
The Parliament in the time of coronavirus

Portugal

During the Covid-19 pandemic the Portuguese Parliament did not '*revolutionize*' its functioning

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1. Portugal: a short presentation

Portugal has been a Republic since 1910. In 1926, a military intervention ended the First Portuguese Republic, strongly affected by serious political instability. In 1933, approved via a plebiscite, the Constitution of 1933 emerged as the framework of a corporative State that repressed fundamental liberties under the leadership of Oliveira Salazar², a Professor of Coimbra University (Faculty of Law). The regime survived only a few years after the end of his political career (due to a domestic accident) in 1968 (death: 1970). After the Carnation Revolution (25 April 1974), a new Constitution (*Constituição da República Portuguesa*) was approved in 1976.

Portugal is a unitary State, although it has two autonomous regions with legislative powers:

Art 6.º

- 1. The State is unitary and the way in which it is organised and functions shall respect the autonomous island system of self-government and the principles of subsidiarity, the autonomy of local authorities and the democratic decentralisation of the Public Administration.*
- 2. The Azores and Madeira archipelagos are autonomous regions with their own political and administrative statutes and self-government institutions³.*

Despite the legislative pre-eminence of the Parliament (*Assembleia da República*), the government has a normal legislative competence, to a rather uncommon extent, from a comparative point of view. In fact, Article 198 states that

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² See MENESES (F.), *Salazar: a political biography*, Enigma Books, 2010.

³ See [Constitution of the Portuguese Republic](#).

1. *In the exercise of its legislative functions the Government has the competences to:*

- a) *Make executive laws on matters that do not fall within the exclusive competence of the Assembly of the Republic;*
- b) *Subject to authorisation by the Assembly of the Republic, make executive laws on matters that fall within the latter's partially exclusive competence;*
- c) *Make executive laws that develop the principles, or the general bases of the legal regimes contained in laws that limit themselves to those principles or general bases.*

2. *The Government has the exclusive competence to legislate on matters that concern its own organisation and *modus operandi*.*

Concerning the type of regime, it is a *mixed parliamentary-presidential one*. Although a significant number of scholars present it as a semi-presidential regime⁴, I integrate the group of those who believe that such qualification is, to say the least, controversial, since the major component is the parliamentary one and the powers of the President are limited, especially if compared with the French President⁵.

2. An analysis of the impact of the health crisis on the functioning of the Parliament

2.1. A brief introduction

Before analyzing the impact of the health crisis on the functioning of the Parliament, allow me to make a short presentation of the normative instruments used to deal with the pandemics⁶. Article 19 of the Portuguese Constitution lays down that the state of exception (*estado de exceção*) – state of siege (*estado de sitio*) or a state of emergency (*estado de emergência*) – *may only be declared in part or all of Portuguese territory in cases of actual or imminent aggression by foreign forces, a serious threat to or disturbance of democratic constitutional order, or public disaster.*

In 2020, Portugal experienced a state of exception for just 45 days. The other tools introduced

⁴ French academics influenced their Portuguese on this issue. Jorge Miranda, a reputable Professor of Constitutional Law and one of the “Founding Fathers” of the Constitution of 1976, considered the Portuguese system of government to be of a “semi-presidential” nature. MIRANDA (J.), *Curso de direito constitucional*, vol. 2, Universidade Católica Portuguesa, 2016, p. 130-133]. See also NOVAIS (J.), *Semipresidencialismo*, Almedina, 2018.

⁵ See CANOTILHO (J.) and MOREIRA (V.), *Fundamentos da Constituição*, Coimbra Editora, 1991, 207-208. In the last edition of their annotation to the Portuguese constitution, they now prefer to speak of a “parliamentary system of government” [CANOTILHO (J.); MOREIRA (V.), *Constituição da República Portuguesa anotada*, vol. 2, 4th edition, Wolters Kluwer/Coimbra Editora, 2010, p. 19].

⁶ The scope of the text is limited to the impact of Covid-19 on the functioning of parliaments. Regarding issues in view of its juridical impact, see Gomes (C.) and Pedro (R.) (Coord.), *Direito administrativo de necessidade e de exceção*, AAFDL Editora, 2020; *e-Pública – Revista Eletrónica de Direito Público*, Vol. 7, n. 1, 2020. For a general analysis to the Portuguese situation in English, see Violante (T.); Lanceiro (R.), “[Coping with Covid-19 in Portugal: from constitutional normality to the state of emergency](#)”, *Verfassungsblog on matters constitutional*, April 2020 ; Lomba (P.), “[The constitutionalized state of emergency](#)”, *Verfassungsblog on matters constitutional*, April 2020. The Portuguese legislation on Covid-19 is available on the *Diário de República electrónico* (in [Portuguese](#) and [English](#)).

whereby different instruments laid down in the legal framework and the major form used to deal with the pandemic was, and still is, the resolution (*resolução*)⁷. This figure, although usually designed for use mainly as a political instrument, can also be normative.

2.2. The constitutional state of exception (state of emergency)

There is a constitutional framework for the state of exception. Article 19 (Suspension of the exercise of rights) lays down that

1. *Entities that exercise sovereignty may not jointly or separately suspend the exercise of the rights, freedoms and guarantees, save in the case of a state of siege or a state of emergency declared in the form provided for in the Constitution.*
2. *A state of siege or a state of emergency may only be declared in part or all of Portuguese territory in cases of actual or imminent aggression by foreign forces, a serious threat to or disturbance of democratic constitutional order, or public disaster.*
3. *A state of emergency is declared when the preconditions referred to in the previous paragraph are less serious and may only cause the suspension of the some of the rights, freedoms and guarantees that are capable of being suspended.*
4. *Both the choice between a state of siege and a state of emergency and the declaration and implementation thereof must respect the principle of proportionality and limit themselves, particularly as regards their extent and duration and the means employed, to that which is strictly necessary for the prompt restoration of constitutional normality.*
5. *Declarations of a state of siege or a state of emergency shall set out adequate grounds therefore and specify the rights, freedoms and guarantees whose exercise is to be suspended. Without prejudice to the possibility of renewals subject to the same limits, neither state may last for more than fifteen days, or, when it results from a declaration of war, for more than the duration laid down by law.*
6. *In no case may a declaration of a state of siege or a state of emergency affect the rights to life, personal integrity, personal identity, civil capacity and citizenship, the non-retroactivity of the criminal law, accused persons' right to a defense, or the freedom of conscience and religion.*
7. *Declarations of a state of siege or a state of emergency may only alter constitutional normality in accordance with the provisions of the Constitution and the law. In particular, they may not affect the application of the constitutional rules concerning the competences and modus operandi of the entities that exercise sovereignty or of the self-government organs of the autonomous regions, or the rights and immunities of the respective officeholders.*
8. *Declarations of a state of siege or a state of emergency grant the public authorities the competence to take the steps that are necessary and appropriate for the prompt restoration of constitutional normality.*

⁷ See Articles 19 and 21 of the Framework Law of Civil Protection (*Lei de Bases da Proteção Civil*) which refers to the situation of calamity.

There is also a statute that confirms the legal framework for the state of exception – Law nr. 44/86, September 30 –, regulating the regime of the state of siege and the state of emergency.

For 45 days, between March and the beginning of May, Portugal experienced a state of emergency, the less serious type of state of exception. The Decree⁸ (*Decreto*) of the President of the Republic nr. 14-A/2020, March 18, imposing the state of emergency (there were two renewals or prorogations⁹) was not without controversy, especially in terms of what the duty of confinement means, since the right to freedom and security (Article 27 CRP) was not mentioned in the cited Decree¹⁰. Instead, the mandatory confinement was presented as a compression of the right to travel to any part of the national territory (*liberdade de circulação*¹¹).

2.3. The situation of calamity (the use of the legislative framework instead of maintaining the state of exception)

The first juridical response to the pandemic was not given via the use of the constitutional resource of the state of emergency, but via appealing to the ordinary means established in health and civil protection statutes¹². The first intervention penned by the Government¹³ – the Declaration of the (legal) situation of alert (*situação de alerta*)¹⁴ – is part of a simple and ordinary necessity law (*einfaches Notstandsrecht*)¹⁵, based on the Framework Law of Civil Protection (*Lei de Bases da Proteção Civil*)¹⁶, the Framework Health Law (*Lei de Bases da Saúde*)¹⁷ and the Law on Public Vigilance of Health Risks (*Lei do Sistema de Vigilância em Saúde Pública*)¹⁸. This path was and still is very controversial. Since restrictions of rights were at stake, critics point to a violation of the reserve of parliament concerning rights, freedoms and guarantees. The constitutional state of emergency ended and, since the 3rd of May, under situation of calamity (declared by the Government without the need of an authorization of the Parliament)¹⁹, Portugal started the process of unlocking.

⁸ During the state of emergency, the Government took Decrees in order to regulate the Decrees of the President of the Republic: Decree nr. 2-A/2020, March 20; Decree nr. 2-B/2020, April 2; Decree nr. 2-C/2020, April 17.

⁹ Decree of the President of the Republic (*Decreto do Presidente da República*) nr. 17-A/2020, April 2; Decree of the President of the Republic (*Decreto do Presidente da República*) nr. 20-A/2020, April 17.

¹⁰ Regarding this discussion, see NOVAIS (J.), “[Estado de Emergência: quatro notas jurídico-constitucionais sobre o decreto presidencial](#)”, *Observatório Alameda*; Idem, “Direitos fundamentais e inconstitucionalidade em situação de crise – a propósito da epidemia de COVID-19/ Fundamental rights and unconstitutionality in a situation of crisis – regarding COVID-19 epidemic”, *e-Pública – Revista Eletrónica de Direito Público*. In support of the solution adopted in the Presidential Decree, see BRITO (M.), “Pensar no estado da exceção na sua exigência”, *Observatório Alameda*. Alexandrino (J.), “Devia o direito à liberdade ser suspenso? Resposta a Jorge Reis Novais”, *Observatório Alameda*. RAMIÃO (R.), “[O direito à liberdade e o estado de emergência numa releitura de Alf Ross](#) (2.ª resposta a Jorge Reis Novais), ICJP/CIDP, 2020.

¹¹ Article 44/1 CRP.

¹² See GONÇALVES (P.), “[Nova fase de gestão da epidemia: a questão da \(in\)suficiência jurídica da declaração administrativa de calamidade](#)”, *Observador*, 2 May 2020. For another perspective, see Lomba (P.), “[A questão da suficiência jurídica do estado de emergência administrativo](#)”, *Observador*, 5 May 2020.

¹³ See also an important piece of legislation published on the same day: Decree-Law nr. 10-A/2020, March 13.

¹⁴ Order (*Despacho*) nr. 3298-B/2020, March 13.

¹⁵ CANOTILHO (J.), *Direito constitucional e teoria da constituição*, Coimbra, Alameda, 2003, p. 1103-1104, following the track of German scholarship.

¹⁶ Law nr. 27/2006, July 3 (last amendment: Law nr. 80/2015, August 3).

¹⁷ Law nr. 95/2019, September 4.

¹⁸ Law nr. 81/2009, August 21. This statute was not expressly mentioned in Order (*Despacho*) nr. 3298-B/2020, March 13.

¹⁹ Resolution of the Council of Ministers (*Resolução do Conselho de Ministros*) nr. 33-C, April 30; Resolution of the Council of Ministers nr. 38/2020, May 17; Resolution of the Council of Ministers nr. 40-A/2020, May 29; Resolution of the Council of Ministers nr. 43-B/2020, June 12.

According to Resolution of the Council of Ministers 51-A/2020, 26 June, a differentiated geometry was applied to the territory. Actually, depending on the areas, in Portugal, during a certain period of time, the situations of calamity, contingency, and alert coexisted²⁰.

One interesting problem was raised by an intervention of the Azores Government that used a resolution²¹ to impose a mandatory lockdown for passengers arriving on the archipelago. After a first judicial decision²², the Constitutional Court²³ considered some of its norms unconstitutional. According to the Court, the right to freedom (Article 27 CRP) was at stake, but even those who consider that the fundamental position affected was the right to travel (Article 44/1 CRP), agree that this is still a question of rights, freedoms and guarantees. The Constitution lays down that this field is subject to reserve of statute (Article 165/1/b). Therefore, the Court stressed the incompetency of the Regional Government of Azores to set restrictions.

3. Pandemic and the functioning of Parliament

Turning to the core of the research, I will consider the following points: a) national Parliament (*Assembleia da República*) and the impact of the pandemic on legislative procedure; b) a brief reference to regional Parliaments (*Assembleias Parlamentares das Regiões Autónomas*), especially the case of Azores; c) the parliamentary oversight over the Government (the executive), during the crisis and after.

3.1. National parliament: the impact of pandemic on procedures

In order to discuss this topic – parliamentary procedure –, allow me a short presentation of models when someone looks around in a comparative mood²⁴. The following modes are distinguishable: suspension of the activities – the closure model – adopted by some parliaments, at least during some periods²⁵ (with or without a standing committee); reduction of meetings, with or without implementing or deepening virtual gatherings; no changes (business as usual).

Before going into the details, we should take a look to an article of the CRP concerning collegial organs. Article 116/2 lays down that *Collegial entities and organs shall take their decisions in the*

²⁰ Resolution of the Council of Ministers nr. 51-A/2020, June 26. After that intervention, vd. Resolution of the Council of Ministers nr. 53-A/2020, 14 July; coexistence of the situation of contingency and alert: Resolution of the Council of Ministers nr. 55-A/2020, July 31; Resolution of the Council of Ministers nr. 63-A/2020, August 14; situation of contingency: Resolution of the Council of Ministers nr. 70-A/2020, September 11; Resolution of the Council of Ministers nr. 81/2020, September 29.

²¹ Articles 1,2, 3, 4 and 7 of the Resolution of the Council of Government nr. 77/2020, and 3/ e) and 11 of the Resolution of the Council of Government nr. 123/2020.

²² Judicial Court of the District of Azores (*Tribunal Judicial da Comarca dos Açores*), [Press Release](#), 16 maio 2020. See also FREITAS (T.), “A execução do estado de emergência e da situação de calamidade nas Regiões Autónomas – o caso da pandemia COVID-19”, *e-Pública*, n. 7, 2020, p. 44-77. On the Portuguese organisation of the courts, see *Justice transformation in Portugal: building on successes and challenges*, Paris, OECD, 2020, Annex A, p. 102-103.

²³ Ruling (*Acórdão*) nr. 424/2020 (<http://www.tribunalconstitucional.pt/tc/acordaos/20200424.html>).

²⁴ Interesting information about these issues can be found [on the website of the Inter-Parliamentary Union](#).

²⁵ For comparative information concerning other Parliaments, see the information compiled [by the Inter-Parliamentary Union](#).

presence of a majority of the number of members they are prescribed to have by law.

Despite the fact that the constitutional requirement was intended to be the physical presence of the members of collegial organs, it seems that it is possible to reinterpret the norm in a way that allows virtual presence as well.

Both the national and regional Parliaments did not suspend their activities. Focusing on *Assembleia da República*, the limits regarding presence of MPs in the case of personal meetings, the limits concerning the number of sessions and the limits regarding the subjects being discussed will be considered.

3.1.1. Face-to-Face meetings

3.1.1.1. *Limits concerning presences*

On the issue of being present in the Parliament, a distinction between members of the Parliament (*Deputados*) and the public shall be made.

a) Members of the Parliament

A relevant number of parliaments reduced the number of deputies taking part in the different meetings both in plenary sessions and in committees. Portugal followed the track of reduction: concerning the plenary meetings, only 1/5 of the deputies could take part, respecting the proportion of the Parliamentary Groups²⁶; regarding deliberations, the quorum (116 out of 230 deputies) had to be guaranteed.

Some objections were raised against the proposal of replacing the full session of the Parliament by a Standing Committee²⁷; 1. this would have meant the suspension of the activities of the Parliament in a context marked by ongoing legislative procedures; 2. The Standing Committee does not have the competence to pass vital bills²⁸.

Looking at the Constitution regarding the possibility of suspensions, Article 174/2 CRP stipulates that

Without prejudice to suspensions decided by a two-thirds majority of all the Members of the Assembly of the Republic who are present, the Assembly of the Republic's normal parliamentary term is from 15 September to 15 June.

There were proposals to replace the normal function of *Assembleia da República* by the Standing Committee. Article 179 of the Portuguese Constitution reads:

1. *Outside periods in which the Assembly of the Republic is in full session, during periods in*

²⁶ According to the internal rules of procedure of the Assembly (*Regimento*), this was the minimal quorum.

²⁷ According to a counterproposal – not approved –, the Standing Committee would summon the Parliament. *Leaders' Conference Meeting (Reunião da Comissão de Líderes)*, nr. 14, 16 March 2020.

²⁸ *Leaders' Conference Meeting* nr. 13, 13 March 2020.

which it is dissolved, and in the remaining cases provided for in the Constitution, the Assembly of the Republic's Standing Committee shall be in session.

2. *The Standing Committee is chaired by the President of the Assembly of the Republic and is also composed of the Vice-Presidents and of Members of the Assembly of the Republic nominated by each of the parties, each in proportion to the number of seats it holds in the Assembly.*
3. *The Standing Committee has the competences to:*
 - a. *Scrutinise compliance with the Constitution and the laws and monitor the activities of the Government and the Administration;*
 - b. *Exercise the Assembly's powers in relation to the mandate of Members of the Assembly of the Republic;*
 - c. *Take steps to ensure that the Assembly is called whenever necessary;*
 - d. *Prepare the opening of the legislative session;*
 - e. *Consent to the President of the Republic's absence from Portuguese territory;*
 - f. *Authorise the President of the Republic to declare a state of siege or a state of emergency, declare war or make peace.*
4. *In the case provided for in subparagraph (f) of the previous paragraph, the Standing Committee shall take steps to ensure that the Assembly is called as soon as possible.*

b) Public

The public, including those who are the first subscribers to a petition, initially, were excluded; then, the *Leaders Conference (Conferência de Líderes*²⁹) moved towards accepting five people in the public galleries.

3.1.1.2. Limits regarding the number of sessions

A lot of parliaments reduced the number of meetings both in plenary and commissions. The Portuguese Parliament did this: the Plenary met only once a week; Commissions meetings were held only if needed and in a reduced model (*Bureau and Coordinators/ Mesa e Coordenadores*).

3.1.1.3. Limits regarding the subjects/issues

Some parliaments reduced the agenda to urgent subjects, especially the approval of legislation concerning the coronavirus. Nevertheless, in Portugal, there were no formal limits concerning the subjects of the decisions taken by Parliament during the lockdown. Question times (Parliamentary questions) were maintained, despite the circumstances. However, in March, there was a proposal to limit the agenda of Plenary meetings to the approval of the measures related to coronavirus only (the major role would be played by the Standing Committee).

²⁹ *Leaders' Conference Meeting nr. 23, 27 May 2020.*

3.1.1.4. Limits concerning the protection

Beyond the aforementioned reduction in the number of the deputies, one should also consider the requirement of wearing protective equipment. The President of the Parliament, despite initially resisting and criticizing the use of masks, changed his position afterwards in accordance with the recommendations of National Health Authorities³⁰.

3.1.2. Virtual meetings (remote sittings)

Some parliaments allowed committees to hold meetings remotely. During the pandemic, some assemblies (e.g., Belgium) amended the rules of procedure so as to allow participation in both plenary or committee meetings using electronic media and also to open the way [to remote voting](#).

The *Regimento of the Assembleia da República (Rules of Procedure of the Assembly of the Republic)*³¹ has no norms regarding the issue of remote meetings and remote voting. However, without changes being made to the *Regimento*, at least *prima facie*, the last option seems to be prohibited. Thus, all the Plenary sessions were and are face-to-face meetings. But despite that, through hermeneutical means, the MPs representing Autonomous Regions (Azores and Madeira) and those who represent emigrants were allowed to take part via videoconference³². Following a recommendation made by the Information Technologies Department (*Direção de Tecnologias de Informação*) the software used was Skype.

And it a mixed solution was adopted (face-to-face sitting and videoconference) for commissions. There were discussions via virtual media; and there was remote voting: in some countries, remote voting was allowed; in others, this procedure remained prohibited.

3.1.3. A controversial celebration

To celebrate the 46th anniversary of the April Revolution (Carnation Revolution) that ended the dictatorship, there was a ceremony with about 100 persons in attendance at the plenary of *Assembleia da República*. Since there were strict lockdown measures, many citizens were very critical of the meeting, speaking of privileges and irresponsibility, given the risks of contagion.

3.2. The Legislative Assemblies of the autonomous regions: the case of Azores

Despite the fact that there are two regions³³, I will focus on the case of Azores that challenges

³⁰ See Order (*Despacho*) nr. 43/ XIV/ PAR (Presidente da Assembleia da República).

³¹ An English translation is available, but it is not completely up to date: see the Rules of the Procedure of the Assembly of the Republic (last amendment available in English: Rules of the Procedure of the Assembly of the Republic nr. 1/2017, April 21).

³² Cf. "[Parliamentary Committees decide to meet when necessary with some meetings by videoconference, using Skype](#)".

³³ For information on [the Legislative Assembly](#) of the Autonomous Region of Madeira. Parliamentary work was launched early, after the Summer recess: [September 15 instead October 1](#). Due to reasons of space, it is impossible to analyse the case

the traditional parliamentary mode of functioning. Azores is an Archipelago comprising 9 islands in the middle of the Atlantic Ocean. Due to a combination of the risks set by personal meetings in the traditional manner and the tough restrictions made to air travel, the Legislative Assembly (with 57 Deputies) decided to totally revolutionise the way it functioned. The outcome was a digital Parliament³⁴, using technological possibilities to run virtual sessions. Without changing the *Rules of Procedure (Regimento)*³⁵, the traditional face-to-face sessions based on physical presence under the same roof were replaced by virtual meetings, allowing the parliamentary assembly to continue to sit. Drawing on the opinion of a Portuguese Professor of Constitutional Law, Jorge Bacelar Gouveia, the way out of the problem was to consider that there was a loophole in the *Regimento*³⁶, since this instrument does not establish a regime for the use of telematics. A “loophole of exception”, i.e., a loophole based on an extraordinary circumstance and the need to ensure the continuity of parliamentary activities³⁷. In normal times, the traditional rule is face-to-face sittings³⁸.

Now, after the return to the traditional meetings of the regional parliament, some safety norms have been implemented to prevent the risk of contagion³⁹.

3.3. On parliamentary oversight of the Government, during the crisis and after

After the end of constitutional state of emergency, the Parliament was criticized for not disciplining some issues⁴⁰. Although the possibility of using the (legal) state of calamity to implement measures that curbed some rights, imposing limitations (e.g., the use of masks) was accepted, some voices considered that, given the existence of a parliamentary reserve concerning rights, freedoms and guarantees, *Assembleia da República* should have legislated on the issue⁴¹.

It was decided not to change the *Regimento da Assembleia da República* during this period.

Concerning the parliamentary oversight of the Government⁴² during the crisis, it is worth mentioning that, beyond the normal instruments of control (such as interpellations and demands),

of Madeira. However, it should be noted that the Rules of Procedure were amended: see Resolution of the *Legislative Assembly* of the Autonomous Region of Madeira (*Resolução da Assembleia Legislativa da Região Autónoma da Madeira*) nr. 16-A/2020/M, April 30. The quorum needed to run the Plenary meetings is now, at least, 1/3 of the deputies in full exercise of their office (Article 63/1), replacing the former rule (the majority of the members); the conditions of voting were changed (Article 104/2/3); the sittings of the Commissions can be held electronically, using the adequate technological means (Article 119/3).

³⁴ See GOUVEIA (J.), *O primeiro parlamento digital português*, Lisboa: AAFDL Editora, 2020.

³⁵ Rules of Procedure of the *Legislative Assembly* of the Autonomous Region of the Azores (*Regimento da Assembleia Legislativa da Região Autónoma dos Açores* – Resolution/ Resolução ALRAA nr. 15/2003/A, November 26, as amended by Resolution/ Resolução ALRAA nr. 3/2009/A, January 14).

³⁶ See GOUVEIA (J.), *O primeiro parlamento digital português*, 84.

³⁷ GOUVEIA (J.), *O primeiro parlamento digital português*, 84.

³⁸ GOUVEIA (J.), *O primeiro parlamento digital português*, 84.

³⁹ See the site of the ALRAA – [Assembleia Legislativa da Região Autónoma dos Açores](#).

⁴⁰ GONÇALVES (P.), “[Abdicação parlamentar na emergência e continuação da abdicação na calamidade](#)”, Observatório Almedina, 21 May 2020.

⁴¹ For this discussion and further references, see LOUREIRO (J.), “Bens, males e e(E)stados (in)constitucionais: notas sobre uma pandemia”, *Revista de Estudos Internacionais*, Vol. 11, n. 2, 2020.

⁴² The Government amended the Rules of its Organization and Operation (*regime da organização e funcionamento do XXII Governo Constitucional*: see Decree-Law nr. 19-B/2020, April 30) in order to “ensure better coordination and articulation between central, regional or district administration services, namely in situations of alert, contingency, calamity, state of siege or emergency” (Summary in plain English: <https://dre.pt/web/en/home/-/contents/132883342/details/11/normal>).

three mandatory reports⁴³ on the application of the state of emergency were submitted by Government to the Parliament. To know the extent and how effective this control was and still is, during the pandemic, further research is needed, analyzing the use of parliamentary questions. In the post-pandemic, it would be advisable to gain a complete picture of the roles played by the main political players. For instance, Ferro Rodrigues, President of the *Assembleia da República*, stressed how important it was that the Parliament controlled the measures adopted during the end of lockdown⁴⁴. Despite the focus of the analysis – parliament and government –, one should not forget to consider the importance (or not) of the President of the Republic, especially through the so-called magisterium of influence. Last but not least, compared with other European countries (e.g., Germany), until now the number of judicial cases is still low.

4. Concluding a (short) journey

It should be noticed that changes made to the *Regimento* of the *Assembleia da República* were published at the end of August⁴⁵, but the new situation created by the challenges raised by the pandemic was neither the cause of the changes nor subject of new provisions made to this important instrument – except from the point of view of the functioning of the Commissions. In the former version for both functioning and deliberating an absolute majority of the members was mandatory⁴⁶. Now, although the same majority is still required to deliberate, only 1/5 of the members of the Commission are necessary when the issue is the functioning⁴⁷.

If we ignore the interesting case of the Azores, at national level, despite some innovations, the *Assembleia da República*, did not undergo a revolution in terms of its functioning.

⁴³ The reports are mandatory according Article 28/1 of Law nr. 44/86, September 30. See also Estrutura de Monitorização do Estado de Emergência, *Relatório sobre a aplicação da declaração do estado de emergência* 19 de março de 2020 a 2 de abril de 2020, Ministério da Administração Interna, 13 de abril de 2020; Estrutura de Monitorização do Estado de Emergência, *Relatório sobre a aplicação da 2.ª declaração do estado de emergência* 3 de abril de 2020 a 17 de abril de 2020, Ministério da Administração Interna, 27 de abril de 2020; Estrutura de Monitorização do Estado de Emergência, *Relatório sobre a aplicação da 3.ª declaração do estado de emergência* 18 de abril de 2020 a 2 de maio de 2020, Ministério da Administração Interna, 11 de maio de 2020.

⁴⁴ *Leaders Conference Meeting (Reunião da Comissão de Líderes)* n. 20, 29 April.

⁴⁵ Regimento da Assembleia da República nr. 1/2020, August 31.

⁴⁶ Article 58/5 (Regimento da Assembleia da República nr. 1/2007; last amendment: Regimento da AR nr. 1/ 2018, January 22).

⁴⁷ Article 58/5.