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SUMMARY

Regulates access, occupation and use of bathing beaches, in the context of the COVID-19 disease pandemic, for the 2020 bathing season

TEXT

Decree-Law No. 24/2020 of May 25

Summary: Regulates access, occupation and use of bathing beaches, in the context of the COVID-19 disease pandemic, for the 2020 bathing season.

The beaches are very important recreational spaces in Portugal, visited every year by thousands of people, so, in the current context of the pandemic of the disease COVID-19, it is important to define the procedures to be taken into account when using these spaces, so as not to jeopardize the strategy adopted to control the pandemic.

The risk of contamination through the respiratory secretions (coughs and sneezes) of an infected person continues to be the direct vehicle of transmission, which also occurs in these spaces, so the use of beaches is no exception to compliance with general measures for the pandemic. COVID-19 disease, defined by health authorities, who recommend physical distance and avoidance of concentration of people, frequent hand hygiene, respiratory etiquette, cleaning and sanitizing spaces, and the use of a mask or visor, when this proves necessary and appropriate.

Based on data from previous SARS and MERS outbreaks, scientists estimate that there is a low risk of transmission of the virus that causes COVID-19 disease through water. It is also estimated that the risk of transmission through wastewater systems or water for recreational use is low. In addition, other studies indicate that, in addition to the fact that currently there are no data on the persistence of SARS-CoV-2 in seawater, the dilution effect, as well as the presence of salt, are factors that probably contribute to a decrease in the load virus and its inactivation, by analogy to what happens in other coronaviruses.

In addition, there are no studies to date on the presence of SARS-CoV-2 in the sand. However, the joint action of solar ultraviolet radiation, the high temperature that the sand can reach during the summer and the salt of sea water favour the inactivation of pathogens, such as coronavirus.

However, considering the precautionary principle, it is appropriate to adopt risk maintenance measures as low as possible, which can be achieved through the intensive dissemination to the population of the care to be taken in these public spaces, in the preparation of these spaces so that they induce adoption of good practices and promoting the articulation of all entities with the competence to enhance prevention and inspection actions.

In this sense, rules are defined regarding the circulation in the accesses to the beach, avoiding the crossing of people, the bathing facilities and the occupation of the sand, in order to respect the recommended physical distance.

This decree-law defines, in essence, the rules applicable to bathing waters identified as bathing beaches, since in these there is a greater concentration of users, the sale of goods and services and, still, a greater number of spaces and equipment, which can result in an increased risk of contagion, if hygiene and safety rules are not adopted.

This regime applies, with the necessary adaptations, to the use of outdoor swimming pools, with the special rules applicable to these being subject to regulation.

The hearing of the National Association of Portuguese Municipalities was promoted.

Like this:

Under the terms of paragraph a) of paragraph 1 of article 198 of the Constitution, the Government decrees the following:

CHAPTER I

General provisions

Article 1

Object

This decree-law establishes the exceptional and temporary regime applicable to the occupation and use of beaches, in the context of the COVID-19 disease pandemic, for the 2020 bathing season.

Article 2

Scope of application

1 - This decree-law applies to all bathing waters identified as bathing beaches, comprising coastal, transition and inland beaches integrated in the water domain, their access, parking and contiguous public enjoyment areas, for bathing support, in continental territory.

2 - The rules for the use of the sand provided for in paragraphs 1 to 3 of article 23 apply to all beaches.

Article 3

Definitions

For the purposes of this decree-law, the following definitions apply:

- a) «Large beaches», those with a potential capacity, determined in accordance with article 11, greater than 500 users;
- b) «Small beaches», those that have a potential capacity, determined under the terms of article 11, of up to 500 users.

Article 4

General principles

The occupation and use of the beaches obey the following principles:

- a) Protection of public health;
- b) Risk prevention;
- c) Public enjoyment of water safety identified as bathing in ordinance to be approved by members of the Government responsible for the areas of national defense and the environment, provided for in paragraph 6 of article 4 of [Decree-Law no. 135/2009](#), of June 3, in its current wording, and in paragraph 2 of article 11 of [Decree-Law no. 159/2012](#), of July 24, in its current wording;
- d) Public enjoyment of existing infrastructure;
- e) Adaptability of the management measures provided for in the present decree-law according to the local context;
- f) Right of access for all citizens to enjoy the beaches, except for restricted or prohibited use.

Article 5

General duties of users

Beach users must:

- a) Comply with respiratory label measures;
- b) Ensure the physical safety distance between users when accessing and using the beach and bathing in the sea or river;
- c) Proceed with frequent hand cleaning;
- d) Avoid access to areas identified with high or full occupation;
- e) Comply with the determinations of the competent authorities;
- f) Deposit the waste generated in the places destined for that purpose.

Article 6

General duties of concessionary entities

1 - Concessionaires must:

- a) Comply with the determinations and guidelines of the health authorities regarding the hygiene and cleaning of equipment and installations;
- b) Contract the necessary means to ensure compliance with the regime established in the present decree-law;

- c) Display, in a visible way, the information provided for in this decree-law that is intended for users;
- d) Ensuring assistance to bathers on the concessioned beaches;
- e) To ensure close articulation with the competent authorities, namely the Portuguese Environment Agency, IP (APA, IP), and the National Maritime Authority (AMN), promptly carrying out the reports that are necessary to ensure security in the concession area. , as well as in the non-concession area for small beaches.

2 - Protocols between APA, IP, and local authorities may be signed, until December 31, 2020, to support the adoption of measures resulting from the obligations provided for in this decree-law by the concessionaires and or local authorities. , namely of a financial nature.

Article 7

Awareness and information campaigns

- 1 - APA, IP, and the local authorities must promote information and awareness campaigns that guarantee the disclosure of the rules, in a clear and simple way, regarding the occupation and safe use of the beaches.
- 2 - AMN collaborates with APA, IP, in the sense of the widest dissemination of the campaigns referred to in the previous number.

CHAPTER II

Parking management

Article 8

Interdictions

- 1 - Parking outside the parks and parking areas licensed for this purpose is prohibited.
- 2 - It is forbidden to stay with motorhomes or similar in parks and parking areas.
- 3 - In case of non-compliance with the provisions of the preceding paragraphs, the fines provided for in the applicable regulations are applied, and the sanction frame must always be increased to double, without prejudice to the maximum limits applicable in general terms.
- 4 - Signaling in places where parking is prohibited must be reinforced by the competent authority.

Article 9

Delimitation of parking space

- 1 - The management entities of the parks and parking areas should, whenever possible, organize the space.
- 2 - When formal parks and parking areas do not exist, it is the responsibility of the local authorities to proceed with the creation and organization of the parking space, without jeopardizing the natural values present.

Article 10

Hygiene and safety rules

- 1 - The management entities of parks and parking areas must:
 - a) Ensure the posting of hygiene and safety instructions in clearly visible places;

- b) Disinfect frequently the equipment used by users, namely the terminals used to pay for the service;
- c) Make skin disinfectant solutions available to users or, if this is not possible, recommend hand disinfection before users go to the beach;
- d) Ensure compliance with the rules defined by the Directorate-General for Health (DGS) in cleaning and sanitizing facilities and equipment.

2 - The provisions of subparagraph c) of the previous number do not apply to car parks associated with urban areas.

CHAPTER III

Access to bathing beaches

Article 11

Potential occupation capacity

1 - APA, IP, determines, by order, published in the Diário da República and made available on its website, the method of calculation and the potential occupation capacity of the bathing beaches, in the context of the disease pandemic COVID-19, to guarantee the safety of users and the protection of public health, taking into account the useful area of the area intended for bathing use, the tides, if applicable, and a minimum safety area per user, as well as the list of small beaches .

2 - The usable area of the area intended for bathing use is calculated from the length of the beach front and a depth strip of the usable area, counted from the limit of the spread of the waves, in the case of coastal beaches, or from the oscillation water level in the case of transitional and inland waters.

3 - The order provided for in paragraph 1 must be published within a maximum period of seven days from the date of publication of this decree-law.

Article 12

Information on the state of occupation in accessing the beaches

1 - In order to avoid excessive influx to the beaches, the concessionaire entities must signal the state of occupation of the bathing beaches that correspond to their concession, including the respective beach front, using color signs, in the following terms:

- a) Green: low occupancy, corresponding to a use of up to one third;
- b) Yellow: high occupancy, which corresponds to a use between one third and two thirds;
- c) Red: full occupancy.

2 - In the case of small beaches, the obligation provided for in the preceding paragraph concerns the entire beach.

3 - In the case of large beaches with a single concessionaire, the information provided by the latter only concerns the area of its concession, including the respective beachfront, and the signs must make it clear that this information only refers to the area of the concession. its concession, which must also report that it is a large beach.

4 - In the non-concessioned bathing beaches, the responsibility provided for in paragraph 1 lies with the local authorities.

Article 13

Dissemination of information on the state of occupation of the beaches

1 - In order to allow users to make a timely decision about the choice of the beach, APA, IP, provides continuously updated information, in real time, through the mobile app «Beach Info», and on its website on the Internet, about the state of occupation of the beaches, without prejudice to the development of other applications.

2 - For the purposes of the preceding paragraph, the order referred to in paragraph 1 of article 11 determines the methods and technologies that make it possible to estimate the state of occupation of the beaches, and, for this purpose, data may be obtained, namely not personal about the number of electronic equipment or to automatically process spots of occupation of the beaches from existing devices that allow to estimate the number of users present in each beach.

3 - For the purposes of the preceding paragraph, by order of the members of the Government responsible for the areas of the environment and communications, the operators authorized to provide that information to APA, IP, as well as the entities responsible for inspection and compliance with the limits are defined established therein, in compliance with the personal data processing regime and their free movement.

4 - The information provided for in the preceding paragraphs should be disseminated, whenever possible, to the media, access, collective passenger transport, stations and stops serving the beaches.

Article 14

Passage zones

1 - Except for physical impossibility, only one direction of circulation in the accesses to the beach must be defined.

2 - On bathing beaches with more than one entrance, an entrance area and an exit area should be privileged, clearly visible and with clear indication from the parking area, when available.

3 - In the narrow passageways, a longitudinal division can be performed, preferably on the floor, in order to allow circulation in one direction and to the right.

4 - The circulation in the crossing areas implies the maintenance of the physical safety distance of one and a half meters between each user, avoiding stops in the accesses.

5 - The concessionaire entities must provide skin disinfectant solutions that allow disinfection of the hands or washbasin with liquid soap next to the accesses or, if it is not possible, recommend the disinfection of the hands before the users go to the beach.

6 - Concessionaires must ensure that all employees who have contact with users or circulate in common spaces use the personal protective equipment recommended by DGS and suitable for their tasks.

CHAPTER IV

Crossings, seawall and marginal

Article 15

Circulation rules

1 - When circulating on the crosswalks, on walls and on the margins, the physical safety distance of one and a half meters between each user must be maintained.

2 - For the purposes of the preceding paragraph, directions of circulation and indicative physical distance marks must be defined, under the terms of the previous article, with the necessary adaptations.

3 - On the treadmills, preferably one should be used for access and one for the exit, with spacing and direction of movement markings or, when this is not possible, due to the circulation between the bathing units through a only crosswalk, affix signs indicating the need to keep the safety distance between users.

4 - Frequent cleaning and disinfection of surfaces must be ensured, according to the guidelines defined by the health authorities, and the frequency of maintenance of the treadmills should be increased.

CHAPTER V

Access and operation of beach establishments

Article 16

Signs and information

1 - Beach facilities, bars, restaurants, terraces, picnic parks and first aid posts on bathing beaches must display information to raise awareness among users to comply with hygiene and safety procedures to be carried out in the respective areas.

2 - The information provided for in the previous paragraph must be accessible to users and appear in several languages, namely in Portuguese, Spanish and English.

Article 17

Beach supports, bars, restaurants and terraces

1 - The beach supports, bars, restaurants and terraces on the bathing beaches must define a manual of procedures that ensures compliance with the recommendations defined by the DGS by workers and users, namely the hygiene of sanitary spaces and facilities, the maximum capacity and the physical safety distance of two meters between users, as well as in waiting areas.

2 - The establishments referred to in the previous number must guarantee the regular cleaning of common areas, surfaces, floors and other areas, objects and equipment, with a minimum periodicity of four daily cleanings, maintaining the respective record, and the guidelines defined by DGS, namely in terms of cleaning and disinfecting surfaces.

3 - Those responsible for beach support, bars and restaurants assess, on a case-by-case basis, the need to reorganize areas destined to terraces, in order to ensure compliance with the physical safety distance.

4 - For the purposes of the preceding paragraph, the area for terraces may be increased, to be authorized, on a case by case basis, by the competent authorities, and may not interfere with other uses or jeopardize the natural values present.

5 - In the cases in which the area is increased under the terms of the previous number, the concessionaire entity is exempt from the payment of a water resource fee in the area of the terrace that results from this increase.

6 - The establishments referred to in this article are governed, supplementarily, by the rules applicable to bars, restaurants and terraces outside bathing spaces.

Article 18

Picnic Parks

Frequent hygiene and cleaning of tables and chairs in picnic parks must be carried out and the number of waste collection devices increased, increasing the frequency of their cleaning, and ensuring a distance of two meters between each equipment.

Article 19

First aid stations

1 - First aid posts must be equipped with thermometers and personal protective equipment, and include an area for the isolation of suspected cases of COVID-19 disease.

2 - A contingency plan must be developed to deal with situations considered to be suspicious of COVID-19 disease, according to the rules defined by the DGS, including the identification of the place where any suspicious case should be directed.

3 - The person responsible for the management of the first aid post must direct the suspected cases to the isolation space and provide all the support that proves necessary, prohibiting the approach of any other person until the arrival of the medical emergency team.

Article 20

Sanitary facilities

1 - The sanitary facilities, whether or not included in the beach support, must define hygiene protocols, as well as ensure the availability of solutions that allow the skin disinfection of the hands or washbasin with liquid soap for hand washing.

2 - Footwear is mandatory in sanitary facilities, and personal protective behaviors must be adopted, such as hand hygiene, the use of a mask or visor inside the facility, the safety distance and respiratory label measures.

3 - Outside the sanitary facilities, information on the maximum number of users and the prescription of physical distance should be made available.

4 - The frequency of sanitation of sanitary facilities must be increased, with the record of cleaning actions carried out, as well as ensuring the use of personal protective equipment by the workers responsible for the cleaning service.

5 - Without prejudice to the provisions of paragraph 1 of article 25, the use of footwear in showers is mandatory.

CHAPTER VI

Waste

Article 21

Waste Management

1 - Containers for depositing waste, either from the undifferentiated fraction or from the selectively collected fractions, with a lid and, preferably, a pedal-operated opening, must be made available on the entire length of the concession beach.

2 - As an alternative to containers, support for bags for depositing waste can be made available, either from the undifferentiated fraction or from the selectively collected fractions.

- 3 - In the extension of the non-concessioned beach, containers of the undifferentiated fraction must be made available by the local authorities.
- 4 - A protection net should be placed in the area surrounding the containers, in order to avoid the dispersion of residues, especially masks, visors and gloves.
- 5 - Information on the fractions to be deposited in each of the containers next to the waste disposal containers must be made available, stating the information that masks, visors, gloves and other personal protective equipment must be placed in the container that respects waste un differentiated.
- 6 - In case it proves necessary, more containers should be placed to deposit the residues of the undifferentiated fraction.
- 7 - Containers must be lined with resistant bags.
- 8 - The frequency of waste collection must be increased, making sure that the filling of the bags does not exceed two thirds of their capacity.
- 9 - Whenever possible, the colour code used at national level should be adopted.

Article 22

Waste collection

- 1 - A daily hygiene plan for containers or bag supports must be followed, focusing mainly on contact points, and following the cleaning and disinfection procedures defined by DGS.
- 2 - The collection of residues must be carried out with the bags immediately closed with a knot, clamp or tie, avoiding the workers' contact with the residues, and the bags must not be pressed or pressed.
- 3 - The areas surrounding the containers must be disinfected and, if there are residues on the floor, these must be collected with appropriate equipment.
- 4 - Ashtrays must be made available for the collection of butts, which must be cleaned daily.
- 5 - The catering and beverage establishments referred to in article 17 must have containers for depositing waste with a lid and opening that is not manually operated, and must comply with the procedures for collecting waste and cleaning equipment.
- 6 - Workers responsible for collecting waste in the bathing area and cleaning it must wear personal protective equipment when opening and handling containers.

CHAPTER VII

Use of the beach or the defined area for bathing

Article 23

Use of the beach or the defined area for bathing

- 1 - When using the beach or the area defined for bathing on any beach, the hygiene and safety rules defined by the DGS must be observed, maintaining the physical safety distance of one and a half meters between each user.
- 2 - Compliance with the physical safety distance is not required for users who are part of the same group.

3 - On any beach, the sun umbrellas of users who are alone or in a group, must be at least three meters apart, counting from the outer limit of the umbrellas of other users, who are alone or in group.

4 - The rules referred to in paragraph 1, as well as the information to make users aware of the adoption of good practices, are posted in signs near the beach access areas.

5 - Circulation corridors, parallel and perpendicular to the coast line or the margin, can be defined, according to the available area and the conditions of each beach, in order to discourage random circulation in occupied areas.

6 - The rules of physical distance and the limits of concentration of people apply when using the sand.

Article 24

Awnings, beach umbrellas and beach huts

1 - In the concession areas, the removal of at least:

a) Three meters between awnings and beach umbrellas, counting from the outer limit;

b) One and a half meters between the limits of the hut, counted from the outer limit.

2 - Exceptional enlargement of the concession area defined for the placement of awnings, beach umbrellas and huts may be authorized by the competent authorities, taking into account the need to maintain the physical safety distance between beach users.

3 - The area referred to in the previous number may be extended to occupy a maximum of two thirds of the useful area of the beach, with at least one third reserved for the non-concession area, provided that it does not jeopardize other uses or natural values in presence.

4 - The rental of awnings, beach umbrellas or huts is made by reference to two time periods of the day, from the morning until 1:30 pm, and the afternoon beginning at 2:00 pm.

5 - Each person, as well as the elements that make up the same group of occupants, is only allowed to rent awnings, stems or huts, in the same concession area, for one of the periods of each day provided for in the previous number, in order to allow a greater number of people to use this equipment.

6 - The provisions of the previous number may be exceeded when the level of use of the concession area allows it.

7 - The number of users per awning, thatch or hut must not exceed five users, and the surrounding space must be used in order to guarantee the safety distance for the occupants of the next awning, thatch or tent.

8 - Areas reserved for groups of children associated with holiday activities and for people with reduced mobility may be created, if this allows a better ordering of the space.

9 - The concessionaire entities must provide, in a clear and accessible way, information on behaviours to be adopted when using awnings, beach umbrellas and huts.

10 - The concessionaire must clean the awnings, beach umbrellas and huts whenever there is a change of user.

11 - On beaches with a high influx of users and where sedimentary hydrodynamics has reduced the useful area of the beach, the reduction of the concession area can be determined by the competent authorities, in order to ensure the need to maintain the physical distance from safety among beach users.

Article 25

Equipment

- 1 - The provision and use of any equipment for collective use, namely paddle boats, slides, indoor showers of body or feet, and other similar structures is prohibited.
- 2 - The other bathing equipment, namely outdoor showers for body or feet, sun loungers, mattresses, beach ashtrays, must be cleaned daily according to the guidelines defined by DGS, regarding the cleaning and disinfection of surfaces, when assembling or placement and, throughout the day, whenever the user changes, except for outdoor showers where cleaning must be reinforced throughout the day.
- 3 - When monitoring persons with reduced mobility, compliance with hygiene and safety procedures must be guaranteed, namely the cleaning of amphibious chairs after each use, placement of a visor, by the user and companion.
- 4 - After each use, each amphibious chair must be washed in the sea, or, in the case of inland waters, with a hose.

Article 26

Floating equipment in inland waters

Floating bath support equipment can only be installed in inland waters, if they are essential to prevent risks associated with safety in the bath, and a maximum number of users must be defined for each equipment, in order to safeguard the physical distance of users. recommended safety, whose control is up to the lifeguard.

Article 27

Street vending on the beach

- 1 - Street vending on the beaches is permitted, provided the hygiene and safety rules and guidelines defined by the health authorities are respected.
- 2 - The seller must wear a mask or visor when contacting users.
- 3 - The circulation of street vendors on the beach should preferably be carried out in the corridors for the circulation of users on the beach, with the vendors respecting the rules of physical safety distance, making food available by means of clamps, whenever appropriate, and respect the guidelines defined by the DGS on cleaning and disinfecting surfaces.

Article 28

Non-individual activities at sea or in the area defined for bathing

- 1 - In the area defined for the bathing use of the beaches, activities of a sports nature involving two or more people are not allowed, as well as activities providing massage services and similar activities, and equipment or defined spaces must not be set up or placed. that promote its realization.
- 2 - Except for the provisions of the previous number, classes promoted by surfing or similar sports schools or instructors, as long as the maximum number of five participants per instructor is respected, and the recommended physical safety distance of one meter and between each participant, both on land and at sea.
- 3 - In individual nautical activities, the rules and guidelines for physical distance from safety, respiratory etiquette, hand hygiene and surface cleaning and disinfection, defined by the DGS, must be complied with.

4 - When cleaning the equipment provided for in the preceding paragraph, the use of products with sodium hypochlorite and biocidal products is prohibited.

5 - Cultural and religious activities in the area defined for bathing use on the beaches must respect the rules of social distance and hygiene and safety.

Article 29

Sanitation of spaces for public use

In the cleaning of public spaces, namely walkways, walls and equipment in the area defined for bathing use, the use of products with sodium hypochlorite and biocides is prohibited.

CHAPTER VIII

Outdoor swimming pools

Article 30

Outdoor swimming pools

1 - The regime of the present decree-law is applicable to the operation of outdoor swimming pools with the necessary adaptations.

2 - The special rules to be adopted regarding the occupation and use of outdoor swimming pools, as well as the guarantee of water quality, health and safety of the facilities, are approved, within a maximum period of seven days from the date of publication of the present decree-law, by order of the members of the Government responsible for the areas of the economy, local authorities and health, considering the guidelines of the DGS.

CHAPTER IX

Assistance and inspection

Article 31

Assistance to bathers

1 - The competent authorities and local authorities must reinforce the means to assist bathers in areas not concessioned on large beaches.

2 - In rescue actions, the actions of basic life support, in the context of the pandemic of the disease COVID-19, must follow the recommendations issued by the Institute of Aid to Castaways.

3 - The provisions of the preceding paragraph also apply to the particular situations of waters not identified as bathing waters, provided for in the ordinance to be approved by the members of the Government responsible for the areas of national defense and the environment, under the terms provided for in paragraph 6 of Article 4 of [Decree-Law no. 135/2009](#), of 3 June, in its current wording, and in [Law no. 44/2004](#), of 19 August, in its current wording, in which it can be guaranteed the presence of lifeguards.

Article 32

Monitoring and inspection

1 - It is the responsibility of the health authorities, together with APA, IP, through their regional services, and in conjunction with the local bodies of the Directorate-General of the Maritime Authority and with the municipal civil protection, to carry out the assessment and monitoring of situations that can put users' safety

at risk for the protection of public health on the beaches, as well as define and implement the respective measures that are necessary to adopt.

2 - The monitoring of compliance with the provisions of the present decree-law is the responsibility of the local bodies of the AMN and the Maritime Police in particular, the National Republican Guard, the Public Security Police, the Municipal Police, the civil protection authorities, the authorities of health, APA, IP, the Directorate-General for Natural Resources, Security and Maritime Services, the port authorities, which must articulate with each other.

Article 33

Beach interdiction

APA, IP, AMN, the District Civil Protection Command and local authorities can determine the prohibition of access to the beach for public health reasons, namely due to the serious non-compliance with the duties imposed on the concessionaires and users.

CHAPTER X

Final provision

Article 34

Implementation

This decree-law comes into force on the day following its publication.

Seen and approved by the Council of Ministers on May 15, 2020. - António Luís Santos da Costa - Pedro Gramaxo de Carvalho Siza Vieira - João Titterington Gomes Cravinho - Eduardo Arménio do Nascimento Cabrita - Alexandra Ludomila Ribeiro Fernandes Leitão - Marta Alexandra Fartura Braga Feared de Almeida Simões - João Pedro Soeiro de Matos Fernandes - Pedro Nuno de Oliveira Santos.

Enacted on May 20, 2020.

Publish yourself.

The President of the Republic, Marcelo Rebelo de Sousa.

Countersigned on May 21, 2020.

The Prime Minister, António Luís Santos da Costa.