



**PUBLIC LAW**

# Coronavirus: Essential public services

Order 3547-A/2020 of the Office of the Minister for the Environment and Climate Action was published on 22 March 2020 and it went into force at midnight the next day. This Order creates the rules that give effect to the declaration of a state of emergency in Portugal made by Decree of the President of the Republic 14-A/2020 of 18 March. The main goal of the Order is to ensure the proper functioning of the supply chains for essential public goods and services, as well as the conditions in which they should operate.

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The Order was issued in the context of the measures taken by the Government to combat the pandemic and of the possibility to place temporary restrictions on rights and freedoms. Its aim, in this context, is to ensure there is no interruption in the supply chains of essential public goods and services, and to establish how those chains should function. The goods and services include the supply of water for human consumption, urban wastewater sanitation, and urban waste management, including for hospitals. They also include energy supply (electricity and natural gas), the supply of liquid fuels and liquefied petroleum gas (LPG), and public passenger transport. The measures taken are relatively extensive and some of the most significant are:

The managing bodies of state-held systems (inter-municipal or municipal), regardless of their nature or of the concession contracts or licences in force, and the concessionaires or licence holders, must create teams to guarantee the continuity of certain activities of the bodies in question.

From the outset, and above all, the supply of the above goods and services must be ensured, and there is an express provision that assistance in the event of faults and proper quality control must continue to be guaranteed. In the supply of liquid fuels, the Strategic Network of Fuel Stations (“REPA”) must remain in operation. Therefore, various facilities such as the Matosinhos Refinery and the fuel supply centres at the airports (the GOCs at the Lisbon and Faro airports), among others, will not close. However, the fuel stations that do not belong to REPA will only operate if they are available to do so, properly monitored by the national entity for the energy sector (“ENSE”).

**"The Order aims to ensure there is no interruption in the supply chains of essential public goods and services."**

As part of the adoption of exceptional measures, some departments are being encouraged to implement home working in certain cases, so that employees can continue to work normally while subject to preventive self-isolation. In urban waste management, the frequency of collection of unsorted urban waste and the disinfection of containers has been increased, and there is greater control over its correct dumping and disposal.

In public transport, the companies Transtejo, S.A., Soflusa - Sociedade Fluvial de Transportes, S.A., Metropolitano de Lisboa, E. P. E., Metro do Porto, S.A., Sociedade de Transportes Coletivos do Porto, S.A., and the concessionaire of the light rail service on the south bank of the Tagus are required to undertake cumulative measures. These include limiting the maximum number of passengers to one third of the normal capacity of the vehicle, and cleaning and disinfecting their premises and equipment. They also must make the necessary changes to the procedures to sell and validate tickets.

When it comes to travelling in taxis and TVDE vehicles (Uber and similar services), passengers must not use the front seat and drivers must take care to recycle the interior air and to clean surfaces. In addition, Municipalities now have the option to restrict their movement.

Finally, the bodies responsible for providing the mentioned goods and services must continue to comply with the obligations arising from contracts for the supply of goods and provision of services entered into with third parties. ■