

Emergency Legislative Decree of 13-4-2020 (Government Gazette 84/ issue A/ 13-4-2020)

“Measures to mitigate the continuing effects of the COVID-19 pandemic and other emergency provisions”

PART 17

PROVISIONS UNDER THE COMPETENCE OF THE MINISTRY OF TOURISM

Article 69

Promotion actions to restore the image of Greece

Provided that there persists an immediate risk of coronavirus COVID-19 spread and, in any case, for a period that may not exceed the 31st of August 2020, the Ministry of Tourism, the Greek National Tourism Organisation (GNTO) and the regional and local authorities, their development agencies included, may conclude contracts for the provision of supplies and services by direct assignment with the company under the name “MARKETING GREECE PUBLIC LIMITED COMPANY FOR THE PROMOTION AND DEVELOPMENT OF GREEK TOURISM” and the trademark “Marketing Greece S.A.”, by derogation of the extant national law concerning contracts concluded by public bodies and on the condition that the above mentioned contracts shall be submitted to the Court of Audit after their conclusion to be approved, given priority over others, if this is required by general provisions. The procedure of posting the above mentioned contracts on Diavgeia must be observed at all times, regardless of the total value of the contract. The contracts concern exclusively the implementation of projects and actions of publicity, advertisement, promotion, communication and public relations in Greece and abroad, referring either to the country as a whole or to certain parts of the country, with the aim to deal promptly with the negative impact of the coronavirus COVID-19 spread on Greek tourism and, at the same time, to enhance the country’s brand and the tourism market.

Article 70

Exceptional regulations on the termination of contracts between tourism enterprises and their clients concerning the provision of tourism services

1. This article is applicable to contracts for the provision of tourism services, either independent or in the form of organized trips (tourism packages), that have been concluded between tourism enterprises under par.1 of Article 1 of Law No 4276/2014 (Government Gazette issue A’155) on the one hand, and their clients on the other, and are terminated by any of the contracting parties from February 25 to September 30, 2020.
2. For the purposes of this Article, “clients” include: a) consumers, b) natural persons, including representatives of small businesses, self-employed or independent professionals, who make reservations for trips related to their business or professional activity, c) natural

or legal persons that, acting for purposes concerning their commercial, business, artisan or professional activity, conclude contracts with tourism enterprises to arrange business trips, including conferences and seminars, and d) natural or legal persons, including schools, educational institutions and non-profit organisations, that conclude contracts with tourism enterprises to arrange trips offered occasionally and on a non-profit basis to a limited group of travelers and are not available to the general public. The clients referred to above reside either within or outside the Greek territory.

3. If, after the termination of the contract under par. 1, the tourism enterprise is obliged to refund the client any amount that the latter has paid as advance, guarantee, engagement, partial or total payment, or in any other form to perform the contract, the tourism enterprise, by derogation of all the applicable as appropriate provisions of contract or law, may offer the client, instead of a money refund, a credit note of equivalent amount valid for eighteen (18) months from the date of its issue.

4. The tourism enterprise informs the client in writing, on durable medium, about the offer of the credit note within thirty (30) days from the date of termination of the contract or, in case that the contract has been terminated before the entry into force of this legislative decree, within thirty (30) days from the date of entry into force of the present decree. In case the tourism enterprise does not inform in writing the client about the offer of the credit note within the deadline set in the above subparagraph, the tourism enterprise must return to the client the sum due in accordance with par. 3 of this article.

5. The credit note is equivalent to the total amount that needs to be refunded. The tourism enterprise is obliged to offer the client the possibility to use the credit note for the same tourist service or one similar to the service described in the terminated contract.

6. If the total value of the tourism service selected by the client is less than the value of the credit note, the client may choose either to receive a new credit note equivalent to the difference between the two, valid for a period agreed by the two parties, or to receive a refund equivalent to the difference that should be paid till the original credit note expires at the latest. In case the total value of the tourism service selected by the client exceeds the value of the credit note, the difference is paid by the client to the tourism business.

7. If, for any reason, upon expiration of the credit note, no new contract has been signed between the tourism enterprise and the client for the provision of any tourism service, the tourism business is obliged to pay the client an amount equivalent to the value of the credit note.

8. Credit notes issued according to the present provisions by package organizers under Presidential Decree 7/2018 (Government Gazette issue A' 12) are covered by protection against the organizers' insolvency, as stipulated by Article 16 of the above mentioned Presidential Decree.

9. The provisions of this article shall apply as well to contracts where the parties have recognized as applicable not only the Greek law but also foreign law, provided that the relevant rights are laid down in the EU legislation.

Article 71

Exceptional regulations for terminating contracts between tourism enterprises

1. This article is applicable to contracts concluded between tourism enterprises under par.1 of Article 1 of Law No 4276/2014 (Government Gazette issue A' 155) on the one hand and on the other hand either tourism enterprises under par.1 of Article 1 of Law No 4276/2014 (Government Gazette issue A' 155) or foreign tourism enterprises, regarding contracts terminated from February, 25 to September, 30, 2020 by any of the contracting parties.

2. If, after the termination under par.1, one of the contracting tourism enterprises is obliged to refund to the other contracting tourism enterprise any amount that the latter had paid as advance, guarantee, engagement, partial or total payment, or in any other form, the debtor enterprise, derogating from the applicable as appropriate provisions of contract or law, may offer the other contracting tourism enterprise instead of the refund of money a credit note of equivalent value valid for eighteen (18) months from its issue on.

3. The debtor tourism enterprise informs in writing on durable medium the contracting tourism enterprise of the offer of the credit note within thirty (30) days from the date of termination of the contract or, in case that the contract has been terminated before the entry into force of this decree, within thirty (30) days from the date of entry into force of this decree. In case the debtor tourism enterprise does not inform in writing the contracting tourism enterprise on the offer of the credit note within the deadline of the previous subparagraph, the debtor tourism enterprise must return to the contracting tourism enterprise the sum due in accordance to par.2 of this article.

4. If, by the time of expiration of the credit notes issued in accordance with par. 2 and 3, a new contract has not been concluded between the initially contracting tourism enterprises using the credit note, the debtor tourism enterprise is obliged to pay to the lending tourism enterprise an amount equal in value to the credit note.

5. The provisions of this article shall apply as well to contracts to which the parties have recognized as applicable not only the Greek law but also foreign law, provided that the relevant rights are laid down in the EU legislation.

Article 72

Emergency financial support to exceptionally operating tourist accommodation establishments

1. By Joint Decision of the Ministers of Finance and Tourism emergency financial support may be determined concerning all year round tourist accommodation establishments listed in the Table of Article 2 of the Decision of the Minister of Tourism No 5052/24.3.2020 (Government Gazette issue B' 1018). By similar decision and without prejudice to par.2, the special conditions for the calculation and the granting of the emergency financial support,

and the percentage by which the resulting difference in the turnover is multiplied may be determined, as well as every other necessary detail for the implementation of this Article.

2. The amount of the financial aid of par. 1 refers to the time during which the operation of the tourist accommodation establishments has been considered imperative for reasons of public interest, by exception to the prohibition of operation that was imposed by the Joint Decision of the Ministers of Development and Investments, of Citizen Protection, of Labour and Social Affairs, of Health, and of Internal Affairs, No D1a/General Register 20035/22.3.2020 (Government Gazette issue B' 897). The amount of the emergency financial support of par. 1 is determined for each tourist accommodation establishment as percentage on the difference between the turnover of April 2019 and that of April 2020.