



CORPORATE M&A

Mandatory security measures in catering and drinking establishments

Law no. 35/2019, which was published on 24 May and enters into force 90 days after its publication, makes the first amendment to Decree-Law no. 135/2014, of 8 September. This Decree-Law establishes the legal framework for private security systems in catering and drinking establishments that have spaces or rooms for dancing or where people usually dance, including those inside tourist resorts, if accessible to the general public.

Under this new law, catering and drinking establishments that have a capacity of 400 people or more will now have to have a safety officer (“responsável pela segurança”), qualified with specific training as safety director (“director de segurança”).

In addition, the security-doorman (“segurança-porteiro”) in the control of stay is now mandatory in establishments with a capacity of at least 200 people, plus a further security-doorman (“segurança-porteiro”) for every 250 people, if the capacity is higher than the above. Establishments with a capacity of 200 people or more are required to have a capacity control mechanism.

The video surveillance system now needs to have associated an alarm system (“sistema de alarmística”) that makes it possible to alert the local police in case of disturbance that justifies their intervention. This system must comply with the technical requirements established for the means of video surveillance of private security companies, which may be installed and operated by the owner or operator of the catering or drinking establishment. They must also ensure connectivity with the command and control centres of the police.

The technical requirements relating to the alarm system and connectivity referred to above will also be defined by an order of the member of the Government responsible for internal administration. The establishments covered by Decree-Law no. 135/2014, of 8 September have a period of 3 years to adapt to these requirements.

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The owner or operator of the establishment may request the member of the Government responsible for internal administration, by order, to exempt the establishment from the application of the above security measures, considering the specific circumstances of the place to be monitored, including the location, operating hours, level of risk, and the existing security measures.

Under Law 35/2019, the holders of the right to operate these establishments also have the duty to adopt a security plan with procedures to be followed by employees and private security in the event of an incident. They also have to ensure the existence in the establishment of a certified copy of the contract for the provision of services with a private security company.

Serious administrative offences include, among others, the absence of security-doorman, the absence of an authorised security officer and the failure to adopt a security plan.

When committed by legal persons, minor offences are punished with a fine from EUR 800.00 to EUR 4000.00, and serious offences with a fine from EUR 1600.00 to EUR 8000.00. It will also be possible to impose the ancillary penalty of a prohibition on working as a security officer for a period not exceeding two years.

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