



ASSEMBLY OF THE REPUBLIC

Law No 1-A/2020

of 19 March 2020

Summary: Exceptional and temporary measures responding to the epidemiological situation caused by SARS-CoV-2 coronavirus and COVID-19 disease

Exceptional and temporary measures responding to the epidemiological situation caused by SARS-CoV-2 coronavirus and COVID-19 disease

The Assembly of the Republic, in accordance with Article 161(c) of the Constitution, hereby decrees:

Article 1

Object

This Law provides for the following:

- a) Ratification of the effects of Decree-Law No 10-A/2020 of 13 March 2020;
- b) Adoption of exceptional and temporary measures responding to the epidemiological situation caused by SARS-CoV-2 coronavirus, causative agent of COVID-19 disease.

Article 2

Ratification of effects

The content of Decree-Law No 10-A/2020 of 13 March 2020 forms an integral part of this Law, with effect from the date when that decree-law takes effect.

Article 3

Local authorities

1 — Ordinary meetings of the deliberative and executive bodies of local authorities and inter-municipal entities scheduled for the months of April and May may be held until 30 June 2020.

2 — The obligation to carry out in public the meetings of the deliberative and executive bodies of municipalities and parishes and of the deliberative bodies of inter-municipal entities, as provided for in Articles 49, 70 and 89 of the legal arrangements governing local authorities, approved as annex to Law No 75/2013 of 12 September 2013, shall be suspended until 30 June 2020, subject to their recording and placing on the authority's website where technically feasible.

3 — Without prejudice to the provisions of the preceding paragraphs, no later than 30 June 2020, the meetings of the deliberative and executive bodies of local authorities and of the inter-municipal entities may be held by videoconference or by other digital means, provided that there are technical conditions for doing so.

Article 4

Approval of accounts

1 — The entities provided for in Article 51 (1) and (2) of Law No 97/98 of 26 August 1998, whose approval of accounts depends on the deliberation of a collegiate body, may forward them to the Court of Auditors by 30 June 2020 at the latest, in replacement of the time limit referred to in Article 52(4), subject to the provisions of other paragraphs of that Article.

2 — Entities covered by Article 18 of Decree-Law No 10-A/2020 of 13 March 2020 may forward the approved accounts to the Court of Auditors until 15 July 2020.

Article 5

Collegiate bodies and provision of public evidence

1 — Participation by telematics, namely by video or teleconferencing, of members of collegiate bodies of public or private entities at their meetings does not prevent the regular working of the relevant body, in particular as regards quorum and deliberations. However, the form of participation must be recorded in the minutes of the relevant body.

2 — The provision of public evidence according to the general or special regime may take place by videoconference, provided that there is agreement between the selection board and the candidate concerned and that there are technical conditions for doing so.

Article 6

Preventive control

1 — Without prejudice to the concomitant and successive monitoring arrangements laid down by Law No 98/97 of 26 August 1997, contracts covered by Decree-Law No 10-A/2020 of 13 March 2020, as well as other contracts concluded by the entities referred to in Article 7 of Decree-Law No 10-A/2020 of 13 March 2020, shall be exempt from prior review by the Court of Auditors as long as this Law remains in force.

2 — Contracts mentioned in the preceding paragraph must be sent to the Court of Auditors, for information, no later than 30 days after their conclusion.

3 — The time limits relating to pending prior review procedures or to proceedings to be referred to the Court of Auditors during the period of validity of this Law shall not be suspended.

Article 7

Time limits and legal steps

1 — Without prejudice to the provisions of the following paragraphs, procedural and legal steps which must be carried out in the context of proceedings and procedures before the courts of justice, administrative and tax courts, the Constitutional Court, the Court of Auditors and other judicial bodies, arbitration tribunals, Public Prosecution bodies, courts of peace, alternative dispute resolution bodies and tax enforcement bodies, shall be covered by the system of judicial holidays until the end of the exceptional situation of prevention, containment, mitigation and treatment of the epidemiological infection by SARS-CoV-2 and COVID-19 disease, as determined by the national public health authority.

2 — The arrangements provided for in this Article shall cease on a date to be appointed by a specific Decree-Law, which will pronounce the end of this exceptional situation.

3 - This exceptional situation is also a cause of suspension of the statute of limitations and expiry periods for all types of proceedings and procedures.

4 — The provisions of the preceding paragraph shall prevail over any arrangements setting mandatory limitation or expiry periods, the latter being extended for as long as this exceptional situation continues.

5 — In urgent cases, the time limits shall be suspended, except under circumstances covered by paragraphs 8 and 9.

6 - The provisions of this Article shall also apply *mutatis mutandis* to:

a) Procedures before notary and registry offices;

b) Administrative, sanctioning and disciplinary procedures, as well as their deeds and legal steps pending before direct, indirect, regional and municipal administration services, and other



administrative entities, namely independent administrative entities including the Bank of Portugal and the Securities Market Commission;

c) Administrative and tax deadlines that run in favour of private individuals.

7 — The tax deadlines referred to in subparagraph (c) above relate only to acts of legal challenge, administrative appeal, hierarchical appeal or other similar procedures, as well as to time limits for the performance of acts in the context of the same tax procedures.

8 — Whenever technically feasible, the practice of any procedural and legal steps by means of appropriate distance communication is allowed, in particular by teleconferencing or video call.

9 — Within the scope of this Article, urgent acts and steps shall be held in person in respect of which fundamental rights are at stake, in particular procedural steps relating to children at risk or educational guardianship cases of urgency, measures and trials regarding detained defendants, as long as those acts do not entail the presence of more than the number of persons provided for in the recommendations of health authorities and in accordance with the guidelines laid down by the competent superior boards.

10 - Eviction cases, special eviction procedures and proceedings for return of leased property shall be suspended where the tenant, by virtue of a final court decision to be rendered, may be placed in a vulnerable situation for lack of a dwelling place.

11 — After the expiry of the exceptional situation referred to in paragraph 1 above, the Assembly of the Republic shall adapt, in a specific regulation, the periods of judicial holidays to be in force in 2020.

Article 8

Extraordinary and transitional scheme for protection of tenants

Until the measures for prevention, containment, mitigation and treatment of the epidemiological infection with SARS-CoV-2 and COVID-19 disease have ceased, as determined by the national public health authority, the following shall be suspended:

a) The production of effects of the termination of habitation and non-habitation lease contracts by the landlord;

b) The execution of a mortgage over a building which constitutes the actual and permanent residence of the party against whom enforcement is sought.

Article 9

Prevalence

1 — Without prejudice to the powers conferred by the Constitution and the Law on local elective authorities, the provisions of this Law and of Decree-Law No 10-A/2020 of 13 March 2020 shall take precedence over legal, general and special rules which provide otherwise, such as those laid down in the Law on State Budget.

2 - The provisions of Article 134(2) (j) of the General Law on Public Employment, adopted as Annex to Law No 35/2014 of 20 June 2014 in its current wording, continue to apply to employees performing public duties.

Article 10

Effective date

This Law takes effect on the date when Decree-Law No 10-A/2020 of 13 March 2020 takes effect.



Article 11

Entry into force

This Law shall enter into force on the day after its publication.

Approved on 18 March 2020.

The Chairman of the Assembly of the Republic, *Eduardo Ferro Rodrigues*.

Promulgated on 19 March 2020.

To be published.

The President of the Republic, MARCELO REBELO de SOUSA.

Countersigned on 19 March 2020.

The Prime Minister, *António Luís Santos da Costa*.

113134485