Comissão de Economia, Inovação,
Obras Públicas e Habitação

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CONFEDERAÇÃO
DO COMÉRCIO E SERVIÇOS
PORTUGAL

Exmo. Senhor
Vice-Presidente da Comissão de Economia,
Inovação, Obras Públicas e Habitação
Dr. Pedro Coimbra
Palácio de São Bento
1249-068 Lisboa

N/Ref: 731/20
Data: 26 Outubro 2020

ASSUNTO: ***Petição nº 69/XIV/1ª – Pelo encerramento dos shoppings aos domingos"***

Exmo. Senhor

A Confederação do Comércio e Serviços de Portugal agradece a consulta sobre o objecto da Petição nº 69/XIV/1ª "Pelo encerramento dos Shoppings ao domingo".

Pedindo desculpa pelo atraso na resposta, gostaríamos , no entanto, de referir que este atraso se deveu ao facto de a CCP ter solicitado à sua Confederação Europeia, Eurocommerce, uma actualização sobre os horários de funcionamento dos estabelecimentos na Europa, estudo que nos parece importante para enquadrar o obejcto da Petição.

Com efeito, o documento que anexamos permite, não só uma visão global dos horários praticados na Europa, mas permite igualmente, por comparação com estudos anteriores, concluir que a tendência é a de uma maior permissividade nas aberturas aos domingos.

Ainda assim é possível verificar que em vários países, existem alguns feriados em que os estabelecimentos comerciais devem permanecer encerrados.

Também é possível verificar que os horários de funcionamento de segunda-feira a sábado, são também condicionados a um limite diário.

Em Portugal, como se sabe, a legislação nacional praticamente não tem restrições quanto ao período de funcionamento nos sete dias da semana, deixando a referida legislação alguma margem aos municípios para alterar este período de funcionamento.

Podemos, assim dizer que temos uma das maiores janelas horárias em termos de funcionamento de estabelecimentos comerciais da Europa.

Mas, para analisar a questão dos horários de funcionamento nos centros comerciais, é importante perceber ainda o que são algumas tendências de evolução do comércio.

Uma das principais tendências registadas nos últimos anos, e que se irá acentuar, é a expansão de supermercados de média e pequena dimensão nos centros urbanos, funcionando como lojas de proximidade e durante os sete dias da semana. Esta tendência

CCP – CONFEDERAÇÃO DO COMÉRCIO E SERVIÇOS DE PORTUGAL
Av. D. Vasco da Gama, 29
1449-032 Lisboa
T. +351 213 031 380
F. + 351 213 031 401
ccp@ccp.pt
www.ccp.pt

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existe também ao nível de um conjunto de superfícies especializadas, nomeadamente, espaços de saúde, mas também no pequeno comércio, com novos conceitos e muito orientado para o turismo.

É importante, ainda, não esquecer o peso crescente do comércio electrónico em Portugal (segundo o mais recente estudo da ACEPI, mais de metade dos utilizadores de internet já fez compras online (51%) em 2019, estimando-se que esse valor cresça para 57% em 2020 devido à pandemia).

Finalmente, verifica-se um crescente dinamismo nas zonas urbanas com grande predomínio de comércio, funcionando também em sete dias da semana.

Em síntese, é nosso entendimento que não se justifica fixar horários de funcionamento em função de conceitos – lojas de rua ou centros comerciais – já que os períodos de funcionamento estão progressivamente a ser ajustados, em especial pelo facto dos portugueses estarem a revelar uma crescente apetência pela rua, na procura de experiências que associam cada vez mais comércio e lazer.

Com os melhores cumprimentos.

O Presidente da Direcção

João Vieira Lopes

CCP – CONFEDERAÇÃO DO COMÉRCIO E SERVIÇOS DE PORTUGAL
Av. D. Vasco da Gama, 29
1449-032 Lisboa
T. +351 213 031 380
F. + 351 213 031 401
ccp@ccp.pt
www.ccp.pt

EuroCommerce for retail & wholesale

Members that did not respond in yellow

Last update: September 2020

Overview: Legislation regarding shop opening hours in Europe

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Member State	Comments	Monday-Friday	Saturday	Sunday/Public holidays
AT	Maximum opening time per week is 72 hours There are national exceptions concerning opening hours, e.g. for train stations, airports and petrol station shops.	06:00-21:00	06:00-18:00	Closed Except in tourist areas
BE		05:00-20:00 05:00-21:00 on Friday or before a public holiday 18:00 – 07:00 for night shops (except if a local authority decides otherwise)	Same as Monday-Friday	Principle: closed on Sundays unless the retailer chooses an alternative closing day (it is mandatory for a shop to close for one day per week) Exceptions: • Furniture and gardening shops: 40 opening Sundays/year 05:00-20:00 • Food chains with less than five employees, butchers, bakers, newsagents and tobacconists,

				florists, petrol stations may be open every Sunday 05:00 - 20:00 • On certain conditions, the local authority may decide • 15 Sundays / exceptions to the mandatory closing day a week of choice/year for retail Touristic areas: opening 24/24, 7d/7 permitted Restrictions imposed by Belgian labour law: On Sundays, employees can work only in the morning from 08:00 to 12:00. And employees can work only 39 Sundays a year in touristic areas. In Belgium the economic and social legislation does not always match. So, for instance, a store may be open on a Sunday but could not let workers work in the store.
BG	Opening hours in Bulgaria are regulated by national law (Noise protection law) and municipal ordinances. There are no differences for working days and holidays. The usual permission for working time is 06:00 - 23:00. Some shops work 24 x 7. They need a special permission from municipality.	Unrestricted	Unrestricted	Unrestricted

CY	**General Shops are allowed to open and close with no restrictions from <u>Mondays to Sundays</u>.** Unrestricted for Bakeries, Pastry shops, Convenience Stores. Flower shops close at 10.00 p.m. Shops selling alcoholic beverages and tobacco products close at midnight.	Unrestricted	Unrestricted	**Sundays:** Unrestricted **<u>Christmas Period 1 December – 31 December</u>** Working hours 5.00 a.m – 8.00 p.m On Christmas Eve and New Year's Eve they close at 6.00 p.m. **<u>Easter Period – 10 days before Easter</u>** Working hours 5.00 a.m. – 8.00 p.m. On Good Friday and Holy Saturday, they close at 6.00 p.m.
CZ		Unrestricted	Unrestricted	Restricted **Act on Opening hours in retail and wholesale** (1) Sale in retail or wholesale is prohibited on the following public holidays and other holidays a) 1 January – Date of Restoration of the Independent Czech State and New Year, b) Easter Monday, c) 8 May – Victory Day,

				d) 28 September – Czech National Day, e) 28 October – Date of Establishment of the Independent Czechoslovak State, f) 25 December – 1st Christmas Day, g) 26 December – 2nd Christmas Day. (2) Sale in retail and wholesale is prohibited on 24 December – Christmas Eve Day from 12:00 to 24:00. (3) The limitation of opening hours set forth in clauses (1) and (2) does not apply to the operation of a) stores whose sale area does not exceed 200 m^2, b) filling stations with fuel and lubricants, c) pharmacies, d) stores at locations with higher concentrations of passengers at airports, railway stations and bus stations, e) sale at healthcare facilities, retail and wholesale at times when a state of emergency, crisis situation national state of

				alert or state of war[4] is in effect
DE	Since 2006 hours are regulated at state-level ("Länder"). The Federal law is still in place for states which have not passed their own law on opening hours yet. Currently this is only the case for Bavaria. Where opening hours are restricted, exceptions (similar to those for Sundays and holidays) may be granted	Unrestricted Exceptions: Rhineland-Palatinate, Saxony: 06:00-22:00 Saarland, Bavaria: 06:00-20:00	Unrestricted Exceptions: Mecklenburg-Western Pomerania 00:00- 22:00 Rhineland-Palatinate, Saxony 06:00-22:00 Bavaria, Saarland 06:00-20:00 Saxony-Anhalt, Thuringia 00:00-20:00	Closed Exceptions: Bakery products, flowers, newspapers, dairy products, museums Railway and petrol stations, airports, resorts and places of pilgrimage In some federal states shops may open when it is in the public interest or in specific circumstances
DK	Regulations changed 1 October 2012	Unrestricted	Unrestricted	All shops are allowed to be open all Sundays. Public Holidays, Constitution Day, Christmas Eve the shops are to be closed and New Year's Eve closed at 15:00 Exceptions: Unrestricted for the sale of bread, dairy produce, newspapers, flowers, plants, cars, ships, and fuel – furthermore exceptions for shops selling items for the house e.g. furniture shops and DIY centres. Unrestricted for stores with turnovers less than 34,9 million

				Dkr selling DIY products, bakeries, grocers, household articles and garden goods
EE	Restricted: sale of alcohol	Unrestricted, except alcohol	Unrestricted, except alcohol	Unrestricted, except alcohol
IE	Restricted sale of alcohol, 10:30-22:30 Monday-Saturday, 12:30-22:30 Sundays, not at all on Christmas Day	Unrestricted	Unrestricted	Unrestricted
ES	Regulated by the **Central Government in Law 1/2004**, modified in 2012 and 2014 in order to improve competitiveness by introducing a more flexible framework. **Autonomous Regions also have legislation on this issue,** in development of the Central Government Law.	- **General Regime: Restrictions** All shops not subject to the Special Regime (large retail stores), have to comply with the weekly working hours (Monday-Saturday) established by the Autonomous Regions, which may in no event **be restricted to fewer than 90 hours.** - **Special Regime/ Freedom or Unrestricted for:** Shops smaller than 300 m² Convenience shops Shops selling bakery goods, confectionery, bread, ready meals, newspapers, fuel, flowers and plants Shops in railway stations and land, maritime and air	- **General Regime: Restrictions** All shops not subject to the Special Regime (large retail stores) have to comply with the weekly working hours (Monday-Saturday) established by the Autonomous Regions, which may in no event **be restricted to fewer than 90 hours.** - **Special Regime/ Freedom or Unrestricted for:** Shops smaller than 300 m² Convenience shops Shops selling bakery goods, confectionery, bread, ready meals, newspapers, fuel, flowers and plants Shops in railway stations and land, maritime and air	- **Restricted for:** All shops not subject to the Special Regime(large retail stores), as there is a minimum number of Sundays and Public Holidays retailers could open (Central Government Law), even though the Autonomous Regions could modify that number according to their needs, being on the most of them **10 days.** Most of Autonomous Regions authorize a total of **10 Sundays and public holidays** on which retail establishments may open to the public with some exceptions, such as: - **Andalucía: 12 days** - **Murcia: 16 days** - **Castilla-La Mancha: 12 days** - **Valencia: 11 days**

		transport terminals, border points Shops in Tourist areas Some Autonomous Regions (Catalonia), have a very restrictive regime: **Law 18/2017 of retail, services and Exhibitions in Cataluña:** - **Forbidden to open from October-May, both included, between 9pm- 6am and from June-September, both included, between 10pm-7am** - **75 hours maximum opening per week** - **Forbidden to open on certain dates: January 1 and 6, Sunday and Monday of Easter, May 1, June 24, September 11 and December 25 and 26. (this ban is also in place in other Autonomous regions)**	transport terminals, border points Shops in Tourist areas Some Autonomous Regions (Catalonia), have a very restrictive regime: **Law 18/2017 of retail, services and Exhibitions in Cataluña:** - **Forbidden to open from October-May, both included, between 9pm- 6am and from June-September, both included, between 10pm-7am** - **75 hours maximum opening per week** - **Forbidden to open on certain dates: January 1 and 6, Sunday and Monday of Easter, May 1, June 24, September 11 and December 25 and 26. (this ban is also in place in other Autonomous regions)**	- The Region of Madrid shall have complete freedom to decide its opening hours. - **País Vasco:** The regional government does not publish the dates of Sundays and Public holidays on which shops are authorised to open, but in their regulation, **they authorise a maximum of 8 days per year.** - **<u>Unrestricted for:</u>** Shops smaller than 300 m^2 Convenience shops Shops selling bakery goods, confectionery, bread, ready meals, newspapers, fuel, flowers and plants Shops in railway stations and land, maritime and air transport terminals, border points Shops in Tourist areas

FI	Opening hours are not regulated, only exception sale of alcohol which has been restricted between 21:00 and 9:00. No restrictions for shopping malls either. Shopping centres can decide for themselves the opening hours, which are usually followed by all shops in the centre.	Unrestricted, except alcohol	Unrestricted, except alcohol	Unrestricted, except alcohol
FR		Unrestricted	Unrestricted	There is a principle of Sunday rest for employees. Shops held by shop owners (without employees) can therefore be opened, with the exception of a prefect decree of closure to the public. **Exemption for production or business constraints, for public needs and for food shops** Shops with employees may open on Sunday, without prior authorisation, if they are in sectors necessary for the continuity of economic and social life (florists, tobacco shops, DIY, garden centres etc) or for production or business constraints. Food shops: It is possible, permanently and without prior authorisation, to start the Sunday rest at 13.00. In this case, employee benefits from a compensatory rest day by shift and fortnightly. For the shops

				bigger than 400m2, the remuneration is increased at least of 30% Retail establishments (food or non food): "Mayor's Sunday": shops can be opened on Sunday by mayor's decision within the limit of 12 Sundays/year. In this case, the remuneration is at least the double, and employee benefits from a compensatory rest. **Exemptions areas :** Food or non- food retail stores located in touristic international areas, commercial areas, touristic areas, border areas and some stations can be open on Sunday without prior authorisation. It is necessary to sign a sectoral, group, company or establishment collective agreement. The agreement specifies automatically the wage aspects. Weekly rest can possibly be given by shift for all staff or part of it. Only voluntary staff who has given their written consent may work on Sundays. Public holidays: On 1st may, shops are normally closed except in some sectors.

GR	There may be different arrangements for summer and winter seasons, defined as 16 May-30 September and 1 October-15 May	05:00-21:00 Exception: Local authorities may grant extensions	05:00-20:00	Closed Exceptions: Closed Exceptions: Convenience stores, pastry shops, photography shops, florists, antiquaries and nut-selling shops Petrol stations Local Prefects may allow small shops (under 250 m2), in specific areas, to open All shops are open on the 2 Sundays before Christmas, on the 1st Sunday of every Sales period (4 in total), and on the Sunday before Easter
HR	The Trade Act prescribes that opening hours are not restricted as long as the labour rights of workers are adhered to	Unrestricted	Unrestricted	Unrestricted It is common practice for all stores to be closed on New Year's, Easter Sunday and Christmas Day

Commented [CB1]: Expect "Croatia to introduce a Sunday trade ban in the coming months following the parliamentary elections that took place last May."

HU		Unrestricted Exception: Budapest Mayor's Office can regulate local hours within 06:00-22:00	Unrestricted but common practice to close at 14:00 or 16:00	All shops larger than 200 m2 (with some limited exceptions) are not allowed to open on Sundays ((from 15.03.2015) Shop smaller than 200 square meters can open only if the owner himself or a member of the family works there. Shops that are, at this stage, free to remain open on Sundays regardless of size include convenience stores, news stands and shops, pharmacies, shops at Liszt Ferenc International Airport, shops at train and bus depots, shops at hospitals, markets, petrol stations, restaurants and hotels, museums, baths and cigarette shops. Shops selling bakery goods or dairy products may open on Sundays from 5am to midday. On Sundays during the Advent period (ahead of Christmas) all shops can open if they wish. Each store can also nominate one other Sunday in the year when they can choose to open.

IT	Sale of alcohol forbidden from 22.00 to 06.00 in service stations and from 24.00 to 06.00 in proximity shops However, municipalities have the possibility to derogate from national rules with local regulations on opening hours for public health reasons or to combat degradation.	Unrestricted, except alcohol	Unrestricted, except alcohol	Unrestricted, except alcohol
IS		Unrestricted but common practice is 9:00-18:00	Unrestricted but common practice is to close at 14:00, with some open until 16:00 or 17:00.	Sundays: Generally closed, but shops in malls open 10:00-17:00 Public Holidays: 24 December close by 16:00 and may not open until 25 December 06:00
LU	Once a year, every shop owner can obtain the authorisation to keep his shop open during 24 hours	06:00-20:00 Exceptions: Once a week shops can close at 21:00 Days immediately preceding Public Holidays 06:00-19:00 (except preceding National Day, Christmas Day, 1 January close 18:00)	06:00-19:00 Exceptions: Where social partners have agreed an extension until 20:00 Saturdays preceding National Day, Christmas Day, 1 January close 18:00	06:00-13:00 Exceptions : The Ministry can decide derogations for specific local areas. Bakeries, butchers, cake shops, kiosks and souvenir shops 06:00 – 18:00
LT	Sale of alcohol allowed 10:00-20:00 on Monday -Saturday, 10:00-15:00 on Sunday, not allowed on 1st of September.	Unrestricted	Unrestricted	Unrestricted
LV	Restricted sale of alcohol between 22:00 and 08:00	Unrestricted	Unrestricted	Unrestricted
MT	Lotto receivers can remain open 24 hours every day, subject to a permit from gaming authorities	8 January to 31 October: 04:00-19:00	8 January to 31 October: 04:00-20:00	On 10 January 2017, it was announced that Sunday

		1 November to 7 January: 04:00-22:00 Exceptions: Valletta commercial premises until 22:00 Tourist areas: Beverages, tobacco, fish, jewellery, souvenirs and photographic equipment 06:00 - 23:00 Petrol stations 06:00-18:00 Automated pumps unrestricted Hiring Carnival costumes until 22:00 from Thursday preceding to Tuesday following Carnival	1 November to 7 January: 04:00–22:00 Exceptions: Valletta commercial premises until 22:00 Tourist areas: Beverages, tobacco, fish, jewellery, souvenirs and photographic equipment 06:00 - 23:00 Petrol stations 06:00-15:00 Automated pumps unrestricted	shopping restrictions have been lifted in Malta. This means that shops can now open during this day of the week at no extra cost provided they remain closed on any other day According to Maltese law, employers cannot force existing employees to work on Sundays, unless according to contract it is explicitly indicated that they are meant to
NL		06:00-22:00	06:00-22:00	Closed on Sunday, with the exception of shops in (certain) cities – municipalities can decide to allow stores to open on Sunday, leading to a patchwork of differing opening hours throughout the country. A law has been proposed in Parliament that will prevent shopping malls from obligating shop owners to open their shops on Sundays. Closed on New Year's day, Christmas, with the exception of supermarkets. On Easter, Ascension Day, Whit Monday and 26 December many stores are open.

				Good Friday, 24 December and 4 May no opening beyond 19:00 Shops in petrol stations, airports, railway stations and hospitals are exempted
NO		Unrestricted	Unrestricted	Closed Exceptions: Grocers smaller than 100m^2 Petrol stations smaller than 150m^2 Camping site shops in-season Tourist areas: Local authorities can authorise opening of shops selling products from tourist-focused production sites, home crafts and souvenirs Auctions, art galleries, exhibitions and trade fairs from a location not normally used for such purposes Florists, plants and garden supplies Tax-free stores at airports All shops for the last three Sundays before Christmas Eve 14:00-20:00
PL		Unrestricted	Unrestricted	*A Sunday shopping ban has been introduced in March 2018. This year, the shopping ban does not apply to the first*

				and last Sunday of the month. Since 2019, shopping is allowed only the last Sunday of the month and, since 2020, the ban covers all Sundays except for a few exceptions, such as Sundays before holidays. The regulations provide for over 30 exclusions, including for pharmacies, petrol stations or small family owned shops. There are 13 Public holidays with mandatory closure
PT	Town Hall / City Council can restrict stores' opening hours, due to safety reasons or safeguarding the citizens' quality of life	Unrestricted	Unrestricted	Unrestricted
RO	There is no central government regulation of shop opening hours Romanian local authorities can restrict opening hours within their areas	Unrestricted but common practices are 7.30-21.00 and 7.30-22.00	Unrestricted but common practices are 7.30-21.00 and 7.30-22.00	Unrestricted but common practices are 8.00-18.00, 8.00-19.00 and 8.00-20.00 Public holidays: closed. *Those are:* Closed 1 and 2 January, 24 January - Day of the Union of Romanian Principalities, Easter, 1 May, 1 June - Children's Day, the first and second day of Pentecost, 15 August, 30 November- Saint Andrew the Apostle, 1 December and Christmas

Commented [CB2]: IKEA. Wait for confirmation by PoHiD

				under the provisions of the Romanian Labour Code
SE	Legislation restricts night work between 24:00 and 05:00. Employers and trade unions may arrange for flexibility in collective agreements	Unrestricted	Unrestricted	Unrestricted
SI		Unrestricted	Unrestricted	From 25th of October 2020 shops will be closed on all Sundays and Public holidays with few excepions. <u>Exceptions:</u> - stores smaller than 200 m2 in petrol stations, borders, ports, airports, bus and train stations, and hospitals - stores smaller than 200 square meters (regardless of their location) but only if they are operated by the owner or legal representative of the company himself, who may be accompanied by students or pensioners (retired persons).
SK		Unrestricted	Unrestricted	Unrestricted Exceptions: Bank Holidays (15 days) and 24 December after 12:00

TU	Almost all the malls are open between 10.00 and 22.00. Street stores open between 9.00 and 20.00	Unrestricted,	Unrestricted	Unrestricted
UK	Scotland has unrestricted opening times, irrespective of store size Labour legislation in England and Wales protects the rights of shop-workers to refuse work on Sundays, and to receive overtime payments and compensation in the form of time off for working on Public Holidays	Unrestricted	Unrestricted	Scotland: Unrestricted for all stores England and Wales; Northern Ireland: - Unrestricted for shops smaller than 280m² [1] - On Sundays, stores larger than 280m² may open for six hours within 10:00-18:00 (England and Wales) or 13:00-18:00 (NI) - On public holidays these larger stores must be closed on Christmas Day and Easter Sunday

Contact:
Christiaan Boiten - +32 2 737 05 81 - boiten@eurocommerce.eu

[1] The Government is considering devolving the decisions on shop opening hours on a Sunday to Local Government in England.