Establishes exceptional and temporary measures concerning the epidemiological situation of the new Coronavirus - COVID 19

Decree-Law no. 10-A/2020 - Official Gazette no. 52/2020, 1st Supplement, Series I of 2020-03-13

Establishes exceptional and temporary measures concerning the epidemiological situation of the new Coronavirus - COVID 19

Decree-Law 10-A/2020
of 13 March

Summary: Establishes exceptional and temporary measures concerning the epidemiological situation of the new Coronavirus - COVID 19.

Given the international public health emergency declared by the World Health Organization on 30 January 2020 and the classification of the virus as a pandemic on 11 March 2020, it is strategically important to ensure the provision of contingency standards for the SARS-CoV-2 epidemic, as well as to ensure the treatment of COVID-19 disease in the National Health Service (SNS), through a legal regime appropriate to this exceptional reality, especially with regard to public procurement and human resources. The current exceptional situation and the proliferation of recorded cases of COVID-19 contagion call for extraordinary and urgent measures. In this sense, in the field of health, it is a priority to guarantee to the health care providers of the SNS the possibility of acquiring, with maximum speed, the equipment, goods and services necessary for the evaluation of suspected cases and the treatment of symptoms and complications associated with COVID-19, as well as taking other measures considered urgent and indispensable, namely in the field of human resources management.

Indeed, given the urgency in implementing the containment measures recommended by the various services within the Ministry of Health, on which their effectiveness depends, it is important to ensure, as a matter of urgency and emergency, an exceptional regime that allows the rapid implementation of the proposed measures.

To this end, it is necessary to establish an exceptional regime for public procurement and public spending, as well as for human resources, reconciling the required procedural promptness with the defence of State interests and strict transparency in public spending. On the other hand, the Government considers that it is necessary to approve a set of measures, taking into account the constraints caused in the development of judicial and administrative activity. It is therefore important to take these circumstances into account by establishing a specific regime of fair impediment and suspension of procedural deadlines where the impediment or closure of premises is determined by decision of a health authority or other public authority. Similarly, considering the possible impossibility for citizens to renew or obtain documents relevant to the exercise of rights, as a result of the closure of premises, it is important to provide for the obligation of acceptance by public authorities of the exhibition of documents, the validity of which expires during the period of validity of this Decree-Law.

Finally, it is important to promote measures that increase the possibilities of social distancing and prophylactic isolation, taking care of the perception of the income of those who are themselves or who find themselves in the situation of providing assistance to dependents.

Thus:
Under the terms of Article 198(1)(a) of the Constitution, the Government decrees the following:

Chapter I
General provisions

Article 1
Object and scope

1 - This decree establishes exceptional and temporary measures in response to the SARS-CoV-2 epidemic.
2 - The provisions of this Decree-Law apply to the prevention, containment, mitigation and treatment of epidemiological infection by COVID-19, as well as to the restoration of normality as a result thereof.
3 - The exceptional measures provided for in Article 2 are applicable, with the necessary adaptations, to the contracting entities provided for in Article 2 of the Public Procurement Code, approved by Decree-Law No. 18/2008 of 29 January, as currently worded.
Chapter II

Exceptional regime for public procurement and expenditure authorisation

Article 2

Exceptional public procurement regime

1 - For the purposes of choosing the direct adjustment procedure for the conclusion of public works contracts, contracts for the lease or purchase of movable property and the purchase of services, regardless of the nature of the contracting authority, the provisions of Article 24(1)(c) of the Public Procurement Code (CCP), approved by Decree-Law No. 18/2008 of 29 January, as currently worded, shall apply to the extent strictly necessary and for reasons of extreme urgency.

2 - Without prejudice to the provisions of the preceding paragraph, in the case of a direct agreement for the formation of a contract for the acquisition or lease of movable property and the acquisition of services for which the contractual price does not exceed 2000 euros, the provisions of Article 128(1) and (3) of the CPC shall apply.

3 - The procedures covered by this Decree-Law shall not be subject to the limitations laid down in Article 113(2) to (5) of the CCP and shall also be exempt from the provisions of Article 27-A of the CCP.

4 - The awards made under this exceptional regime are communicated by the awarding entities to the Government members responsible for the area of finance and the respective sector and advertised on the public procurement portal, ensuring compliance with the principles of publicity and transparency in procurement.

5 - Contracts concluded under this exceptional regime following a direct award, irrespective of whether or not they are reduced to writing, may take full effect immediately after the award, without prejudice to their publication, in accordance with Article 127(1) of the CCP.

6 - Where it is a question of guaranteeing the availability of the goods and services referred to in this Article by the economic operator, the contracting authority may make advance payments of the price exempt from the conditions laid down in Article 292 of the CCP, and the acts and contracts arising therefrom may produce all their effects immediately.

7 - The exception for centralised procurement of goods or services covered by a framework agreement for entities covered by the National Public Procurement System is also exempt from prior authorisation.

8 - The provisions of Article 45(5) of Law 98/97, of 26 August, in its current wording, shall apply to contracts entered into under this Decree-Law and the contract may produce all its effects before the visa or declaration of conformity, namely regarding the payments to which they give rise.

9 - The enabling documents provided for in Article 81(1)(a) and (b) of the CCP may be dispensed with, including for the purpose of making payments, without prejudice to the possibility of the contracting authority to request them at any time.

10 - Irrespective of the contract price, the provision of security may not be required.

Notes

1. The procedures promoted before the publication of this Decree-Law that have not complied, in whole or in part, with the regime provided for in article 2 of Decree-Law no. 10-A/2020, of 13 March, shall be considered to have been carried out, for all purposes, under the regime provided for in article 2-A of the same Decree-Law, as amended by this Decree-Law.

Amendments

Amended by Article 4 of Law No. 4-A/2020 - Official Gazette No. 68/2020, 3rd Supplement, Series I of 2020-04-06, effective from 2020-04-07, effective from 2020-03-12

Article 2-A

Exceptional simplified direct adjustment regime

1 - Exceptionally, to the extent strictly necessary and for reasons of extreme urgency, duly substantiated, and regardless of the contractual price and up to the limit of the budgetary scope, the regime of the simplified direct adjustment procedure provided for in Article 128 of the Public Procurement Code, approved by Decree-Law No. 18/2008, of 29 January, in its current wording, for the execution of contracts which object is the acquisition of equipment, goods and services necessary for the prevention, containment, mitigation and treatment of infection by SARS-CoV-2 and COVID-19 disease, or related thereto, namely:

a) Personal protective equipment;
b) Goods needed for testing COVID-19;
c) Equipment and material for intensive care units;
d) Medicinal products, including medicinal gases;

e) Other medical devices;

f) Logistics and transport services, including air transport, related to the acquisition, whether in return for payment or free of charge, of the goods referred to in the preceding paragraphs, as well as to their distribution to entities under the supervision of the Government member responsible for the area of health or to other public or public interest entities for which they are intended.

2 - Without prejudice to the provisions of subparagraph f) of the preceding paragraph, the procedure provided for in the preceding paragraph may only be promoted by the Directorate-General for Health, the Administração Central do Sistema de Saúde, I.P. (Central Administration of the Health System), the Instituto Nacional de Saúde Dr. Ricardo Jorge, I.P. (National Health Institute), and the Serviços Partilhados do Ministério da Saúde, E.P.E. (Shared Services of the Ministry of Health) (SPMS, E.P.E.), in respect of goods intended for entities under the tutelage of the Government member responsible for the health area.

3 - The circumstances invoked to substantiate the extreme urgency referred to in paragraph 1 may in no case be attributable to the contracting authority.

4 - The provisions of paragraphs 3 and 6 of the preceding Article shall apply to acquisitions as provided for in this Article, and payments on account of orders may be made on the domestic or international market, with exemption from import formalities.

5 - The awards made under the simplified arrangements provided for in this Article shall be communicated by the contracting authorities to the Government members responsible for the areas of finance and health and shall be advertised on the public procurement portal, including the grounds for adopting this procedure.

6 - Up to 60 days after the period of validity of this Decree-Law, the entities foreseen in paragraph 2 shall prepare a joint report, which shall be published on SPMS, E.P.E.’s website, on all the awards and their grounds and circumstances, in particular justifying the impossibility or serious inconvenience of recourse to another type of procedure.

7 - The provisions of Article 2 of Decree-Law No. 10-E/2020 of 24 March, apply to acquisitions made under this article.

Amendments
Added by Article 2 of Decree-Law No 18/2020 - Official Gazette No. 80/2020, Series I of 2020-04-23, in force from 2020-04-24, effective from 2020-03-13

Article 2-B

Exceptional regime for grouping of contracting entities

1 - The system of grouping of contracting entities provided for in Article 39 of the Public Procurement Code, approved by Decree-Law No. 279/2008, may be adopted exceptionally, to the extent strictly necessary and for reasons of extreme urgency, duly substantiated, irrespective of the contractual price and up to the limit of the budgetary scope, approved by Decree-Law 18/2008, of 29 January, in its current wording, for the execution of contracts which object is the acquisition of space for the broadcast of institutional publicity actions in the scope of the COVID-19 pandemic or inherent to it, with the holders of national, regional and local media, by means of television, radio, printed and/or digital media, under the terms of Articles 8 and 9 of Law no. 95/2015, of 17 August, in its current wording, with the following specificities:

a) The appointment of the representative of the grouping for the purpose of conducting the procedure for the formation of the contract to be concluded is defined by a resolution of the Council of Ministers;

b) The responsibilities of each of the contracting entities which are members of the group, including financial and expenditure responsibilities, are defined by a resolution of the Council of Ministers;

c) Procedures for the acquisition of space for broadcast may be adopted through direct adjustment, applying, with the necessary adaptations, the provisions of Articles 2, 3 and 4, as well as the provisions of paragraphs 1 and 2 of Article 6 of Law No. 1- A/2020, of 19 March, in its current wording;

d) All acts which competence is attributed by resolution of the Council of Ministers to the body with competence for the decision to contract must be carried out in isolation by the representative of the group;

e) The appointment of the representative of the group for the purpose of implementing the contract is defined by a resolution of the Council of Ministers;

f) Regardless of the contract price, all powers may be delegated and subdelegated to the bodies of the representative of the group for the purpose of setting up the procedure and for the purpose of executing the contract.

2 - For the purposes of the preceding paragraph, the overall price for the purchase of institutional advertising space may not exceed (euro) 15 000 000.00, which includes VAT at the legal rate in force, broken down as follows:

a) (euro) 11,250,000.00 in acquisitions to be made from legal persons holding national media;

b) (euro) 2 019 000.00 to holders of regional and/or local print media;

c) (euro) 1 731 000.00 to natural or legal persons who have only regional and/or local radio programme services.
3 - The overall and partial price of each procedure is met by funds to be entered in the budget of the representative of the group, and the space purchased is to be distributed among the various entities in the government areas, under terms to be defined by a resolution of the Council of Ministers.

4 - For the purposes of the preceding paragraph, the entities of the government areas that benefit from the broadcast space acquired shall transfer the respective funds between budgetary programmes to the representative of the grouping, pursuant to article 3 of Law no. 9-A/2020, of 17 April.

5 - The space acquired is that which, for reasons of extreme urgency, is strictly necessary and is intended for institutional publicity actions within a period of 18 months regarding:

a) The public health situation of the pandemic and, among other things, actions concerning preventive measures and containment of virus transmission, good social and hygiene practices, periodic reports and information on the public services concerned;
b) The legislative measures adopted to contain the pandemic, as well as the public or social means available to rescue, monitor, inform or supervise;
c) Legislative measures adopted to balance the economy on a cross-cutting or sectoral basis, as well as the public or social means available to rescue, monitor, inform or supervise;
d) The legislative measures adopted for the gradual recovery of life and the economy in a pandemic and post-pandemic context, as well as the public or social means available to rescue, monitor, inform or supervise;
e) Ancillary health measures, such as the call for vaccination and the use of primary and emergency health services;
f) Measures in the area of education aimed at informing the educational community of their rights and duties, deadlines, timetables, available teaching and auxiliary resources and means of implementation;
g) Awareness raising for the prevention of forest fires in a pandemic year;
h) Social and humanitarian causes, such as domestic violence against the elderly or minors, sharing of domestic and parental responsibilities, combating discrimination, raising awareness of mental illnesses, and helplines and services in times of pandemic;
i) The promotion of media literacy and dissemination of cultural activities during and after the pandemic;
j) Other areas and subjects that meet similar objectives.

6 - The conception, implementation and production of institutional publicity actions to be disseminated in the space acquired is the isolated responsibility of each government area, applying the provisions of Articles 2, 3 and 4 in their respective contracts and with the necessary adaptations.

Amendments

Article 3

Exceptional expenditure authorisation regime

1 - The following rules for authorising expenditure shall apply, by way of exception, to public procurement procedures carried out under this Decree-Law:

a) Requests for authorisation by the financial and sectoral authorities, where required by law, shall be considered tacitly granted, in the absence of a pronouncement, as soon as 24 hours have elapsed after remittance, by electronic means, to the respective public authority with competence to authorise them;
b) Acquisitions made under this Decree-Law shall be deemed to be justified for the purposes of the requests for authorisation referred to in the preceding paragraph;
c) The multi-annual expenses resulting from this Decree-Law are tacitly granted if, after submission of the request for authorisation by means of an extension order to the Government member responsible for the area of finance, the latter does not receive an order of refusal within three days, the normal publication procedures being the responsibility of the Government member responsible for the area of finance;
d) Budgetary changes involving reinforcement, in return for other actual expenditure items, are authorised by the Government member responsible for the respective sectoral area;
e) In duly justified cases, when it is necessary to disburse funds in order to comply with the objectives established in this decree-law, it shall be considered tacitly granted as soon as three days have elapsed after the submission of the respective request.

2 - The list of goods and services eligible for the purposes of subparagraph c) above shall be approved by order of the Government members responsible for the areas of finance and the respective sector of activity.
Article 4

Exceptional administrative authorisation regimes

The decision to contract the acquisition of services which purpose is to carry out studies, opinions, projects and consulting services, as well as any specialized work, does not require the administrative authorizations provided for by law, being the responsibility of the Government member responsible for the sector area.

Chapter III

Exceptional regime for the composition of medical boards, human resource management and procurement of services

Article 5

Exceptional regime for the composition of medical boards for the assessment of disabilities of people with disabilities

1. Each Administração Regional de Saúde, I.P. (Regional Health Administration) (ARS, I.P.), ensures the establishment of at least one medical disability assessment board (JMAI) per grouping of health centres or local health unit.

2. The JMAI are made up of medical specialists, including a president, two permanent members and two alternates, with the president being replaced, in his/her absence and impediments, by the first permanent member.

3. The president is preferably competent in assessing bodily harm or has proven participation in JMAI.

4. The assessment of disability carried out by JMAI is subject to appeal to the competent ARS Medical Board of Appeal (JMR), to be submitted to the President of the respective Board of Directors.

5. JMR comprises a president and two members, selected from among the JMAI members of the health region who did not participate in the previous evaluation, one of whom may be appointed by the applicant.

6. In each ARS, I.P., a Regional Coordination Nucleus of the JMAI (Nucleus) is created, under the direct dependence of the Board of Directors, dedicated to its creation, organisation and functioning.

7. The Nucleus is coordinated by a physician, preferably with competence in assessing bodily harm or proven participation in JMAI, and is chaired by JMR.

8. The ARS, I.P., guarantee the logistical, administrative and legal support to the respective Nuclei.

9. The ARS, I.P., and the Local EPE Health Units, provide the logistical and administrative support necessary for the functioning of the JMAI.

10. To ensure the functioning of JMAI, the ARS, I.P., may recruit retired or specialist physicians, subject to authorisation from the Government member responsible for health.

11. For the purposes of social, economic and tax benefits, the validity of the medical certificates of multipurpose incapacity issued under the terms of paragraph 2 of article 4 of Decree-Law no. 202/96, of 23 October, in its current wording, shall be extended until 31 December 2021, and shall cease to be valid whenever a medical board of assessment of disability or, where applicable, a medical board of appeal is held prior to that date.

12. The provisions of the preceding paragraph shall apply to medical certificates of incapacity assessment which validity has expired in 2019 or expires in 2020, provided that they are accompanied by proof of an application from a medical committee for the assessment of disability or, where applicable, a medical board of appeal for the corresponding reassessment, dated before the date of validity.

Amendments


Article 6

Exceptional human resources regime

1. The limits set out in paragraphs 2 and 3 of Article 120 and in paragraph 1 of Article 163 of the General Law on Labour in Public Service, approved in annex to Law no. 35/2014, of 20 June, in its current wording, as well as the limits set out in paragraphs 1 to 3 of Article 228 of the Labour Code, approved in annex to Law no. 24/01, of 20 June. Approved in annex to Law no. 7/2009, of 12 February, in its current wording, are hereby suspended for the performance of extraordinary or supplementary work in all bodies, agencies, services and other entities of the Ministry of Health, the security forces and services, the National Emergency and Civil Protection Authority, the Armed Forces Hospital (HFAR), the Military Laboratory of Chemical and Pharmaceutical Products (LMPQF), the Instituto de Ação Social das Forças Armadas, I.P. (Armed Forces Social Action Institute) (IASFA, I. P.), the Directorate-General for Reintegration and Prison Services (DGFRS), the Instituto Nacional de Medicina Legal e Ciências Forenses, I.P. (National Institute for Forensic Medicine and Sciences) (INMLCFI. P.), the Authority for Working Conditions, the Instituto
da Segurança Social, I.P. (Social Security Institute), the Instituto de Informática, I.P. (Institute for Informatics), the essential services of local authorities, as well as private social solidarity institutions, non-profit associations, cooperatives and other social economy entities engaged in essential social and health activities, namely health services, residential or accommodation structures or home support services for vulnerable populations, the elderly and the disabled.

2 - For the purposes of the previous paragraph, essential services of local authorities are those provided directly or through entities owned by them, which derive from Law no. 23/96, of 26 July, as currently worded, as well as essential activities in the area of civil protection, and in the social and health areas, namely home support for vulnerable populations, the elderly and people with disabilities.

3 - Until 30 June 2021, the member of the Government responsible for health may, with the faculty of delegation, had authorised the establishment of employment relationships of indefinite duration for the performance of duties related to COVID-19 disease pandemic, in bodies, agencies, services and other entities, including the public sector of the Ministry of Health, whenever such hiring is indispensable to cope with the increase exceptional and temporary activity within the COVID-19 pandemic and as long as this situation persists, with waiver from the completion of any other formalities.

4 - The Administração Central do Sistema de Saúde, I.P. (Central Administration of the Health System), communicates monthly to the Directorate-General for the Budget, for information, about the contracts referred to in the previous paragraph.

5 - The provisions of paragraph 3 shall apply, with the necessary adaptations, to the recruitment of health professionals for DGRSP, INMLCF, I.P., HFAR, LMPQF and IASFA, I.P. and their contract renewals.

6 - The fixed-term contracts referred to in the preceding paragraph shall be authorised by the members of the Government responsible for the areas of finance and, as the case may be, national defence or justice.

7 - The provisions of Article 22-A of the Statute of the National Health Service, approved by Decree-Law No. 11/93 of 15 January, in its current wording, are applicable to all professionals working in the bodies, agencies, services and other entities, including the public business sector, of the Ministry of Health.

8 - The regime set out in Decree-Law 89/2010 of 21 July, as currently worded, is applicable without being subject to the age limits set out in the Retirement Statute, as currently worded.

Amendments
Added by Article 2 of Decree-Law no. 106-A/2020 – Official Gazette no. 252/2020, 3rd Supplement, Series I of 2020-12-30, in force from 2020-12-31
Amended by Article 2 of Decree-Law No 22/2020 - Official Gazette No. 95-A/2020, Series I of 2020-05-16, in force from 2020-05-17, effective from 2020-03-13
Amended by Article 4 of Decree-Law No. 20-C/2020 - Official Gazette No. 89/2020, 1st Supplement, Series I of 2020-05-07, in force from 2020-05-09

**Article 6-A**

**Exemption from the user charges for the diagnosis and treatment of COVID-19 disease**

User charges are charged to beneficiaries of the National Health Service (SNS), as defined in paragraphs 1 and 2 of Basis 21 of the Basic Health Law, approved by Law No. 95/2019, of 4 September which, according to the SNS Contact Centre - SNS24, primary health care, hospital of the SNS or unit providing health care, within the scope of diagnosis and treatment of COVID-19 disease, require:

a) To carry out a laboratory test to detect the disease;

b) Appointments, urgent care and complementary acts prescribed in the context of this pathology.

Amendments

**Article 6-B**

**Exceptional regime for hiring health professionals for the intensive care units of the National Health Service**

1 - Until 31 December 2020, the signing of open-ended employment contracts to assign health professionals to the intensive care units of the public health care facilities and services of the SNS is authorised by the Government member responsible for the area of health.

2 - The Administração Central do Sistema de Saúde, I.P. (Central Administration of the Health System), communicates monthly to the Directorate-General for the Budget information on the contracts referred to in the previous paragraph.

Amendments
Article 6-C

Exceptional regime for hiring nurses to work in the public health units of the Administrações Regionais de Saúde, I.P. (Regional Health Administrations), and Local EPE Health Units

1 - The regime provided for in Decree-Law No. 89/2010 of 21 July, as currently worded, the provisions of Article 63 of Decree-Law No. 84/2019 of 28 June, as currently worded, as well as the provisions of Article 46 of Law No. 2/2020 of 31 March, as currently worded, are applicable, with the necessary adaptations, to retired nurses hired to carry out care functions in the public health departments of the Administrações Regionais de Saúde, I.P. (Regional Health Administrations), and in the public health units of the health centre groupings and Local EPE Health Units.

2 - The power to authorise the recruitment of retired nurses, under the terms of the previous paragraph, lies with the Government member responsible for the area of health.

3 - The regime established in this article is a reason of exceptional public interest for the purposes laid down in Article 78(1) of the Retirement Statute, approved by Decree-Law No. 498/72 of 9 December 1972, as currently worded.

Amendments

Article 6-D

Exceptional regime for hiring physicians by companies in the public business sector of the National Health Service

1 - Until 31 December 2020, the signing of open-ended employment contracts for physicians specialising in anaesthesiology, cardiology, infectious diseases, internal medicine, intensive care medicine, clinical pathology and pneumology by companies in the public business sector of the SNS is the responsibility of the respective top management body, with no formalities required.

2 - The Administração Central do Sistema de Saúde, I.P. (Central Administration of the Health System), communicates monthly to the Directorate-General for the Budget information on the contracts referred to in the previous paragraph.

Amendments

Article 6-E

Increase of leave days

1 - Health professionals, regardless of the nature of the legal employment relationship, are entitled to one business day’s leave for every five days of leave due in 2020 or 2019 and not taken by the end of 2020 for overriding service reasons.

2 - At the option of the worker, the leave days resulting from the increase under the terms of the previous paragraph may be replaced by remuneration equivalent to a normal day's work.

Amendments

Article 7

Exceptional regime for the purchase of services

The signing of contracts for the acquisition of services by bodies, agencies, services and other entities, including the corporate public sector, the Ministry of Health, DGRSP, INMLCF, I.P., HFAR, LMPQF and IASFA, I.P., is authorised by the highest director or management body and is subsequently communicated to the Government members responsible for the areas of health, justice and national defence, respectively.

Amendments

Article 8

Extension of the scope of application of Decree-Law No. 62/79 of 30 March 1979

The regime provided for in Article 9 of Decree-Law No. 62/79 of 30 March, in its current wording, is applicable, with the necessary adaptations, to health sector professionals directly involved in the diagnosis and specialized laboratory response, rapid and integrated, in situations of cases, outbreaks and other public health emergencies in situations related to the SARS-CoV-2 epidemic
that may constitute a risk to public health, with a view to ensuring the capacity for rapid and timely response to such situations as well as the permanent availability of workers.

**Article 8-A**

*Exceptional regime applicable to the terms of office of the members of the maximum management bodies of the health units of the National Health Service*

The members of the management boards or boards of directors of the health units that make up the SNS, respectively with the nature of a corporate public entity or integrated in the public administrative sector, which term of office has expired after 31 December 2019, without a new holder having been appointed, may remain in office until 31 December 2021, by order of the Government member responsible for the health area.

**Amendments**


**Chapter IV**

*Suspension of teaching and non-teaching activities*

**Article 9**

*Suspension of teaching and non-teaching and training activities*

1 - [Revoked].

2 - The social support activities developed in day centres with other social responses are suspended, without prejudice to the possibility of restarting these activities through an evaluation of the conditions of reopening, to be carried out by the institution, the Instituto da Segurança Social, I.P. (Social Security Institute), and the local health authority.

3 - [Revoked].

4 - School groupings and schools that are not part of the public education network maintain the necessary measures to provide food aid to students in grades A and B of school social action until 31 July 2020.

5 - [Revoked].

6 - In compulsory or certified vocational training, namely that relating to professional access and exercise, the training activity in person may be exceptionally replaced by distance training, when this is possible and conditions are met for this purpose, with the necessary adaptations and flexibility of the respective requirements, subject to authorisation by the competent authority.

7 - [Revoked].

**Notes**

1. The provisions of Article 9(1) of Decree-Law No. 10-A/2020 of 13 March, as currently worded, are waived. Scientific and higher education institutions must ensure the gradual and effective combination of activities in the presence of students, teachers and researchers with distance learning processes, as well as teleworking, namely for classes and other activities, such as laboratory activities, internships and student evaluation activities, among others.

2. The provisions of Article 9(2) of Decree-Law No. 10-A/2020 of 13 March, as amended by this Decree-Law, take effect on 15 August 2020

**Amendments**

Amended by Article 2 of Decree-Law No 58-B/2020 - Official Gazette No. 158/2020, 2nd Supplement, Series I of 2020-08-14, in force from 2020-08-15


Amended by Article 6 of Decree-Law No. 20-I/2020 - Official Gazette No. 94/2020, 2nd Supplement, Series I of 2020-05-14, in force from 2020-05-15

Amended by Article 2 of Law No. 5/2020 - Official Gazette No. 71-A/2020, Series I of 2020-04-10, in force from 2020-04-11

**Article 9-A**

*Exceptional suspension regime of the Professional Internship Programme in Local Administration*

1 - The entities that declare, in a justified manner, that they do not have adequate sanitary conditions to carry out the internship programme in Local Administration, may, by order of the maximum manager of the service, suspend them and also make the suspension cease, at any time, when the indispensable safety requirements are met.

2 - References to the head of the service referred to in the previous paragraphs are deemed to be made:

a) In the municipalities, to the mayor;

b) In the parishes, to the parish council;

c) In metropolitan areas and intermunicipal communities, the executive secretariat;

d) In the associations of municipalities and companies in the local sector, the board of directors.
3 - In the cases provided for in paragraph 1, the period of suspension shall not exceed the maximum of two months referred to in paragraph 1(a) of Article 10 of Decree-Law No. 166/2014 of 6 November, as currently worded.

Amendments
Amended by Article 2 of Decree-Law No 58-B/2020 - Official Gazette No. 158/2020, 2nd Supplement, Series I of 2020-08-14, in force from 2020-08-15
Added by Article 2 of Decree-Law No. 20-D/2020 - Official Gazette No. 92/2020, 1st Supplement, Series I of 2020-05-12, in force from 2020-05-13

Article 9-B
Interpretative Rule
REVOKED

Amendments
Revoked by Article 5 of Decree-Law No 58-B/2020 - Official Gazette No. 158/2020, 2nd Supplement, Series I of 2020-08-14, in force from 2020-08-15

Article 10
Workers in essential services
1 - Workers in essential services are health professionals, security and rescue forces and services, including voluntary firefighters, and the armed forces, workers in essential public services and in social institutions or facilities to support the elderly such as homes, day-care centres and the like, and the management and maintenance of essential infrastructure.
2 - [Revoked].
3 - Workers in the activities listed in paragraph 1 shall be mobilised by the employer or the public authority.
4 - [Revoked].

Amendments
Amended by Article 2 of Decree-Law No 20/2020 - Official Gazette No. 95-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03
Amended by Article 2 of Law No. 5/2020 - Official Gazette No. 71-A/2020, Series I of 2020-04-10, in force from 2020-04-11

Article 11
Finalist trips
1 - It is forbidden for finalists or similar to travel.
2 - Agencies or other entities organising the trips provided for in the previous paragraph shall be obliged to reschedule them, unless otherwise agreed.

Chapter V
Limitation of access to public spaces

Article 12
Restrictions on access to establishments
1 - Access to the public is suspended in catering or beverages establishments which have spaces for dancing or where dancing is customary.
2 - The allocation of spaces accessible to the public of other catering or beverages establishments and commercial or service establishments must comply with the rules of occupation that may be defined by an ordinance of the Government member responsible for the economic area.
3 - In the ordinance referred to in the preceding paragraph, total or partial restrictions on the allocation of spaces accessible to the public may be established.

Amendments
Article 13

Restrictions on access to services and public buildings

1 - Access to services and public buildings may be limited by order of the Government member responsible for the area of Public Administration and the area to which the service or building relates.

2 - For the purpose of contracting goods and services to strengthen the provision of services through digital means and contact centres with citizens, namely channels for assistance and support in the use of those public services, the provisions of Article 2 shall apply

Amendments

Article 13-A

Transport

1 - The public or private bodies responsible for collective passenger transport must ensure, cumulatively:

a) Maximum capacity of 2/3 of its capacity for land, river and sea transport;
b) [Revoked].
c) Daily cleaning, weekly disinfection and monthly hygiene of vehicles, premises and equipment used by passengers and other users, in accordance with the recommendations of the health authorities.

2 - In taxi transport and in the individual and remunerated transport of passengers in vehicles with no electronic platform, the front seats should be used only by the driver, and the maximum occupation of the vehicles by passengers should not exceed the recommendations on maximum capacity, to be defined by an ordinance of the Government members responsible for the areas of transport and the environment, and also the renewal of the interior air of the vehicles and the cleaning of the surfaces should be taken into account.

3 - Without prejudice to the provisions of the previous paragraphs, other measures which are appropriate and necessary to safeguard public health may be adopted, such as not making available the sale of tickets on board, the installation of physical separations between drivers and passengers and the availability of disinfectant gel or skin solution.

4 - The transport authorities, provided for in Law No. 52/2015 of 9 June, as currently worded, must liaise with their respective transport operators in order to bring supply into line with demand and transport needs, safeguarding the continuity of the essential public service and compliance with the rules on safeguarding public health.

5 - In order to comply with the previous paragraph, the arrangements laid down in Article 2 shall apply to the contracting of road passenger transport vehicles to strengthen the rail and road network.

Amendments
Amended by Article 2 of Decree-Law No. 22/2020 - Official Gazette No. 95-A/2020, Series I of 2020-05-16, in force from 2020-05-17
Added by Article 3 of Decree-Law No. 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 13-B

Use of masks and visors

1 - The use of masks or visors is mandatory for access or stay in the following places:

a) In commercial and service spaces and establishments;
b) In public buildings or buildings for public use where services are provided or acts involving the public occur;
c) In educational establishments, teaching establishments and nurseries;
d) Inside the show theatres, the exhibition of cinematographic films or similar.

2 - The obligation referred to in the preceding paragraph is waived when, due to the nature of the activities, their use is impracticable.

3 - The use of masks or visors is mandatory when using collective passenger transport.

4 - For the purposes of the preceding paragraph, the use of collective passenger transport begins under the terms of Article 2(2) of Law No. 28/2006 of 4 July 2006, as currently worded.

5 - The obligation to wear a mask or visor under this article only applies to persons over the age of 10 years, except for the purpose of paragraph 1(c), where the obligation for students to wear a mask only applies from the 2nd cycle of basic education, regardless of age.
6 - The obligation referred to in paragraphs 1 and 3 shall be waived on presentation of a:

a) Medical Certificate of Multipurpose Disability or medical statement, in the case of people with cognitive disabilities, development and psychic disorders;

b) Medical statement certifying that the person's medical condition is not consistent with the use of masks or visors.

7 - Persons or entities, public or private, which are responsible for their premises or establishments, services and public buildings or means of transport, shall be responsible for promoting compliance with the provisions of this Article.

8 - Without prejudice to the following paragraph, in the event of non-compliance, the persons or entities referred to in the previous paragraph shall inform non-maskable users that they cannot access, remain in or use the spaces, establishments or collective transport of passengers and shall inform the authorities and security forces if users insist on not complying with that obligation.

9 - (Revoked).

Amendments
Amended by Article 2 of Decree-Law No. 22/2020 - Official Gazette No. 95-A/2020, Series I of 2020-05-16, in force from 2020-05-17
Added by Article 3 of Decree-Law No. 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 13-C

Body temperature control

1 - In the current context of COVID-19 disease, and exclusively for reasons of protecting one's own and others' health, body temperature measurements can be taken to workers for access and stay in the workplace.

2 - The provisions of the preceding paragraph are without prejudice to the right to individual data protection, and it is expressly prohibited to record the body temperature associated with the identity of the person, unless expressly authorised by the person.

3 - If temperature measurements are higher than the normal body temperature, that person may be prevented from accessing the workplace.

Amendments
Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 13-D

Funding of protective barriers

1 - In 2020, under the terms of the technical and financial collaboration agreement to be signed under the terms of Decree-Law 384/87 of 24 December, as currently worded, the acquisition of acrylic protection barriers, for face-to-face service desks in the Citizen Spaces and Citizen Shops, which management is the responsibility of the local authorities, may be financed.

2 - The funding provided for in the previous paragraph amounts to 90 % of the total cost of the acrylic barrier, with a limit of (euro) 54.00 per unit, with only barriers following the model defined by the Agência para a Modernização Administrativa, I.P. (Agency for Administrative Modernisation) (AMA, I.P.) being eligible.

3 - Local authorities which, prior to the publication of Decree-Law no. 20-D/2020 of 12 May, had already initiated the procedure for the acquisition of the barriers, are exempt from the obligation laid down in the previous paragraph, as regards the model defined by AMA, I. P.

4 - The financing procedure is simplified as follows:

a) Local authorities apply to the Directorate-General for Local Authorities (DGAL) for the funding provided for in this article, in accordance with the form made available on the respective DGAL portal;

b) DGAL validates with AMA, I.P., the number of acrylic barriers identified, taking into account the existing service desks in each Citizen Space or Citizen Shop;

c) The local authority sends proof of purchase to DGAL;

d) The contribution shall be transferred by DGAL according to the expenditure incurred, in accordance with paragraph 2.

Amendments
Added by Article 2 of Decree-Law No. 20-D/2020 - Official Gazette No. 92/2020, 1st Supplement, Series I of 2020-05-12, in force from 2020-05-13
Chapter VI

Procedural and acts and diligences

Article 14

Fair impediment, justification of absences and postponement of procedural steps

1 - The statement issued by a health authority in favour of a procedural subject, party, its representatives or agents, which attests the need for a period of isolation from them due to possible risk of contagion from COVID-19 is considered, to all intents and purposes, grounds for the allegation of fair impediment to the practice of procedural acts that must be practiced in person in proceedings, procedures, acts and diligences that run their terms in judicial courts, administrative and tax courts, arbitration courts, public prosecutors, courts of peace, alternative dispute resolution entities, notary public offices, registry offices, services and administrative entities, in the scope of misdemeanour procedures, respective acts and diligences and in the scope of procedures, acts and diligences regulated by the Administrative Procedure Code, approved by Decree-Law no. 4/2015, of 7 January, and other administrative legislation.

2 - The statement referred to in the preceding paragraph shall also constitute grounds for non-attendance in any procedural step, as well as for its postponement, in the context of the proceedings and procedures referred to in the preceding paragraph.

3 - The provisions of the preceding paragraphs shall apply, mutatis mutandis, to other procedural parties, even if only accidental.

4 - The statement referred to in paragraph 1 shall also be considered, for all purposes, as grounds for the allegation of fair impediment to the performance of procedural acts that can be performed remotely when the subject does not have access to means of communication at a distance or is incapacitated by infection by COVID-19 to perform them, in the context of the proceedings, procedures, acts and steps referred to in that paragraph.

Amendments

Amended by Article 4 of Law No. 16/2020 - Official Gazette No. 105/2020, Series I of 2020-05-29, in force from 2020-06-03

Article 15

 Closure of premises

1 - In the event of the closure of premises where procedural acts are to be performed within the scope of the proceedings and procedures referred to in paragraph 1 of the preceding article, or in the event of the suspension of face-to-face service in those premises, by decision of a public authority on the basis of the risk of contagion of COVID-19, the period for performing the procedural or procedural act in question shall be considered suspended from the day of the closure or suspension of the service.

2 - The suspension laid down in the previous paragraph shall end with the declaration by the public authority that the facilities will be reopened.

3 - The provisions of the preceding article shall apply to citizens, procedural subjects, parties, their representatives or agents residing or working in municipalities where facilities are closed or attendance is suspended, even if the procedural acts and steps must be taken in a different municipality.

Article 15-A

Collection of signatures of judges participating in collective court

The signature of the other judges who, in addition to the rapporteur, have intervened in a collective court, pursuant to Article 153(1) of the Civil Procedure Code, approved by Law No. 41/2013 of 26 June, in its current wording, may be replaced by a written statement by the rapporteur attesting to the vote of conformity of the judges who have not signed.

Amendments


Chapter VII

Deadlines

Article 16

Acceptance of expired documents

1 - Without prejudice to the provisions of the following paragraph, public authorities shall accept, for all legal purposes, the display of documents liable to be renewed which validity period expires from the date of entry into force of this Decree-Law or within the 15 days immediately preceding.
2 - The citizen card, certificates and statements issued by the civil registry and identification services, driving licences, documents and visas relating to stay in national territory, as well as licences and permits which validity expires from the date of entry into force of this Decree-Law or within the 15 days immediately preceding are accepted, under the same terms, until 31 March 2021.

3 - The documents referred to in the previous paragraphs shall continue to be accepted on the same terms after 31 March 2021, provided that their holder proves that he/she has already scheduled their renewal.

4 - The ADSE family member card which validity expires from the date of entry into force of this decree-law or within the 15 days immediately preceding is accepted until 31 March 2021.

5 - The provisions of the preceding paragraph apply irrespective of the verification of the situations foreseen in article 9 of Decree-Law 118/83, of 25 February, in its current wording, when the beneficiaries declare that they have not been able, at an earlier time, to schedule the medical acts or which scheduling has been cancelled.

6 - Paragraph 2 shall not apply to monthly and annual recreational fishing licences which were valid on the date referred to in paragraph 1, which shall be deemed to have been extended for the same period as the respective ban on recreational fishing.

**Amendments**

Amended by Article 2 of Decree-Law No. 87-A/2020 - Official Gazette No. 201/2020, 1st Supplement, Series I of 2020-10-15, in force from 2020-10-16
Amended by Article 2 of Decree-Law No. 22/2020 - Official Gazette No. 95-A/2020, Series I of 2020-05-16, in force from 2020-05-17
Rectified by Rectification Statement No. 11-B/2020 - Official Gazette No 53/2020, 2nd Supplement, Series I, 2020-03-16, in force from 2020-03-16, effective from 2020-03-09

**Article 16-A**

**Evidential strength of scanned copies and photocopies**

1 - Scanned copies and photocopies of acts and contracts are recognised as the evidential value of the respective originals, unless the person to whom they are presented requests the display of this original.

2 - The signing of scanned copies of acts and contracts by hand or by qualified electronic signature does not affect their validity, even if different forms of signature coexist in the same act or contract.

**Amendments**


**REVOKED**

**Article 17**

**Suspension and extension of deadlines**

**Amendments**


**REVOKED**

**Article 18**

**Deadlines for holding general meetings**

**Amendments**

Revoked by Article 5 of Decree-Law No. 87-A/2020 - Official Gazette No. 201/2020, 1st Supplement, Series I of 2020-10-15, in force from 2020-10-16

**Article 18-A**

**Extension of deadlines for exercising consumer rights**

The deadlines for the exercise of rights set out in Article 5-A of Decree-Law No. 67/2003 of 8 April, as currently worded, which expired between 18 March 2020 and 31 May 2020, are extended until 30 June 2020.

**Amendments**

Chapter VIII
Social protection measures in sickness and parenting

Article 19
Prophylactic isolation

1 - The situation of prophylactic isolation for up to 14 days, consecutive or interpolated, of employees and self-employed workers in the general social security system, motivated by situations of serious risk to public health decreed by the entities that exercise the power of health authority, within the scope of the powers provided for in Article 5 of Decree-Law No. 82/2009 of 2 April, in its current wording, is equivalent to illness.

2 - Recognition of entitlement to sickness benefit is not dependent on verification of the guarantee period, the level of professionalism and the certification of temporary incapacity for work.

3 - The benefit is not subject to a waiting period.

4 - The amount of the benefit corresponds to 100% of the reference salary.

5 - If the beneficiaries do not present six months with remuneration records, the reference remuneration is defined by R/(30 x n), where R represents the total remuneration recorded from the beginning of the reference period until the day preceding prophylactic isolation and n the number of months to which it refers.

6 - For the purposes of paragraph 1, the public health authority shall declare the start and end date of the prophylactic isolation situation.

Amendments

Article 19-A
Interim declaration of prophylactic isolation

1 - A provisional declaration of prophylactic isolation shall be issued to employees, as well as to self-employed workers under the general social security regime, whenever, following contact with the SNS24, there is a risk situation which may determine the process of assessment and declaration of prophylactic isolation provided for in paragraph 1 of the previous article.

2 - The regime applicable to prophylactic isolation shall apply, mutatis mutandis, to the situation declared under the previous paragraph.

3 - The provisional declaration of prophylactic isolation is valid for a maximum period of 14 days or until the contact operated by the entities that exercise the power of health authority, within the scope and for the purposes of the exercise of the powers provided for in Article 5 of Decree-Law No. 82/2009 of 2 April, as currently worded.

4 - The provisional declaration of preventive prophylactic isolation contains the start date and the end date, the respective number of days being deducted from the period referred to in paragraph 1 of the previous article.

5 - Paragraphs 2 and 4 shall not apply to workers who can make use of alternative mechanisms for the provision of work, in particular teleworking.

6 - In the cases provided for in the previous paragraph, following contact with the SNS24, a statement proving the existence of a situation of risk to public health may be issued to substantiate the absence from the workplace, to be sent by electronic means to the social security.

7 - For the purposes of this Article, the impossibility of carrying out teleworking shall be attested by a declaration by the employer.

Amendments
Amended by Article 2 of Decree-Law no. 106-A/2020 - Official Gazette no. 252/2020, 3rd Supplement, Series I of 2020-12-30, in force from 2020-12-31

Article 19-B
Dematerialised issue

1 - The provisional declaration of prophylactic isolation and the declaration of prophylactic isolation are issued in electronic and dematerialised form.

2 - The declarations provided for in the previous paragraph shall be accessible on the Internet by means of an access code issued for that purpose.
3 - Evidence of the facts set out in the statements, before any public or private entity, shall be provided by means of the relevant access code.

4 - The models for the provisional declaration of prophylactic isolation and the duration of its availability online will be defined by order of the Government members responsible for the areas of health and labour and social security.

Amendments

**Article 20**

Sickness benefit

1 - In the case of COVID-19 sickness of employees and self-employed persons covered by this article, the granting of sickness benefit is not subject to a waiting period.

2 - Sickness benefit is granted at 100% of net reference pay and is limited to a maximum of 28 days, from which the period referred to in paragraph 1 of the previous article, where applicable, is deducted.

3 - For the purpose of granting the benefit referred to in the preceding paragraph, the physician shall assess the sickness situation at the latest every 14 days, certifying the date on which the sickness started and the date on which it ended.

4 - After the period provided for in paragraph 2 has elapsed, the percentages referred to in Article 16(2) of Decree-Law No. 28/2004 of 4 February, as currently worded, shall apply to the calculation of the sickness benefit.

Amendments

**Article 20-A**

Occupational disease

1 - For the purposes of Article 262-B of Law No. 2/2020, of 31 March, in its current wording, and of Article 94(2) of Law No. 98/2009, of September 4, are exempt from proving that COVID-19 disease is a direct consequence of the activity performed and that it does not represent a normal wear and tear of the body those workers who are sick with COVID-19 of the services and establishments of the SNS, bound by an employment contract in public functions or an employment contract entered into under the Labour Code, who have carried out acts directly related to suspected persons and patients infected by SARS-CoV-2, either as direct care providers or as providers of support activities, in the areas dedicated to COVID-19 of health facilities and services, defined as first and second line reference units for the admission of persons suspected or infected by SARS-CoV-2, in the areas dedicated to COVID-19 recognised as such by the Directorate-General for Health, or in the units public health clusters and local health units and in health departments of regional health administrations.

2 - For the recognition of the situation of an occupational disease in the cases provided for in the previous paragraph, workers must submit an application to the competent social security services, accompanied by the following duly filled in documents:

a) Certificate of temporary incapacity for work indicating an occupational disease;

b) Model of compulsory participation of an occupational disease;

c) Statement by the employer certifying the worker's professional situation, including reference to the exercise of duties as direct health care provider or, where appropriate, of activities supporting such care in the context of the COVID-19 disease, as well as the identification of the area dedicated to COVID-19 or the organism or department where he/she performed acts directly related to suspected persons and patients infected by SARS-CoV-2 in accordance with paragraph 1.

3 – To the situation of incapacity recognised under the terms of the previous paragraphs and verified by the competent services of the social security is applicable the provisions of Law 98/2009 of 4 September with regard to reparation and compensation, without prejudice to the following paragraph.

4 - In reparation for an occupational disease, the net reference salary corresponds to the amount of the salary of reference established under article 111 of Law 98/2009, of 4 September, less the contribution and withholding tax on personal income, which would be chargeable to the recipient.

5 - For the purposes of this article, nurses and pre-hospital medical emergency technicians are considered, mutatis mutandis, to be HFAR civilian workers, INMLCF, I.P. professionals in the medical and legal services, and workers in the prison health units and services of the DGRSP, bound by an employment contract in public functions or an employment contract entered into under the Labour Code, who have carried out acts directly related to suspects and patients infected by SARS-CoV-2.

Amendments
Added by Article 6 of Decree-Law No 106-A/2020 – Official Gazette no. 252/2020, 3rd Supplement, Series I of 2020-12-30, in force from 2020- 12-31
Article 21

Child and grandchildren's care allowances

2 - The situation arising from the monitoring of prophylactic isolation motivated by situations of serious risk to public health decreed by the entities exercising the power of health authority, within the scope of the exercise of powers provided for in Article 5 of Decree-Law No. 82/2009 of 2 April, as currently worded, or of illness by COVID-19, up to a limit of 14 days, in each of the situations, of a child or other dependant at the expense of employees in the general social security system, is considered to be unjustified.

3 - In the event of prophylactic isolation, determined in accordance with the previous paragraph, of a child under 12 years of age or, regardless of age, with a disability or chronic illness, the granting of the child care allowance and the grandchild care allowance is not dependent on a guarantee period.

4 - If the beneficiaries do not present six months with remuneration records, the reference remuneration is defined by R/(30 x n), where R represents the total remuneration recorded from the beginning of the reference period until the day preceding prophylactic isolation and n the number of months to which it refers.

5 - The number of days on which one of the allowances referred to in paragraph 1 is granted shall not be taken into account when calculating the maximum allocation period in each calendar year.

Amendments

Article 22

Workers’ absences

1 - Outside the periods of school interruptions set out in Annexes II and IV to Order no. 5754-A/2019, published in the Official Gazette, 2nd series, no. 115, 18 June, or defined by each school under the possibility set out in paragraph 5 of Article 4 of Order no. 181/2019, of 11 June, shall be considered justified, without loss of rights except in relation to remuneration, absences from work motivated by unavoidable care of a child or other dependent under 12 years of age or, regardless of age, with a disability or chronic illness, arising from the suspension of teaching and non-teaching activities in person at a school or social equipment to support early childhood or disability, when determined:

a) By health authority, within the scope of the powers provided for in Article 5 of Decree-Law No. 82/2009 of 2 April, as currently worded;

b) For the Government.

2 - For the purposes of the preceding paragraph, the worker communicates his/her absence under the terms of Article 253 of the Labour Code, approved by Law no. 7/2009, of 12 February, in its current wording.

Amendments

Article 23

Exceptional family support for employees

1 - In the situations referred to in the previous article, the employee is entitled to receive an exceptional monthly support, or proportional support, corresponding to two thirds of his/her basic remuneration, paid in equal shares by the employer and the social security.

2 - The support referred to in the previous paragraph has a minimum guaranteed monthly remuneration (RMMG) and a maximum limit of three RMMG.

3 - The support referred to in this article shall be granted automatically upon application by the employer, provided that there are no other forms of provision of the activity, namely teleworking.

4 - The social security portion is handed over to the employer, who pays the full support to the worker.

5 - Except as provided for in paragraph 7, the support shall consist of the worker's contribution and 50% of the employer's social contribution, which shall be the subject of an autonomous remuneration statement.

6 - The support provided for in this and the following article cannot be received simultaneously by both parents and is received only once, regardless of the number of dependent children or dependents.

7 - When the employer is of a public nature, with the exception of the state business sector, the support provided for in this article is fully provided by the employer.
8 - For domestic service workers, the value of the support corresponds to two thirds of the remuneration registered in January 2020, with the limits set out in paragraph 2, with one third being paid by the Social Security, with employers retaining the obligation to pay:

a) Payment of one third of remuneration;
b) Declaration of working times and remuneration normally declared for the worker, regardless of the partial suspension of his/her actual payment; and
c) Payment of the corresponding contributions and quotas.

9 - The support provided for in this article cannot be cumulated with the support provided for in Decree-Law No. 10-G/2020 of 26 March.

**Article 24**

**Exceptional family support for self-employed workers**

1 - In situations similar to Article 22(1), if the self-employed worker who has been subject to the contribution obligation for at least 3 consecutive months for at least 12 months cannot continue his/her activity, he/she is entitled to exceptional monthly or proportional support.

2 - The amount of support is one third of the measured contribution base for the first quarter of 2020.

3 - The support referred to in the previous numbers has a minimum limit of 1 Social Support Index (IAS) and a maximum of 2 1/2 IAS, and may not, in any case, exceed the amount of remuneration recorded as a contributory base.

4 - The support is subject to a quarterly income declaration and the corresponding social contribution.

5 - The support referred to in this article shall be granted automatically upon application by the self-employed worker, provided that there are no other ways of providing the activity, in particular by teleworking.

6 - The supports foreseen in this article and in the previous article cannot be perceived simultaneously by both parents and are only perceived once, regardless of the number of children or dependents.

7 - The support provided for in this article cannot be cumulated with the support provided for in Decree-Law No. 10-G/2020 of 26 March.

**Article 25**

**Workers in the convergent social protection regime**

The rules set out in this chapter shall apply mutatis mutandis to workers in the converging social protection system.

**Article 25-A**

**Exceptional protection regime for immunosuppressed and chronically ill**

1 - Immunosuppressed persons and persons with chronic disease who, according to the guidelines of the health authority, are to be considered at risk, in particular those with hypertension, diabetics, cardiovascular disease, persons with chronic respiratory disease, cancer patients and persons with kidney failure, may justify work absences by means of a medical certificate, provided that they are unable to carry out their activity by teleworking or other forms of activity.

2 - The medical certificate referred to in the preceding paragraph must certify the worker’s condition of health which justifies his/her special protection.

3 - The arrangements laid down in this Article shall not apply to workers in the essential services referred to in Article 10(1).
Article 25-B

Exceptional regime of social support activities

1 - During the disaster situation, social equipment that is able to come into operation and equipped with the necessary equipment may be used, in accordance with article 11 and following of Decree-Law 64/2007, of 14 March, in its current wording.
2 - It is the responsibility of the Instituto da Segurança Social, I.P. (Social Security Institute):
   a) To fix the number of vacancies in these establishments in accordance with the guidelines issued by or in conjunction with the Directorate-General for Health;
   b) To manage the occupation of these vacancies, giving priority to the reception of people discharged from hospital and other needs detected in the community.
3 - This provisional operating authorization expires on 31 December 2021, after which the operating authorization procedure must be resumed and concluded, safeguarding, in legal terms and whenever possible, the continuity of the activity already begun.
4 - During the disaster situation there may be a transitory change in the use of the building space, in relation to that currently established, either in the social facilities referred to in paragraph 1, or in those in operation, licensed and/or with a cooperation agreement.
5 - In compliance with the rules and guidelines of the Directorate General for Health, and for the purposes of the measures provided for in this article, the capacity of each establishment may also be redefined.

Amendments
Amended by Article 2 of Decree-Law No. 78-A/2020 - Official Gazette No. 190/2020, 1st Supplement, Series I of 2020-09-29, in force from 2020-09-30
Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 25-C

Maintaining an employment contract in a business crisis

1 - Companies with establishments which activities have been subject to the lifting of closure restrictions after the end of the state of emergency or of restrictions imposed by legislative or administrative determination, under the terms of Decree-Law No. 10-A/2020, of 13 March, as amended, or under the Basic Law on Civil Protection, approved by Law No. 27/2006, of 3 July, as currently worded, as well as the Basic Health Law, approved by Law 95/2019, of 4 September, continue to be able to access the simplified lay off mechanism provided for in Decree-Law 10-G/2020, of 26 March, as currently worded, provided that they resume activity within eight days.
2 - The extraordinary financial incentive to support the normalisation of the company’s activity provided for in Article 10(1) of Decree-Law No. 10-G/2020 of 26 March, as currently worded, is regulated by an ordinance of the Government member responsible for the area of labour, namely as regards the procedures, conditions and terms of access.
3 - For the purposes of non-compliance and restitution of the extraordinary support for the maintenance of an employment contract in a company in a situation of business crisis, as provided for in Article 5 of Decree-Law No. 10-G/2020, of 26 March, as currently worded, paragraph 1(e) of Article 303 of the Labour Code, approved in an annex to Law No. 7/2009, of 12 February, as currently worded, does not apply to the part relating to contract renewals.

Amendments
Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 25-D

Reopening of social and educational responses

1 - In the activities of the social responses of day-care, family day-care and nanny, as well as the centre of occupational activities, the rules of occupation, stay, physical distance and hygiene determined by the Directorate-General for Health must be observed.
2 - In the face-to-face educational activities, in pre-school establishments of the public network, the social and solidarity sector network and private and cooperative education, the rules of occupation, permanence, physical distance and hygiene determined by the Directorate-General for Health must be observed.
3 - In activities developed in leisure centres not integrated in school establishments, the rules of occupation, stay, physical distance and hygiene determined by the Directorate-General for Health must be observed.
4 - In other activities of support to the family and occupation of free time or similar, the rules of occupation, stay, physical distance and hygiene determined by the Directorate-General for Health must be observed.

Amendments
Added by Article 3 of Decree-Law No 22/2020 - Official Gazette No. 95-A/2020, Series I of 2020-05-16, in force from 2020-05-17
Chapter IX
Support measures for the self-employed

Article 26
Extra support for the reduction of the economic activity of workers

1 - Extraordinary support for the reduction of economic activity takes the form of financial support for workers covered exclusively by the regime for self-employed workers, or who are also covered by the regime for employees and earn, under this regime, no more than the value of the IAS, and who are not pensioners, subject to compliance with the contributory obligation in at least three consecutive months or six months interpolated for at least 12 months:

a) In a situation of proven total termination of its activity as a self-employed worker, or of the activity of its sector, as a result of the COVID-19 pandemic; or

b) By his own declaration together with a certified accountant's certificate, certifying that, in a situation of abrupt and sharp drop of at least 40% of the invoicing in the thirty-day period preceding the application to the competent social security services, with reference to the monthly average of the two months preceding that period, or in relation to the same period of the previous year, or, for those who started business less than 12 months ago, the average of that period.

2 - The circumstances referred to in the preceding paragraph and in paragraph 6 shall be certified by the certified accountant by means of a declaration on his/her own honour and, in the case of self-employed workers in the organised accounting system, as well as of the managers or equivalent of organised accounting entities, by the certified accountant.

3 - During the period of application of this measure, the self-employed person is entitled to financial support lasting one month, extendable monthly up to a maximum of six months:

a) The value of the remuneration recorded as a contributory base, with the maximum limit of the value of an IAS, in situations where the value of the remuneration recorded as a contributory base is less than 1.5 IAS;

b) Two thirds of the value of the remuneration recorded as a contributory base, with the ceiling of the value of the RMMG, in situations where the value of the remuneration recorded is greater than or equal to 1.5 IAS.

4 - The financial support is paid from the month following the month in which the application is submitted.

5 - As long as the payment of the extraordinary support is maintained, the self-employed person maintains the obligation to make a quarterly declaration when subject to this obligation.

6 - The support provided for in this Article shall be granted, mutatis mutandis, to managers of micro and small enterprises, whether or not they have a stake in the capital of the enterprise, to sole proprietors, and to members of the statutory bodies of foundations, associations or cooperatives with functions equivalent to those of these, who are, in that capacity, covered exclusively by social security regimes.

7 - The support provided for in this article cannot be cumulated with the support provided for in the previous chapter, nor does it confer the right to exemption from the payment of social security contributions.

8 - In the situations provided for in paragraph 1(b), the value of the financial support referred to in paragraph 3 shall be multiplied by the respective fall in invoicing, expressed in percentage terms.

9 - For the purposes of the previous paragraph, the breach of invoicing shall be declared in accordance with paragraph 1(b) and shall be subject to subsequent verification by social security, within one year of the granting of the support, on the basis of information requested from the Tax and Customs Authority, giving rise to the possible refund of amounts unduly received.

10 - For the purposes of paragraph 6, when the communication of the elements of the invoices through the E-Fatura does not reflect the totality of the transactions carried out subject to VAT, even if exempt, relating to the transfer of goods and services, relating to the period in question, the assessment of the limits laid down therein shall be made by declaratory means, with reference to turnover, with the respective certification by a certified accountant, and subject to subsequent verification by social security, within one year from the granting of the assistance, on the basis of information requested from the Tax and Customs Authority, giving rise to the possible refund of the amounts unduly received.

11 - The support provided for in this article is limited to 50 % of the value of the IAS.

12 - The support provided for in this Article may be extended on the basis of any of the conditions laid down in paragraph 1.

13 - Support granted under this Article shall be conditional on the activity being resumed within eight days if it has been suspended or closed in accordance with paragraph 1(a).

14 - Without prejudice to the provisions of paragraph 6, the managing members of micro and small enterprises, whether or not they have a stake in the capital of the enterprise, sole proprietors, as well as members of the statutory bodies of foundations, associations or cooperatives with functions equivalent to those of these, who are, in that capacity, exclusively covered by social security regimes, shall be granted, during the period of application of this measure, financial support for a period of one
month, extendable monthly up to a maximum of six months, with a ceiling equal to the value referred to in paragraph 3 of article 305 of the corresponding Law No. 7/2009 of 12 February:

a) The value of the remuneration recorded as a contributory base, in situations where the value of the remuneration recorded as a contributory base is less than 1.5 IAS;

b) Two thirds of the value of the remuneration recorded as a contributory base, in situations where the value of the remuneration recorded is greater than or equal to 1.5 IAS.

Amendments
Amended by Article 2 of Law No. 31/2020 - Official Gazette No. 155/2020, Series I of 2020-08-11, in force from 2020-08-12, effective from 2020-05-03
Amended by Article 9 of Law no. 27-A/2020 - Official Gazette No. 143/2020, 1st Supplement, Series I of 2020-07-24, effective from 2020-07-25, effective from 2020-03-12
Amended by Article 4 of Decree-Law No. 20-C/2020 - Official Gazette No. 89/2020, 1st Supplement, Series I of 2020-05-07, in force from 2020-05-09
Amended by Article 2 of Decree-Law No 14-F/2020 - Official Gazette No. 72/2020, 2nd Supplement, Series I of 2020-04-13, in force from 2020-04-14

Article 27

Deferral of payment of contributions

1 - Self-employed workers covered by the financial support referred to in the previous article are entitled to deferral of the payment of contributions due in the months when the extraordinary financial support is being paid.

2 - In the situations foreseen in paragraph 6 of the previous article, the deferral of payment of contributions is applicable to the employer under the strict terms of articles 3 and 4 of Decree-Law no. 10-F/2020, of 26 March, in its current wording.

Amendments
Amended by Article 4 of Decree-Law No. 20-C/2020 - Official Gazette No. 89/2020, 1st Supplement, Series I of 2020-05-07, in force from 2020-05-09, effective from 2020-04-07

Article 28

Deferred payment of contributions

1 - The payment of the contributions due for the deferral period shall be made from the second month after the support ceases and may be made within a maximum period of 12 months, in monthly and equal instalments.

2 - Article 8 of Decree-Law No. 213/2012, of 25 September, in its current wording, shall apply to the benefit agreements provided for in this article.

Article 28-A

Extraordinary measure to encourage professional activity

1 - The extraordinary incentive measure for professional activity takes the form of financial support for workers who in March 2020 were exclusively covered by the regime for self-employed workers, or who are also covered by the regime for employees and who do not earn, in this regime, more than the value of the IAS, being in one of the conditions set out in Article 26(1)(a) or (b), and who are in one of the conditions set out in Article 26(1)(a) or (b):

a) Have been in operation for more than 12 months and do not satisfy the conditions referred to in the body of Article 26(1); or

b) Have been in business for less than 12 months; or

c) Are exempt from the payment of contributions under the provisions of subparagraph d) of paragraph 1 of Article 157 of the Code of Contribution Regimes of the Social Security System, approved by Law No. 110/2009 of 16 September, in its current wording (CRCSPSS).

2 - During the period of application of this measure, the self-employed worker is entitled to financial support with a duration of one month, extendable monthly up to a maximum of three months, corresponding to the value calculated in accordance with paragraph 1 of article 162 of the CRCSPSS, based on the average of the invoicing reported for tax purposes between 1 March 2019 and 29 February 2020, with the weighting provided for in paragraph 8 of article 26 of this Decree-Law, with a maximum limit of half the value of the IAS and a minimum corresponding to the lowest base value of the minimum contribution.

3 - The application for support determines, from the month following that in which support ceases, whether the regime for self-employed workers takes effect or whether the exemption ceases.

4 - The value of the average invoicing determining the calculation of the support is transmitted by the Tax and Customs Authority to Social Security.

Amendments
Amended by Article 2 of Law No. 31/2020 - Official Gazette No. 155/2020, Series I of 2020-08-11, in force from 2020-08-12, effective from 2020-05-03
Added by Article 5 of Decree-Law No 20-C/2020 - Official Gazette No. 89/2020, 1st Supplement, Series I of 2020-05-07, in force from 2020-05-09

Page 20 of 28
Article 28-B
Framework for situations of social unprotection

1 - The framework measure for situations of social vulnerability takes the form of financial support for persons who are not necessarily covered by a national or foreign social security regime and who declare the start or resumption of independent activity with the tax authorities.
2 - The granting of support is subject to the effects of the social security regime for self-employed workers and implies the continuation of the activity for a minimum period of 24 months after the termination of payment of the benefit.
3 - The assignment of the support is subject to the condition of resources of the applicant and his/her spouse or cohabitee, based on the income available in the social security and tax administration information system, based on the referential foreseen in Law no. 13/2003, of 21 May, in its current wording.
4 - The support is due from the date of application and is granted for a maximum period of two months.
5 - The amount of the benefit to be granted corresponds to half the amount of the IAS.
6 - The award of the benefit requires the worker to declare the commencement or resumption of independent activity with the tax authorities, the effects of the corresponding inclusion in the social security regime for self-employed workers and the maintenance of the exercise of activity for a minimum period of 24 months after termination of payment of the benefit.
7 - The declaration of termination of activity before the end of the period identified in the previous paragraph determines the refund of the benefits paid.

Amendments
Added by Article 5 of Decree-Law No 20-C/2020 - Official Gazette No. 89/2020, 1st Supplement, Series I of 2020-05-07, in force from 2020-05-09

Chapter X
Alternative ways of work

Article 29
Teleworking

REVOLED

Amendments

Article 30
Exceptional jury regime in higher education, science and technology systems

1 - The meetings of the selection board provided for in the rules governing the teaching of higher education and careers in scientific research may be held, at all stages of the procedure, by videoconference, provided that the technical conditions are met.
2 - Meetings of the selection board for the award of the academic title of aggregate and specialist title may be held by videoconference, provided that the technical conditions are met.
3 - In the performance of the tests referred to in the previous paragraph, the participation of jury members by videoconference may be authorized, provided that there are technical conditions for their full participation in the work.

Article 30-A
Reception of victims of domestic violence

The period for receiving victims of domestic violence which extension, provided for in Articles 28 and 39 of Regulatory Decree No. 2/2018 of 24 January, should end before 15 July 2020, is considered automatically and exceptionally extended until this date.

Amendments
Added by Article 2 of Decree-Law No 18/2020 - Official Gazette No. 80/2020, Series I of 2020-04-23, in force from 2020-04-24

Chapter XI
Additional and final provisions

Article 31
Volunteering

Voluntary actions may be promoted to ensure those functions that cannot otherwise be guaranteed under the general regime.
Article 32

Exceptional regime of exemption from service

The exceptional regime of exemption from service provided for in articles 26-A and 26-B of Decree-Law No. 241/2007 of 21 June, as currently worded, with the necessary adaptations, shall apply to voluntary firefighters who have been proven to have been called by the respective fire brigade to provide assistance or transport in the context of the epidemic situation of COVID 19.

Article 32-A

Booking vacations

REVOKE

Amendments

Article 32-B

Market limitation measures

REVOKE

Amendments
Added by Article 3 of Decree-Law No 14-F/2020 - Official Gazette No. 72/2020, 2nd Supplement, Series I of 2020-04-13, in force from 2020-04-14

Article 33

Framework in the family protection subsystem

The measures provided for in Chapters VIII and IX, for the purpose of financing, fall within the family protection subsystem.

Article 34

Liability arising from the undue payment of social security benefits

Without prejudice to the legal penalties laid down for false statements, to the support provided for in Chapters VIII and IX, shall apply the regime established in Decree-Law 133/88 of 20 April.

Article 34-A

Strengthening the means and powers of the Authority for Working Conditions

During the term of this Decree-Law and to allow for the emergency reinforcement of human resources to ensure the responsiveness of the Authority for Working Conditions:

a) The agreement of the body or service of origin, provided for in Article 94 of the General Law of Labour in Public Functions, approved in annex to Law No. 35/2014, of 20 June, in its current wording, as well as the provisions of subparagraph a) of paragraph 2 of Order No. 3614-D/2020, published in the Official Gazette, 2nd series, no. 58, of 23 March, concerning the mobility of inspectors and senior technicians to the Authority for Working Conditions, initiated before or after the entry into force of this Decree-Law;
b) By order of the Prime Minister and of the Government member responsible for the area of labour, solidarity and social security, inspectors and senior technicians of the inspection services foreseen in article 3 of Decree-Law no. 276/2007, of 31 July, may be requested. For this purpose, the agreement of the senior managers of the services mentioned in the previous paragraph and of the respective worker shall be dispensed with, who must preferably exercise his activity in the geographical area foreseen in paragraph 1 of article 95 of the General Law of Labour in Public Functions, approved in annex to Law no. 35/2014, of 20 June, in its current wording, and shall remain subject to the legal and disciplinary regime that derives from his labour relationship;
c) The Authority for Working Conditions shall be authorised to contract the acquisition of external services to assist in the performance of its activity, under the provisions of the exceptional public procurement regime provided for in Article 2.

Amendments
Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03
Article 34-B

Workplace risk assessment

For the purposes of the provisions of Law No. 102/2009 of 10 September, in its current wording, companies draw up a contingency plan appropriate to the workplace and in accordance with the guidelines of the Directorate-General for Health and the Authority for Working Conditions.

Amendments

Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 35

Regulation

The regulations necessary for the implementation of the measures provided for in Chapter IX are made by order of the Government member responsible for the area of social security.

Article 35-A

Exercise of funerary activity

Companies engaged in funeral activities under Decree-Law No. 10/2015 of 16 January, as currently worded, must maintain their activity and perform the funeral services of the dead diagnosed with COVID-19.

Amendments

Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 35-B

Waste management

1 - The waste management fee, in urban waste management systems, may apply to the quantity of waste destined for disposal and recovery operations in the same period of 2019, in accordance with the provisions of Article 58 of Decree-Law 178/2006 of 5 September, as currently worded.

2 - The waste management fee applicable to the entities responsible for specific waste flow management systems, individual or integrated, may be determined in accordance with the provisions of paragraph 10 of Article 58 of Decree-Law No. 178/2006 of 5 September, as currently worded, based on the tonnes of waste calculated in the same period in 2019.

3 - The additional, non-transferable waste management fee, provided for in Article 58(11) of Decree-Law 178/2006, of 5 September, as currently worded, focuses on the performance of the urban waste management system outside the period of the state of emergency.

4 - The calculation formulae and the basic elements for calculating the waste management fee, as provided for in the previous paragraphs, for the period in which the disaster situation is in force, are defined by order of the Government member responsible for the environment area.

5 - (Revoked).

6 - (Revoked).

7 - The operations to increase the storage capacity of urban and hospital waste management operators are exempt from licensing under Decree-Law 178/2006 of 5 September.

8 - (Revoked).

9 - (Revoked).

10 - (Revoked).

11 - (Revoked).

12 - (Revoked).

Amendments

Amended by Article 2 of Law No. 31/2020 - Official Gazette No. 155/2020, Series I of 2020-08-11, in force from 2020-08-12, effective from 2020-05-03


Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03
**Article 35-C**

**Suspension and extension of deadlines for fuel management work**

**Amendments**

Repealed by Article 5 of Decree-Law No. 87-A/2020 - Official Gazette No. 201/2020, 1st Supplement, Series I of 2020-10-15, in force from 2020-10-16

Rectified by the Rectification Statement no. 18-C/2020 - Official Gazette No 87/2020, 1st Supplement, Series I, 2020-05-05, in force from 2020-05-03

Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

1 - Up to 180 days after the end of the state of emergency, the following are suspended:

a) The time limits provided for in Article 78(1) of Law No. 31/2014 of 30 May, as currently worded;

b) The time limits laid down in Article 199(2) of Decree-Law No. 80/2015 of 14 May;

c) The deadlines set out in the ordinances approving the Regional Forestry Planning Programmes for updating pre-existing territorial plans.

2 - The deadline for approval or updating of the Municipal Plans for the Defence of Forests, provided for in paragraph 7 of Article 203 of Law No. 2/2020 of 31 March, is extended until 31 May 2020.

3 - Until 90 days after the end of the state of emergency, the binding opinions of the Forest Protection Commission, provided for in Article 16 of Decree-Law 124/2006 of 28 June, as currently worded, are replaced by an opinion from Instituto da Conservação da Natureza e das Florestas, I.P. (Institute for Nature and Forests Conservation), if the municipalities do not feel that they have the technical conditions to issue binding opinions from the Forest Protection Commission.

4 - In the absence of a Municipal Operational Plan for the Defence of Forests approved for 2020, the plan approved in 2019 remains in force and must be updated by a resolution of the municipal council by 31 May 2020 and communicated to the members of the Municipal Commission for the Defence of Forests.

**Article 35-D**

**Suspension of deadlines for municipal plans**

**Article 35-E**

**Portuguese Red Cross volunteers**

The exceptional regime of service exemption foreseen in articles 26-A and 26-B of Decree-Law no. 241/2007, of 21 June, in its current wording, with the necessary adaptations, shall apply to volunteers of the Portuguese Red Cross who are proven to be called upon to provide assistance or transportation in the context of the epidemic situation of COVID-19.

**Article 35-F**

**Provision of effective service by military personnel in reserve**

Until 31 December 2021, effective service by military personnel in reserve status, as provided for in Article 156 of the Statute of the Military of the Armed Forces, approved by Decree-Law No. 90/2015 of 29 May, as currently worded, shall be authorized, in addition to the maximum amount fixed in Annexes iii and iv to Decree-Law No. 104/2020 of 22 December, which fixes the personnel of the Armed Forces for 2021.

**Article 35-G**

**Extension of the maximum period of effective service under contract**

1 - The maximum limit for the duration of effective service under a contract established in paragraph 1 of Article 28 of the Military Service Law, approved by Law No. 174/99 of 21 September, as amended, and paragraph 3 of Article 45 of the Regulations of the
Military Service Law, approved by Decree-Law No. 289/2000 of 14 November, as amended, may be extended, by agreement between the military and the branch, until 30 June 2021.

2 - Military personnel who choose to extend the period of effective service under a contract regime, under the terms of the previous paragraph, shall not lose the right to cash benefits referred to in Article 18(1) of the Regulations on Incentives to Military Service in the Different Contract Regimes and in the Voluntary Service Regime, approved in an annex to Decree-Law No. 76/2018, of 11 October.

3 - If, during the period corresponding to the exceptional extension, any of the situations provided for in Article 18(2) of the Regulations on Incentives to Military Service Provision in the Different Contract Regimes and in the Voluntary Service Regime, approved in annex to Decree-Law 76/2018, of 11 October, occurs, the pecuniary benefit referred to in paragraph 2 of the same article shall be limited to the amount that would have been due to the date of termination of the effective service in a contract regime if there had been no extension under paragraph 1 of this article.

Amendments
Amended by Article 2 of Decree-Law No 22/2020 - Official Gazette No. 95-A/2020, Series I of 2020-05-16, in force from 2020-05-17
Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 35-H
Public services

1 - In the context of the survey of measures to mitigate the COVID-19 pandemic, the Government member responsible for the area of Public Administration, with the power of delegation, may, by order, determine the definition of guidelines:

a) On teleworking, namely on the situations that impose the presence of Public Administration workers in their workplaces, as well as on the compatibility of functions with teleworking;

b) Concerning the constitution and maintenance of mobility situations;

c) On cases where employees of the Public Administration may be required to work in a different place, in a different entity or under different working conditions and hours;

d) Concerning the articulation with local authorities regarding local public services, in particular the Citizen Spaces, and the regime of work in local administration.

2 - The provisions of the preceding paragraph, depending on the specificities of the sector, may be determined by order of the Government members responsible for the sectoral area and the area of Public Administration, except for matters relating to the external peripheral services of the Ministry of Foreign Affairs, which must be adapted by order of the Government member responsible for the area of foreign affairs.

3 - By way of exception and whenever another form of working hours does not seem possible, the concentrated working hours modality may be adopted in public services, as provided for in article 209 of the Labour Code, approved in an annex to Law no. 7/2009, of 12 February, in its current wording, with the Government member responsible for the Public Administration area being responsible for defining the respective terms of application.

4 - The Government members responsible for the areas of Public Administration and health define, with the faculty of delegation, guidelines concerning the organisation and functioning of the physical spaces for attendance and work in the Public Administration, namely with regard to the use of personal protection equipment by the workers, as well as the hygiene and reorganisation of the physical spaces to safeguard safety distances in the workplaces.

5 - The Government members responsible for the areas of Public Administration and work, solidarity and social security, with the faculty of delegation, define the guidelines that may be necessary in the context of attending distance learning actions.

Amendments
Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03

Article 35-I
Suspension of obligations relating to the complaints book in physical form

REVOKED

Amendments
Revoked by Article 3 of Law No. 31/2020 - Official Gazette No. 155/2020, Series I of 2020-08-11, in force from 2020-08-12, effective from 2020-05-03
Added by Article 3 of Decree-Law No 20/2020 - Official Gazette No. 85-A/2020, Series I of 2020-05-01, in force from 2020-05-02, effective from 2020-05-03
Article 35-J

Entry of waste for disposal

1 - For reasons of force majeure arising from the need to safeguard national sufficiency in terms of waste disposal facilities provided for in subparagraphs a) and b) of Article 10 of Decree-Law No. 183/2009 of 10 August, as currently worded, the effects of the permits issued under Decree-Law No. 45/2008 of 11 March, as currently worded, for the entry of waste into national territory are suspended until 31 December 2020.

2 - The provisions of the preceding paragraph shall not apply to situations in which waste has already entered national territory, in accordance with the applicable law and regulations.

3 - By 30 November 2020, the National Waste Authority shall send a detailed report to the Government member responsible for the area of the environment containing data on the volumes deposited, the capacity of the installations referred to in paragraph 1, as well as an assessment of the needs, with a view to establishing national self-sufficiency.

Amendments


Article 35-K

Statistical operation

1 - As part of the preparation and implementation of the fieldwork relating to the XVI General Census of Population and the VI General Census of Housing (Census 2021), the Instituto Nacional de Estatística, I. P. (National Institute for Statistics) (INE, I. P.), and the Directorate-General for Health define, by means of a protocol, the procedures to be adopted and the sharing of information necessary for the face-to-face collection of surveys where this is essential.

2 - Within the framework of census operations, the security forces may provide support to INE, I.P., namely in the operations of face-to-face collection of surveys and inventory and characterisation of the building, upon a timely and reasoned request, subject to risk assessment to be carried out by the territorially competent security force.

Amendments

Added by Article 6 of Decree-Law No. 78-A/2020 - Official Gazette No. 190/2020, 1st Supplement, Series I of 2020-09-29, in force from 2020-09-30

Article 35-L

Expertise by medical board

1 - The investigations by a medical board, requested by the judicial authorities under Article 139(1) of the Labour Procedure Code, approved by Decree-Law 480/99 of 9 November, as currently worded, are carried out exclusively at the premises of the INMLCF, I.P. offices, medical-legal offices or hospitals.

2 - The magistrate may preside over the proceedings by means of computer platforms enabling them to be carried out electronically or by means of remote communication, such as teleconferencing, video calling or the like.

3 - Where the steps referred to in this Article are taken by means of distance communication, the record shall be signed only by the presiding magistrate.

Amendments


Article 35-M

Waste management operations

Operators licensed for recovery operations of personal protective equipment may send this waste for disposal, preferably by incineration or, if not possible, for landfill.

Amendments

Article 35-N

Extension of the obligation to adapt to Law 76/2019 of 2 September

1 - The obligation of catering and beverage service providers to adapt to the provisions of Law No. 76/2019 of 2 September, as provided for in Article 10(1) of that law, is extended until 31 March 2021.


Amendments
Added by Article 3 of Decree-Law No. 62-A/2020 - Official Gazette No. 172/2020, 1st Supplement, Series I of 2020-09-03, in force from 2020-09-04, effective from 2020-09-03

Article 35-O

Vehicles for the transport of sick people

The Instituto da Mobilidade e dos Transportes, I.P. (Institute for the Mobility and Transports), exempts from prior licensing, provided for in Article 6(1) of Decree-Law No. 38/92 of 28 March, as currently worded, vehicles used in the transport of sick people, being allowed to circulate only with the vehicle inspection certificate provided for in subparagraph a) of Article 31(1) of the Regulation on the Transport of Sick People, approved by Ordinance No. 260/2014 of 15 December, as currently worded, until 31 December 2021.

Amendments
Amended by Article 2 of Decree-Law no. 106-A/2020 – Official Gazette No. 252/2020, 3rd Supplement, Series I of 2020-12-30, in force from 2020-12-31
Added by Article 4 of Decree-Law No 87-A/2020 - Official Gazette No. 201/2020, 1st Supplement, Series I of 2020-10-15, in force from 2020-10-16, effective from 2020-10-01

Article 35-P

Extension of the deadline for informing the register of foundations

The deadline referred to in Article 9(2) of Decree-Law No 157/2019 of 22 October is extended until 31 December 2020.

Amendments
Added by Article 3 of Decree-Law No 94-A/2020 - Official Gazette No. 214/2020, 1st Supplement, Series I of 2020-11-03, in force from 2020-11-04, effective from 2020-10-17

Article 35-Q

Donations to public corporate bodies

1 - Without prejudice to the provisions of paragraphs 5 and 6 of Article 159 of Decree-Law No. 176/2006 of 30 August in its current wording, the health units of the SNS with the nature of corporate public entities may accept donations under the patronage regime, to address the pandemic of COVID-19 disease, which are considered as a cost to the donor entity, as well as donations from the Directorate-General for Health and Administração Central do Sistema de Saúde, I. P.

2 - The regime provided for in the previous paragraph is correspondingly applicable to hospitals in the public administrative sector.

3 - This regime has been in effect since 12 March 2020.

Amendments

Article 35-U

Municipal support to combat the effects of the pandemic

For the purposes of subparagraph v) of Article 16(1), as well as subparagraph ff) of Article 33(1) of Law No. 75/2013, of 12 September, as currently worded, support is deemed to be support for activities of interest to the parish, as well as support for economic activity of municipal interest, respectively, the granting of support, in cash or in kind, to legally existing entities and bodies related to the response to the COVID-19 pandemic or economic recovery in the context of it.

Amendments
Article 35-V

Annual review of statements by self-employed workers for 2019

1 - In 2021, the social security services will review the statements for 2019 on an annual basis together with the annual review of the 2020 statements.

2 - The payment of contributions resulting from the annual review of the 2019 statements is considered for all the effects, as effected out of time from the date on which the payment of contributions is considered out of time resulting from the annual review of the 2020 statements.

Amendments
Added by Article 6 of Decree-Law no. 106-A/2020 – Official Gazette No. 252/2020, 3rd Supplement, Series I of 2020-12-30, in force from 2020-12-31

Article 35-W

Extension of concession contracts

The following concession contracts are extended until 31 December 2021:

a) Universal postal service with CTT - Correios de Portugal, S. A.;

b) Exclusive to the exploitation of games of chance in the permanent gaming area of Estoril and Figueira da Foz.

Amendments
Added by Article 6 of Decree-Law no. 106-A/2020 – Official Gazette No. 252/2020, 3rd Supplement, Series I of 2020-12-30, in force from 2020-12-31

Article 36

Entry into force

This Decree-Law shall enter into force on the day following its publication.

Article 37

Effect

This decree-law shall become effective on the day of its adoption, with the exception of the provisions of Articles 14 to 16, which shall take effect on 9 March 2020, and the provisions of Chapter VIII, which shall take effect on 3 March 2020.

Article 37-A

Duration

1 – Articles 26, 28-A and 28-B remain in force until 31 December 2020.

2 – Article 20 remains in force until 30 June 2021.

3 - The provisions of article 35-U are effective until 31 December, 2021.

Amendments
Amended by Article 5 of Decree-Law No. 6-D/2021 - Official Gazette No 10/2021, 1st Supplement, Series I of 2021-01-15, in force from 2021-01-20, effective from 2021-01-01
Amended by Article 2 of Decree-Law no. 106-A/2020 – Official Gazette No. 252/2020, 3rd Supplement, Series I of 2020-12-30, in force from 2020-12-31
Added by Article 3 of Decree-Law No. 62-A/2020 - Official Gazette No. 172/2020, 1st Supplement, Series I of 2020-09-03, in force from 2020-09-04

Signature


Promulgated on 13 March 2020.

Publish.

The President of the Republic, Marcelo Rebelo de Sousa. Ratified on 13 March 2020.

The Prime Minister, António Luis Santos da Costa.