*

- 1- The registries carried out pursuant to the Decree-Laws no. 462/99, of 5 November, 234/2007, of 19 June, and 259/2007, of 17 July, remain valid until the observance of any of the facts mentioned in no. 4, 5 and 6 of article 4 and no.1 of article 14.
- 2- The holders of the exploitation of establishments of services provisions which operation may imply risks for the people's health and safety, identified in list B of annex I of this decree-law, which is an integral part thereof, in operation at the date of taking of effects of this decree-law, and which were not registered pursuant to the scheme provided for in the Decree-Law no. 259/2007, of 17 July, have one year to carry out the mere prior communication provided for in no. 1 of article 4 of this decree-law.
- 3- The observance of one of the facts mentioned in no. 4, 5 and 6 of article 4 and in no. 1 of article 14 determines the compliance with the provisions of this decree-law.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 40**

*Requirements of the catering or drinks establishments*

The specific requirements regarding the installations, operation and classification scheme of catering or drinks establishments are established by a joint administrative decree of the Government members responsible for the tourism and administrative modernisation areas, applying the provisions in article 25.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Article 41**

*Revoking provision*

The following are revoked:

- a) Paragraph d) of no. 2 of article 1 of the Decree-law no. 122/79, of 8 May;
- b) Decree-Law no. 339/85, of 21 August;
- c) No. 1 of article 5 and article 8 of the Decree-Law no. 48/96, of 15 May;
- d) Decree-Law no. 462/99, of 5 November;
- e) Administrative Decree no. 1024-A/99, of 19 November;

- f) No. 2 of article 3 of the Decree-Law no. 309/2002, of 16 December;
- g) Paragraph *i)* of article 1, no. 2 of article 35, articles 37 and 41 and paragraphs *j)* and *m)* of article 47 of the Decree-Law no. 310/2002, of 18 December;
- h) Administrative Decree no. 144/2003, of 14 February;
- i) Decree-Law no. 234/2007, of 19 June;
- j) Articles 1 to 12, 14 and 15 of the Decree-Law no. 259/2007, of 17 July;
- l) Administrative Decree no. 573/2007, of 17 July (2<sup>nd</sup> series);
- m) Administrative Decree no. 789/2007, of 23 July;
- n) Administrative Decree no. 790/2007, of 23 July;
- o) Administrative Decree no. 791/2007, of 23 July;
- p) Regulatory Decree no. 20/2008, of 27 November.

## **Article 42**

### *Taking of effects*

- 1- Considering the need to proceed to the adaptation and development of computer systems and to execute the provisions in article 37, the provisions of this decree-law which entail the existence of the “Entrepreneur’s Desk” are applied to the establishments and activities mentioned in no. 1 to 3 and 5 of article 2 and in article 6, in a staged manner and pursuant to the terms to be established by an administrative decree of the Government members responsible for the administrative modernisation, local autarchies and economy areas.
- 2- The application of the provisions of this decree-law which entail the existence of the “Entrepreneur’s Desk” to all establishments and activities mentioned in no. 1 to 3 and 5 of article 2 and in article 6 must occur until the end of one year, from the date of its entry into force.
- 3- Meanwhile this decree-law is not applicable to a certain establishment or activity due to the provisions in the previous numbers, to this establishment or activity are applied the provisions revoked and amended by this decree-law.
- 4- Before the date of entry into force of this decree-law, the entities with competence for the purpose may approve the criteria mentioned in no. 1 and 5 of article 11 and in articles 31 and 32, in the part which amends no. 1 of article 4 and adds to article 3-A of Law no. 97/88, of 17 August, provided that they take effect from that date.

### **Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

Amended by Article 2 of the Decree-Law no. 141/2012 – Official Gazette no. 133/2012, Series I of 11 July 2012, in force from 12 July 2012

## **Article 43**

### *Republication*

The Decree-law no. 48/96, of 15 May, in its current wording, is republished in annex V of this decree-law, which is an integral part thereof.

## **Article 44**

### *Entry into force*

This decree-law enters into force on the first business day of the month following its publication.

### **Signature**

Seen and approved in the Council of Ministers on 27 January 2011. — José Sócrates Carvalho Pinto de Sousa

— João Titterington Gomes Cravinho — Fernando Teixeira dos Santos — Manuel Pedro Cunha da Silva Pereira — Augusto Ernesto Santos Silva — Rui Carlos Pereira — José Manuel Santos de Magalhães — José António Fonseca Vieira da Silva — António Manuel Soares Serrano — António Augusto da Ascensão Mendonça — Dulce dos Prazeres Fidalgo Álvaro Pássaro — Maria Helena dos Santos André — Ana Maria Teodoro Jorge — Maria Isabel Girão de Melo Veiga Vilar — José Mariano Rebelo Pires Gago — Maria Gabriela da Silveira Ferreira Canavilhas — Jorge Lacão Costa.

Promulgated on 2 March 2011.

Published.

The President of the Republic, Aníbal Cavaco Silva.

Ratified on 7 March 2011.

The Prime-Minister, José Sócrates Carvalho Pinto de Sousa.

### **Annex I**

(mentioned in article 2)

CAE Lists (Rev. 3)

List A

Trade establishments

(mentioned in no. 1 of article 2)

Wholesale trade - Section G, division 46, subclasses

46311 Wholesale trade of fruit and horticultural products, except potatoes.

46312 Wholesale trade of potatoes.

46320 Wholesale trade of meat and meat-based products which do not require controlled temperature conditions pursuant to paragraph c) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46331 Wholesale trade of milk, milk products and eggs which do not require controlled temperature conditions pursuant to paragraph c) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46332 Wholesale trade of olive oil, oil and dietary fat which do not require controlled temperature conditions pursuant to paragraph c) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46341 Wholesale trade of alcoholic drinks.

46342 Wholesale trade of non-alcoholic drinks.

46361 Wholesale trade of sugar.

46362 Wholesale trade of chocolate and confectionery products.

46370 Wholesale trade of coffee, tea, cocoa and spices.

46381 Wholesale trade of fish, crustaceous and shellfish which do not require controlled temperature conditions pursuant to paragraph c) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46382 Wholesale trade of other dietary products which do not require controlled temperature conditions pursuant to paragraph c) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46390 Unspecialised wholesale trade of dietary products, drinks and tobacco.

- 46732 Wholesale trade of paint and lacquers for construction (partial CAE).  
46750 Wholesale trade of chemical products.  
46762 Wholesale trade of other intermediary goods.  
Retail trade - Section G, division 47, subclasses  
47111 Retail trade in supermarkets and hypermarkets.  
47112 Retail trade in other unspecialised establishments, predominantly of dietary products, drinks or tobacco.  
47191 Unspecialised retail trade, without the predominance of dietary products, drinks or tobacco, in large warehouses and similar.  
47192 Retail trade in other unspecialised establishments, without the predominance of dietary products, drinks or tobacco.  
47210 Retail trade of fruit and horticultural products, in specialised establishments.  
47220 Retail trade of meat and meat-based products, in specialised establishments.  
47230 Retail trade of fish, crustaceous and shellfish, in specialised establishments.  
47240 Retail trade of bread, pastry and confectionery goods, in specialised establishments.  
47250 Retail trade of drinks, in specialised establishments.  
47291 Retail trade of milk and milk products, in specialised establishments.  
47292 Retail trade of food, natural and dietary products, in specialised establishments.  
47293 Other retail trade of dietary products, in specialised establishments.  
47522 Retail trade of paints, lacquers and similar products, in specialised establishments.  
47761 Retail trade of phytosanitary fertilizers for plants and flowers, in specialised establishments (partial CAE).  
47762 Retail trade of pets and correspondent food, in specialised establishments.  
47784 Retail trade of drugstores' products (partial CAE).  
List B  
Provision of services establishments  
(mentioned in no. 1 of article 2)  
Provision of services establishments which may involve risks for the people's health and safety  
45200 Automobile vehicles maintenance and reparation workshops.  
45402 Motorbikes and mopeds maintenance and reparation workshops.  
96010 Laundry rooms and dry cleaners.  
96021 Hairdressing salon.  
96022 Beauty clinics.  
96040 Artificial tanning centres.  
96091 Piercings and tattoos parlours.  
Catering or drinks establishments  
5610 Restaurants (includes catering activities in mobile means).  
5630 Drinks establishments.  
List C  
Warehouses  
(mentioned in no. 1 of article 2)  
52101 Cold storage of foodstuffs which do not require controlled temperature conditions pursuant to paragraph c) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council,

of 29 April.

52102 Non-cold storage of foodstuffs (partial CAE).

List D

Industrial operations carried out in specialised commercial establishments or in complementary sections of commercial establishments

[mentioned in paragraph *a*) of no. 2 of article 2]

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Section C**

*division 10, subclasses*

10130 Production of meat-based products.

10201 Preparation of fishing and aquaculture products.

10203 Conservation of fishing products.

10320 Production of fruit and horticultural products' juices.

10520 Production of ice-cream and sorbet.

10711 Bakery.

10712 Pastry goods.

10720 Production of cookies, biscuits, toast and conservation pastry goods.

10393 Production of sweet goods, jams, jellies and marmalades.

10395 Preparation and conservation of fruit and horticultural products for other processes.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Section D**

*division 35, subclasses*

35302 Production of ice.

List E

Catering and drinks establishments which hold complementary sections aimed for the production of pastry goods, bakery goods, ice-cream and similar industrial activities or which sell food products corresponding to the any of the CAE provided for in division 10 of section C, section D and section I of annex I of the Decree-Law no. 209/2008, of 29 October.

[mentioned in paragraph *b*) of no. 2 of article 2]

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Section C**

*division 10, subclasses*

10130 Production of meat-based products.

10201 Preparation of fishing and aquaculture products.

10202 Freezing of fishing and aquaculture products.

10203 Conservation of fishing and aquaculture products in olive oil, other oils and sauces.

10204 Salting, drying and other fishing and aquaculture products' transformation activities.

- 10310 Preparation and conservation of potatoes.
- 10320 Production of fruit and horticultural products' juices.
- 10391 Freezing of fruit and horticultural products.
- 10392 Drying and dehydration of fruit and horticultural products.
- 10393 Production of sweet goods, jams, jellies and marmalades.
- 10394 Peeling and transformation of eatable nuts.
- 10395 Preparation and conservation of fruit and horticultural products for other processes.
- 10411 Production of oils or raw animal fat.
- 10412 Production of olive oil.
- 10413 Production of raw vegetable oils (except olive oils).
- 10414 Refinery of olive oil, oils and fats.
- 10420 Production of margarine and similar dietary fats.
- 10510 Milk and milk products industries.
- 10520 Production of ice-cream and sorbet.
- 10611 Milling of cereal.
- 10612 Peeling, whitening and other rice treatments.
- 10613 Transformation of cereals and legumes.
- 10620 Production of amides, starches and similar products.
- 10711 Bakery.
- 10712 Pastry goods.
- 10720 Production of cookies, biscuits, toast and conservation pastry goods.
- 10730 Production of pasta, couscous and similar.
- 10810 Sugar industry.
- 10821 Production of cocoa and chocolate.
- 10822 Production of confectionary goods.
- 10830 Coffee and tea industry.
- 10840 Production of condiments and seasonings.
- 10850 Production of meals and pre-cooked dishes.
- 10860 Production of homogenised and dietetic products.
- 10891 Production of yeast, leaven and adjuvants for bakery and pastry goods.
- 10892 Production of gravies, soups and desserts.
- 10893 Production of other diverse dietary products.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

**Section D**

*division 35, subclasses*

- 35302 Production of ice.

**Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015



## Section I

### *division 56, subclasses*

56210 Provision of meals for events (only when the location for the meal preparation is not the location where the events are carried out).

56290 Other activities of catering (only for the activity of meal preparation for the supply and consumption at a location different from the preparation's location).

List F

Trade establishments

[mentioned in paragraph *a*) of no. 3 of article 2]

Trade of automobile vehicles, motorbikes, its parts and accessories - Section G, division 45, subclasses

45110 Trade of light-duty vehicles.

45190 Trade of other automobile vehicles.

45310 Wholesale trade of parts and accessories for automobile vehicles.

45320 Retail trade of parts and accessories for automobile vehicles.

45401 Wholesale and retail trade of mopeds, its parts and accessories.

Wholesale trade - Section G, division 46, subclasses

46211 Wholesale trade of food for animals.

46212 Wholesale trade of raw tobacco.

46213 Wholesale trade of raw cork.

46214 Wholesale trade of cereal, seeds, legumes, oil seeds and other agricultural raw materials.

46220 Wholesale trade of flowers and plants.

46230 Wholesale trade of live animals.

46240 Wholesale trade of skins and cow's skin.

46320 Wholesale trade of meat and meat-based products which do require controlled temperature conditions pursuant to paragraph *c*) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46331 Wholesale trade of milk, milk products and eggs which do require controlled temperature conditions pursuant to paragraph *c*) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46332 Wholesale trade of dietary fat which require controlled temperature conditions pursuant to paragraph *c*) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46350 Wholesale trade of tobacco.

46381 Wholesale trade of fish, crustaceous and shellfish which do require controlled temperature conditions pursuant to paragraph *c*) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46382 Wholesale trade of other dietary products which do require controlled temperature conditions pursuant to paragraph *c*) of no. 2 of article 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April.

46410 Wholesale trade of textiles.

46421 Wholesale trade of clothes and accessories.

46422 Wholesale trade of shoes.

46430 Wholesale trade of domestic appliances, radio and TV devices.

- 46441 Wholesale trade of ceramic and glass tableware.
- 46442 Wholesale trade of cleaning products.
- 46450 Wholesale trade of perfumes and hygiene products.
- 46460 Wholesale trade of pharmaceutical products.
- 46470 Wholesale trade of furniture for domestic use, carpets, rugs and lighting articles.
- 46480 Wholesale trade of clocks and goldsmiths and silversmith's products.
- 46491 Wholesale trade of office stationery.
- 46492 Wholesale trade of books, magazines and newspapers.
- 46493 Wholesale trade of toys, games and sports products.
- 46494 Other wholesale trade of consumption goods.
- 46510 Wholesale trade of computers, peripheral equipment and computer programmes.
- 46520 Wholesale trade of electronic and telecommunication equipment and its parts.
- 46610 Wholesale trade of agricultural machines and equipment.
- 46620 Wholesale trade of machines-tools.
- 46630 Wholesale trade of machines for the extractive, construction and civil engineering industry.
- 46640 Wholesale trade of machines for the textile industry, sewing and knitting machines.
- 46650 Wholesale trade of office furniture.
- 46660 Wholesale trade of other office machines and supplies.
- 46690 Wholesale trade of other machines and equipment.
- 46711 Wholesale trade of oil products.
- 46712 Wholesale trade of solid, liquid and gas fuel, not derived from petroleum.
- 46720 Wholesale trade of minerals and metals. 4
- 6731 Wholesale trade of raw wood and derived products.
- 46732 Wholesale trade of construction materials (except wood) and sanitary equipment (except paints and lacquers listed in list A of this annex).
- 46740 Wholesale trade of hardware, manual tools and articles for pipes and heating systems.
- 46761 Wholesale trade of natural, artificial and synthetic textile fibres.
- 46771 Wholesale trade of scrap metal and metallic waste.
- 46772 Wholesale trade of textile waste, cardboard and old paper.
- 46773 Wholesale trade of materials waste.
- 46900 Unspecialised wholesale trade.
- Retail trade - Section G, division 47, subclasses
- 47260 Retail trade of tobacco, in specialised establishments.
- 47300 Retail trade of fuel for motor vehicles, in specialised establishments.
- 47410 Retail trade of computers, peripheral units and computer systems, in specialised establishments.
- 47420 Retail trade of telecommunications equipment, in specialised establishments.
- 47430 Retail trade of audio-visual equipment, in specialised establishments.
- 47510 Retail trade of textiles, in specialised establishments.
- 47521 Retail trade of hardware and flat glass, in specialised establishments.
- 47523 Retail trade of DIY materials, sanitary equipment, tiles and similar materials, in specialised establishments.
- 47530 Retail trade of carpets, rugs, curtains and wall and pavements coatings, in specialised establishments.
- 47540 Retail trade of domestic appliances, in specialised establishments.

- 47591 Retail trade of furniture and lighting articles, in specialised establishments.
- 47592 Retail trade of tableware, cutlery and other similar articles for domestic use, in specialised establishments.
- 47593 Retail trade of other home articles, in specialised establishments.
- 47610 Retail trade of books, in specialised establishments.
- 47620 Retail trade of newspapers, magazine and office stationery, in specialised establishments.
- 47630 Retail trade of discs, CD, VHS and similar, in specialised establishments.
- 47640 Retail trade of sports, camping and leisure products, in specialised establishments.
- 47650 Retail trade of games and toys, in specialised establishments.
- 47711 Retail trade of adult clothes, in specialised establishments.
- 47712 Retail trade of babies and children clothes, in specialised establishments.
- 47721 Retail trade of shoes, in specialised establishments.
- 47722 Retail trade of fine leather and travelling products, in specialised establishments.
- 47730 Retail trade of pharmaceutical products, in specialised establishments.
- 47740 Retail trade of medical and orthopaedic products, in specialised establishments.
- 47750 Retail trade of cosmetic and hygiene products, in specialised establishments.
- 47761 Retail trade of flowers, plants and seeds, in specialised establishments (except the establishments of phytosanitary fertilizers for flowers and plants in list A of this annex).
- 47770 Wholesale trade of clocks and goldsmiths and silversmith's products, in specialised establishments.
- 47781 Wholesale trade of machines and other office supplies, in specialised establishments.
- 47782 Retail trade of optical, photographic, cinema materials and precision instruments, in specialised establishments.
- 47783 Retail trade of fuel for domestic use, in specialised establishments.
- 47784 Retail trade of other new products, in specialised establishments (except the establishments of drugstores' products in list A of this annex).
- 47790 Retail trade of second-hand products, in specialised establishments.

#### List G

Trade activities without an establishment

[mentioned in paragraph *b*) of no. 3 of article 2]

Wholesalers framed within Group 463, except the CAE 46350 Wholesale trade of tobacco

47810 Retail trade in municipal market stalls of dietary and drinks products (partial CAE).

47820 Retail trade in municipal market stalls of textiles, clothes, shoes, purses and similar products (partial CAE).

47890 Retail trade in municipal market stalls of other products (partial CAE).

47910 Retail trade by mail or online.

47990 Retail trade through other methods, not carried out in establishments, stalls, fairs or mobile sale units.

#### Amendments

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

## **Annex II**

*(mentioned in no. 4 of article 2 and no. 5 of article 10)*

### **Definitions**

1- Catering and drinks, trade and services provision:

- a) “Wholesale trade activity”, the activity of sale or resale in quantity to other traders, retailers or wholesales, industry owners, institutional and professional users or to intermediaries of new or used goods, with no transformation, as they were acquired or after the execution of certain operations associated to the wholesale trade, such as the selection, classification in lots, packaging and bottling;
- b) “Retail trade activity”, the activity of resale to the final user, including institutional and professional users of new or used goods, as they were acquired or after the execution of certain operations associated to the retail trade, such as the selection, classification and packaging, developed in establishments and outside the establishments in fairs, municipal markets, in the street, remotely, doorstep selling or through automatic machines;
- c) “Establishments”, the fixed or permanent installation where one of the economic activities is, exclusively or mainly, usually and professionally carried out;
- d) “Drinks establishments”, the establishments aimed for the provision, through a remuneration, of drinks and cafeteria services within the establishment or outside;
- e) “Commercial establishment”, the fixed or permanent installation where one or more of the wholesale or retail trade activities in section G of the Portuguese Classification of Economic Activities (CAE), is, exclusively or mainly, usually and professionally carried out;
- f) “Catering establishments”, the establishments aimed for the provision, through a remuneration, of food and drinks services within the establishment or outside, including other locations for the provision of such services through the catering activity and supply of banquet services or others, provided that usually carried out, which is understood as the execution of at least 10 events annually;
- g) “Wholesaler”, natural or legal person which exercises, usually and professionally, the activity of wholesale trade;
- h) “Provision of non-sedentary catering or drinks services”, the provision, through a remuneration, of food or drinks services in mobile or removable units (such as market stalls or vehicles for itinerant trading) or in fixed installation where, at least, 10 events are carried out annually;
- i) “Retailer”, natural or legal person which exercises, usually and professionally, the activity of retail trade;
- j) “Automatic sale”, retail sale method without the simultaneous physical presence of the supplier and the consumer, which consists in the placement of an article at the consumer’s disposal, which may be acquired through any type of mechanism and pre-payment of its cost;
- l) “Remote sale”, retail sale method without the simultaneous presence of the supplier and the consumer, in which the supply to the consumer and the entering of the contract are carried out through one or more remote communication techniques, namely the internet, telephone and mail;
- m) “Doorstep selling”, retail sale method in which the contract is suggested, by the seller or his/her representatives, and completed at the consumer’s domicile or:
  - i) At his/her workplace;
  - ii) In meetings in which the supply of goods is promoted through the remonstrations carried out before a group of people gathered in the house of one of them, upon request of the supplier or its representative, without a prior express request by the consumer;

- iii) During organized trips by the supplier or its representative;
  - iv) On the location indicated by the supplier, to which the consumer travels, on his/her own expense and risk, after a commercial notice made by the suppliers or its representatives.
- 2- Urban furniture (the things installed, projected or supported in the public space, aimed for public use, which provide a collective service or complement an activity, either if only in a seasonal and precarious manner):
- a) “Electronic advertisement”, the computerized system of messages and images emission, with the possibility of a connection to TV, video or similar circuits;
  - b) “Illuminated advertisement”, the promotion support on which a source of light intentionally falls;
  - c) “Lighting advertisement”, the promotion support which emits its own light;
  - d) “Banner”, the rigid support which remains oscillating, fixed to a pole or identical structure;
  - e) “Sheet”, the non-lighting support applied or painted in a visible and flat parameter, which size cannot exceed 0.60m and which maximum salience is 0.05m;
  - f) “Open esplanade”, the installation, in the public space, of tables, chairs, wind guards, sunshades, platforms, flower boxes, rugs, vertical heaters and other urban furniture, without any type of protection fixed to the soil, aimed to support catering and drinks establishments or similar, or touristic enterprises;
  - g) “Exhibition booth”, the structure for the display of the products traded inside the establishment, installed in the public space;
  - h) “Flower box”, the vase or recipient for plants aimed for the embellishment, marking or protection of the public space;
  - i) “Wind guard”, the structure which protects the space occupied by a esplanade from the wind;
  - j) “Loose letters or symbols”, non-lighting advertising message, directly applied in the buildings’ façades, exhibition windows, doors or windows;
  - l) “Flag”, the rigid support which remains oscillating, fixed to a pole or identical structure;
  - m) “Plate”, the non-lighting support applied in a visible parameter, with or without a frame, which maximum dimension is 1.50m;
  - n) “Sound advertisement”, the advertising activity which uses sound as the element of dissemination of the advertising message;
  - o) “Pelmet”, the vertical element which protects against climatic agents, made in fabric or similar material, placed transversally in the inner part of the awnings, where an advertising message may be inserted;
  - p) “Promotion support”, the method used for the transmission of an advertising message;
  - q) “Signal”, the non-lighting support, fixed perpendicularly to the buildings’ façades which allows the affixation of advertising messages in both sides;
  - r) “Awning”, the vertical element which protects against climatic agents, made in fabric or similar material, folding, applicable to any type of slots, such as exhibition windows, windows or doors of commercial establishments, where an advertising message may be inserted;
  - s) “Showcase”, the glass or transparent, built-in or salient, exhibitor placed in the façade of the commercial establishments, where objects and products are exhibited, and information is displayed.

#### Amendments

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

### Annex III

*[mentioned in paragraph f) of no. 3 of article 4]*

Requirements which must be observed by the installation and equipment of the commercial, services provision and storage establishments for their operation

1- Requirements to observe in all establishments

a) General Regulation of Occupational Hygiene and Safety in Commercial Establishments, Offices and Services - Decree-Law no. 243/86, of 20 August;

b) Legal scheme of safety against fires - Decree-Law no. 220/2008, of 12 November;

c) General Regulation of Noise in Buildings - Decree-law no. 9/2007, of 17 January, amended by the Decree-Law no. 278/2007, of 1 August;

d) Legal scheme of nature and biodiversity conservation:

Decree-Law no. 142/2008, of 24 July;

Decree-law no. 140/99, of 24 April, amended by the Decree-law no. 49/2005, of 24 February;

e) General Scheme of Waste Management - Decree-Law no. 178/2006, of 5 September, amended by the Decree-Law no. 64/2008, of 8 April, and 173/2008, of 26 August, by the Law no. 64-A/2008, of 31 December, and by the Decree-Law no. 183/2009, of 10 August, and 92/2010, of 26 July.

2- Requirements to observe in catering or drinks establishments - administrative decree mentioned in article 40 of this decree-law.

3- Requirements to observe in dietary products trade establishments:

a) Hygiene of the foodstuffs and trade of certain animal products aimed for human consumption:

Regulation (EC) no. 178/2002, of the European Parliament and Council, of 28 January;

Regulation (EC) no. 852/2004, of the European Parliament and Council, of 29 April;

Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April;

Decree-Law no. 111/2006, of 9 June;

Decree-law no. 113/2006, of 12 June, amended by the Decree-law no. 223/2008, of 18 November;

b) Establishment of wholesale trade or storage of animal foodstuffs covered by paragraph *b)* of no. 3 of article 6 of the Regulation (EC) no. 852/2004, of the European Parliament and Council, of 29 April, and by articles 1 and 4 of the Regulation (EC) no. 853/2004, of the European Parliament and Council, of 29 April - Decree-law no. 370/99, of 18 September;

c) Regulation on the hygiene and technical conditions to observe in the distribution and sale of meat and its products - Decree-Law no. 147/2006, of 31 July, amended by the Decree-Law no. 207/2008, of 23 October;

d) Establishments for the trade of bread and similar products - Decree-law no. 286/86, of 6 September, amended by the Decree-law no. 275/87, of 4 July;

e) Quality of the water for human consumption - Decree-Law no. 306/2007, of 27 August, amended by the Decree-Law no. 92/2010, of 26 July.

4- Requirements to observe in non-dietary products trade establishments, subject to specific legislation:

a) Establishments of wholesale or retail trade of food for animals covered by the Regulation (EC) no. 183/2005, of the European Parliament and Council, of 12 January - Decree-law no. 370/99, of 18 September, amended by the Decree-Law no. 9/2002, of 24 January, and 259/2007, of 17 July.

5- Requirements to observe in specialised services provision establishments:

a) Establishments of artificial tanning services:

Decree-law no. 205/2005, of 28 November;

Administrative decree no. 1301/2005, of 20 December.

6- Other specific requirements:



a) Atmospheric pollution prevention measures:

Decree-law no. 78/2004, of 3 April, amended by the Decree-law no. 126/2006, of 3 July;

Decree-law no. 242/2001, of 31 August, amended by the Decree-Law no. 181/2006, of 6 September, and 98/2010, of 11 August;

b) Establishments where hazardous substances are present - Decree-Law no. 254/2007, of 12 July;

c) Accessibility to the buildings and establishments which receive the public - Decree-Law no. 163/2006, of 8 August.

7- Other legal and regulatory provisions published at the “Entrepreneur’s Desk”.

#### **Amendments**

Revoked by Article 13 of the Decree-Law no. 10/2015 – Official Gazette no. 11/2015, Series I of 16 January 2015, in force from 1 March 2015

### **Annex IV**

*(mentioned in no. 4 of article 11 and no. 6 of article 1 of Law no. 97/88, of 17 August)*

Complementary criteria to be observed in the occupation of the public space and in the display, registry and dissemination of commercial advertising messages

### **Chapter I**

#### *General provisions*

#### **Article 1**

##### *Object*

This annex establishes the complementary criteria to be observed in the occupation of the public space and in the display, registry and dissemination of commercial advertising messages not subject to licensing, pursuant to no. 3 of article 1 of Law no. 97/88, of 17 August.

#### **Article 2**

##### *General principles for the occupation of the public space*

Without prejudice to the rules contained in no. 2 of article 11 of this decree-law, the occupation of the public space cannot prejudice:

- a) The people’s health and well-being, namely due to noise levels above the ones permitted by law;
- b) The access to buildings, gardens and squares;
- c) The road and pedestrian circulation, namely of individuals with reduced mobility;
- d) The quality of the green areas, namely if it contributes to their degradation or hinders their conservation;
- e) The efficiency of the public lights;
- f) The efficiency of the traffic signs;
- g) The use of other urban furniture;
- h) The action of the dealers which operate at the surface or underground;
- i) The access or visibility of classified properties or properties under classification or to locations with hospitals, health, teacher establishments or other public services, places of worship, cemeteries, statues elements and public art, fountains and standpipes;
- j) The rights of third-parties.

### **Article 3**

#### *General principles for the advertising registry and display*

- 1- Except if the advertising message is limited to the identification of the activity exercised in the property or of the activity's holder, is prohibited the display or registry of advertising messages in buildings or monuments of historical, cultural, architectonic or landscape interest, namely:
  - a) The classified properties or those under classification, namely the ones of public, national or municipal interest;
  - b) The properties contemplated with architecture awards.
- 2- The display or registry of advertising messages is not allowed whenever it may cause irreparable damages on the exterior coating materials of the buildings and the supports used harm the environment, affect the aesthetics or the health of the locations or cause damages to third-parties, namely regarding:
  - a) Strips made of fabric, plastic, paper or other similar material;
  - b) Painting, collage or fixation of banners in the façades of buildings or in any other urban furniture;
  - c) Support which surpass the establishment's façade.
- 3- The sound advertising must respect the limits established by the legislation applicable to noisy activities.
- 4- The display or registry of advertising messages cannot prejudice the safety of people and goods, namely:
  - a) Affect the public lights;
  - b) Hinder the visibility of toponymical signs, traffic lights and traffic signs;
  - c) Affect the circulation of pedestrians, especially of citizens with reduced mobility.

### **Article 4**

#### *Duty of the holders of promotion supports*

The following are the duties of the promotion support's holder:

- a) Comply with the general and specific conditions to which the display and registry of advertising messages are subject;
- b) Preserve the support, as well as the message, in good conservation and safety conditions;
- c) Eliminate any damages in public goods derived from the display or registry of an advertising message.

## **Chapter II**

### *Conditions for the installation of urban furniture*

#### **Article 5**

##### *Conditions for the installation and maintenance of an awning and correspondent pelmet*

- 1- The installation of an awning and correspondent pelmet must respect the following conditions:
  - a) In a sidewalk with a width over 2 m, leave a space equal or higher than 0.80 m regarding the external limit of the sidewalk;
  - b) In a sidewalk with a width under 2 m, leave a space equal or higher than 0.40 m regarding the external limit of the sidewalk;
  - c) Keep a distance from the pavement equal or higher than 2.50 m, but never above the level of the commercial establishment's ceiling;
  - d) Keep an advance under 3 m;
  - e) Not surpass the lateral limits of the installations belonging to the correspondent establishment;
  - f) The lower limit of a pelmet must observe a distance from the pavement equal or higher than 2.50 m;
  - g) Not overlap columns, pilasters, cornices, door and window frames and other elements with architectonic

or decorative interest.

2- The awning and the correspondent pelmet cannot be used to hang or display any type of objects.

3- The establishment's holder is responsible for the good conservation and cleaning status of the awning and correspondent pelmet.

## **Article 6**

### *Conditions for the installation and maintenance of an open esplanade*

1- For the installation of an open esplanade, the following conditions must be respected:

a) Be adjacent to the façade of the correspondent establishment;

b) The transversal occupation cannot surpass the width of the façade of the correspondent establishment;

c) Leave a space equal or higher than 0.90 m in the entire width of the doorway, to ensure the free and direct access to the establishment's entrance;

d) Not alter the sidewalk's surface, without prejudice to the provisions in article 8;

e) Not occupy more than 50% of the width of the sidewalk where it is installed;

f) Ensure a path for pedestrians with a width equal or higher than 2 m from:

i) The external limit of the sidewalk, in a sidewalk without boilers;

ii) The internal limit or balance of the respective element closer to the establishment's façade, in sidewalks with boilers or other elements or types of urban equipment.

2- The owners, dealers or managers of the establishments are responsible for the cleaning status of the sidewalks and open esplanades in the occupied area and adjacent area of 3 m.

## **Article 7**

### *Restrictions for the installation of an open esplanade*

1- The urban furniture used as a component of an open esplanade must comply with the following requirements:

a) Be exclusively installed in the communicated area for the esplanade's occupation;

b) Be appropriate of outdoor use and with a colour adequate to the urban environment where the esplanade is inserted;

c) The sunshades are exclusively installed during the operation hours of the esplanade and supported by a base which ensures the safety of the users;

d) The vertical heaters are appropriate for outdoor use and respect the safety conditions.

2- In the sidewalks with stops for collective passenger transports, the installation of an open esplanade in an area of 5 m from each side of the stop is not allowed.

## **Article 8**

### *Conditions for the installation of platforms*

1- The installation of a platform as a support to an esplanade is allowed when the gradient of the pavement occupied by the esplanade is higher than a 5% slope.

2- The platforms must be removable and built, preferably, in wood modules.

3- The platforms must ensure the accessibility of individuals with reduced mobility, pursuant to the Decree-Law no. 163/2006, of 8 August.

4- The platforms cannot surpass the maximum quota of the doorstep of the correspondent establishment or 0.25 m of height regarding the pavement.

5- Without prejudice to the compliance with the rules stipulated in no. 2 of article 11 of this decree-law and article 2 of this annex, on the installation of platforms, the safety conditions for pedestrian circulation, mainly the accessibility of citizens with reduced mobility, is safeguarded, pursuant to the law in force.

### **Article 9**

#### *Conditions for the installation of a wind guard*

- 1- The wind guard must be removable and exclusively installed during the operation hours of the correspondent establishment.
- 2- The installation of a wind guard must be carried out under the following conditions:
  - a) Near esplanades, perpendicularly to the marginal plan of the façade;
  - b) Not hide public interest references nor prejudice the safety, health and good visibility of the location or existing trees;
  - c) Not surpass 2 m in height from the pavement;
  - d) Not surpass 3.50 m of an advance, never surpassing the esplanade's advance;
  - e) Ensure, at least, 0.05 m of distance from its lower plan to the pavement, without ledges higher than 0.02 m;
  - f) Use unbreakable, flat and transparent glass, which do not surpass the following dimensions:
    - i) Height: 1.35 m;
    - ii) Width: 1 m;
  - g) The opaque part of the wind guard, if applicable, cannot surpass 0.60 m from the pavement.
- 3- On the installation of a wind guard, it must also be observed a distance equal or higher than:
  - a) 0.80 m between the wind guard and other establishments, window displays and accesses;
  - b) 2 m between the wind guard and other urban furniture.

### **Article 10**

#### *Conditions for the installation of a showcase*

For the installation of a showcase, the following conditions must be observed:

- a) Not overlap columns, pilasters, cornices, door and window frames and other elements with architectonic or decorative interest;
- b) The showcase's height from the pavement must be equal or higher than 1.40 m;
- c) Not surpass the 0.15 m of balance regarding the building's façade plan.

### **Article 11**

#### *Conditions for the installation of an exhibition booth*

- 1- For each establishment, only one exhibition booth is allowed, exclusively installed during its operation hours.
- 2- The exhibition booth may be installed in sidewalks with a width equal or over 2 m and it must respect the following installation conditions:
  - a) Be adjacent to the correspondent establishment;
  - b) Keep a pedestrian circulation corridor equal or higher than 1.50 m between the sidewalk's external limit and the building;
  - c) Not prejudice the access to adjacent buildings;
  - d) Not surpass 1.50 m from the pavement;
  - e) Keep a minimum height of 0.20 from the lower plan of the exhibition booth to the pavement or 0.40 m

when it is an exhibition booth for dietary products.

#### **Article 12**

##### *Conditions for the installation of an ice-cream chest or machine*

1- For the installation of an ice-cream chest or machine, the following installation conditions must be observed:

- a) Be adjacent to the façade of the establishment, preferably near its entrance;
- b) Not surpass 1 m of advance, from the building's façade plan;
- c) Keep a corridor in the sidewalk with a minimum width of 1.50 m.

#### **Article 13**

##### *Conditions for the installation of a mechanical toy or similar equipment*

1- For each establishment, only one mechanical toy or similar equipment is allowed, exclusively serving as a support to the establishment.

2- The installation of a mechanical toy or similar equipment must also respect the following conditions:

- a) Be adjacent to the façade of the establishment, preferably near its entrance;
- b) Not surpass 1 m of advance, from the building's façade plan;
- c) Keep a corridor in the sidewalk with a minimum width of 1.50 m.

#### **Article 14**

##### *Conditions for the installation and maintenance of a flower box*

- 1- The flower box must be installed near the façade of the correspondent establishment.
- 2- The plants used in the flower box cannot have thorns or poisonous berries.
- 3- The establishment's holder to whom the flower box belongs must proceed to its cleaning, irrigation and replacement of plants, whenever necessary.

#### **Article 15**

##### *Conditions for the installation and maintenance of a waste container*

- 1- The waste container must be installed adjacent to the correspondent establishment, exclusively serving as its support.
- 2- Whenever the waste container is full, it must be immediately cleaned or replaced.
- 3- The installation of a waste container in the public space cannot cause any danger to the space's hygiene and cleaning.
- 4- The waste container must be always kept in a good conservation status, namely regarding its painting, hygiene and cleaning.

### **Chapter III**

Conditions for the installation of promotion supports and for the display, registry and dissemination of advertising messages.

#### **Section I**

##### *General rules*

## **Article 16**

### *Conditions for the installation of a promotion support*

- 1- The installation of a promotion support must observe the following conditions:
  - a) In a sidewalk with a width over 1.20 m, leave a space equal or higher than 0.80 m regarding the external limit of the sidewalk;
  - b) In a sidewalk with a width lower than 1.20 m, leave a space equal or higher than 0.40 m regarding the external limit of the sidewalk.
- 2- In sidewalks with a width equal or under 1 m, the display or registry of advertising messages is not allowed.

## **Article 17**

### *Conditions for the display or registry of commercial advertising messages in urban furniture*

- 1- The display or registry of commercial advertising messages in urban furniture is allowed.
- 2- The display or registry of commercial advertising messages in an esplanade must be limited to the establishment's trade name, the commercial message related to the goods or services traded in the establishment of the brand's logo, provided that displayed or registered in the back of the chairs or in the flaps of the sunshades, with the maximum dimensions of 0.20 m x 0.10 m for each name or logo.

## **Article 18**

### *Conditions and restrictions for the dissemination of sound advertising messages*

- 1- The dissemination of sound commercial advertising messages which may be heard inside the correspondent establishments or in the public space is allowed, which aim is to immediately attract or retain the public's attention.
- 2- The sound dissemination of commercial advertising messages may only occur:
  - a) In the period between 9 A.M. and 8 P.M.;
  - b) At a minimum distance of 300 m from educational buildings, during their operation hours, hospitals, cemeteries and place of worship.

## **Section II**

### *Special rules*

## **Article 19**

### *Conditions and restrictions for the application of sheets, plates and signs*

- 1- In each building, the sheets, plates or signs must have a size, colours, materials and alignment adequate to the building's aesthetic.
- 2- The installation of sheets must be made at a distance from the pavement equal or higher than the level of the 1<sup>st</sup> floor of the buildings.
- 3- The installation of a plate must observe the following conditions:
  - a) Not overlap railings or open spaces in balconies;
  - b) Not hide decorative elements or other elements with interest in the facades' architectonic composition.
- 4- The plates may only be installed on the ground floor of the buildings.
- 5- The installation of more than one plate for each autonomous fraction or residence, not considering for this purpose the plates of prohibition to display advertisements, is not allowed.
- 6- The installation of a sign must observe the following conditions:

- a) The lower limit of the sign must be at a distance from the pavement equal or higher than 2.60 m;
- b) Not surpass the balance of 1.50 m regarding the building's marginal plan, except in the case of streets without sidewalks, in which the balance does not surpass 0.20 m;
- c) Keep a distance equal or higher than 3 m between signs.

## **Article 20**

### *Conditions for the installation of banners*

- 1- The banners cannot be fixed in areas for the protection of the localities.
- 2- The banners must remain oscillating and may only be placed perpendicularly to the closest road and fixed on the inner side of the pole.
- 3- The maximum dimension of the banners must be 0.60 m in length and 1 m in height.
- 4- The distance between the façade of the closest building and the most salient part of the banner must be equal or higher than 2 m.
- 5- The distance between the lower part of the banner and the pavement must be equal or higher than 3 m.
- 6- The distance between banners on the street must be equal or higher than 50 m.

## **Article 21**

### *Conditions for the application of loose letters or symbols*

The application of loose letters or symbols must respect the following conditions:

- a) Not surpass 0.50 m height and 0.15 m in the salience;
- b) Not hide decorative elements or other elements with interest in the façades' architectonic composition, being directly applied on the walls' parameters;
- c) Consider the shape and scale, in order to respect the aesthetical integrity of the buildings.

## **Article 22**

### *Conditions for the installation of illuminated, light, electronic advertisements and similar*

- 1- The light, illuminated, electronic advertisements and similar must be placed on the saliences of the façades and respect the following conditions:
  - a) The total balance cannot be higher than 2 m;
  - b) The distance between the pavement and the lower part of the advertisement cannot be under 2.60 m nor over 4 m;
  - c) If the balance is not over 0.15 m, the distance between the lower part of the advertisement and the pavement cannot be under 2 m nor over 4 m.
- 2- The structures of the light, illuminated, electronic advertisements or similar installed in the buildings' façade and in public spaces must be, as possible, covered and painted with a colour which does not let them stand out too much.

## **Annex V**

*(mentioned in article 43)*

Republication of the Decree-Law no. 48/96, of 15 May



### **Article 1**

- 1- Without prejudice to the legal scheme in force for the activities not specified in this diploma, the public sale and services provision establishments, including the ones located in shopping malls, may be open between 6 A.M. and 12 P.M., every day of the week.
- 2- The cafés, pubs, tea houses, restaurants, snack bars and self-services may be open until 2 A.M., every day of the week.
- 3- The convenience stores may be open until 2 A.M., every day of the week.
- 4- The clubs, cabarets, *boites*, dancings, fado houses and similar establishments may be open until 4 A.M., every day of the week.
- 5- From the limits on no. 1 and 2 are excluded the establishments located in road, train, airport or seaport stations or terminals, as well as in permanently open gas stations.
- 6- (Revoked by the Decree-law no. 111/2010, of 15 October.)
- 7- (Revoked by the Decree-law no. 111/2010, of 15 October.)

### **Article 2**

The weekly and daily duration of the work established by law, in a collective work regulation instrument or in an individual employment contract, must be observed, without prejudice to the opening period of the establishments.

### **Article 3**

The city councils, after hearing the unions, the employers' associations, the consumers associations and the parish council where the establishment is located, may:

- a) Restrict the limits established in article 1, in force for the entire year or in certain seasons, in duly justified cases and when regarding citizens' safety or quality of life reasons.
- b) Extend the limits established in article 1, in force for the entire year or in certain seasons, in locations where the interests of certain professional activities, namely connected to tourism, justify it.

### **Article 4**

- 1- Within 120 days from the entry into force of this diploma, the municipal autarchic bodies must prepare or review the municipal regulations on the operation hours of commercial establishments, according to the criteria established in article 1.
- 2- After the entry into force of this diploma, and until the provision on the previous number is observed, the holders of the commercial establishments must adapt the correspondent opening periods to the provisions in article 1 or keep the opening periods which has been practiced based on the municipal regulation for this purpose, communicating this fact to the city council of the area where the establishment is located.
- 3- The provision on the previous number does not prejudice the competence of the municipal autarchic bodies to, pursuant to article 3, restrict or extend the limits established in article 1.

### **Article 4-A**

- 1- The establishment exploitation's holder, or the representative, must proceed to the mere prior communication at the "Entrepreneur's Desk" of the operation hours, as well as of its alterations.
- 2- Each establishment must display the operation timetable map on a visible place outside.
- 3- The operation hours of each establishment, their alterations and the map mentioned in the previous

number are not subject to licensing, authorization, authentication, validation, certification, acts issued after prior communications with a deadline, registry or any other permissive act.

#### **Article 5**

- 1- (Revoked).
- 2- As an infraction punishable with a fine are deemed:
  - a) From 150€ to 450€, for natural persons, and from 450€ to 1500€, for legal persons, the non-compliance with the mere prior communication of the operation hours, as well as the alterations and lack of display of the operation hours map, in breach of the provisions in no. 1 and 2 of article 4-A.
  - b) From 250€ to 3740€, for natural persons, and from 2500€ to 25000€, for legal persons, the operation outside the operation hours established.
- 3- (Revoked by the Decree-law no. 111/2010, of 15 October.)
- 4- The supervision of the compliance with the provisions in this decree-law, the starting of infraction processes, as well as the application of fines and complementary sanctions, fall under the responsibility of the city council's president of the area where the establishment is located.
- 5- The product of the fines reverts to the city council of the area where the establishment is located.
- 6- In the case of recurrence or when the agent's fault and the infraction's severity justify it, besides the fines provided for in no. 2, a complementary sanction of closing the establishment for a period between three months and two years may be applied.

#### **Article 6**

The concept regarding the establishment classified as a convenience store, within the scope of no. 3 of article 1, shall be defined, for all legal purposes, by an administrative decree of the Minister of Economy.

#### **Article 7**

The Decree-law no. 417/83, of 25 November, with the alterations introduced by the Decree-law no. 72/94, 3 March, and 86/95, of 28 April, is revoked.

#### **Article 8**

(Revoked).