

Administrative Law Briefing: Special Edition

Latest Developments in Administrative Legislation: Urgent Measures Relating to Covid-19 Pandemic

This Briefing provides an overview of the legislation introducing new Administrative Law provisions which arise out of the Covid-19 pandemic

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by companies for their employees may be extended without an obligation to pay interest by a relevant Joint Ministerial Decision, following Article 3 of the Act of Legislative Content of 11 March 2020.

2. Deadlines for the submission of objections and other administrative appeals before the Social Security Fund (e-ΕΦΚΑ) have been extended until 30 April 2020 by way of Article 20(2) of the Act of Legislative Content of 14 March 2020.

C. Entrance Prohibition to Greece of Foreign Nationals and Extension of Visas and Permits

1. The validity period of visas, residence permits and permanent residence permits may be extended by virtue of a decision of the Minister of Immigration and Asylum (Article 15(1)) of the Act of Legislative Content of 14 March 2020).
2. A temporary prohibition of entrance to Greece has been imposed on nationals of countries which are outside the EU and the Schengen Agreement with limited exceptions until 18 April 2020. Nationals to whom entrance to Greece is prohibited may apply to enter the country on an exceptional basis and on business or personal grounds (Article 9 of Act of Legislative Content of 14 March 2020 and Joint Ministerial Decision no. Δ1α/ΓΠ.οικ. 19030/17.3.2020).

D. Medical Equipment, Products and Medicines

1. Article 20(2) of the Act of Legislative Content of 14 March 2020 provides that special hospital equipment, means of personal protection and medicines may be requisitioned for a period up to 6 months by virtue of a Ministerial Decision.
2. Special hospital equipment, means of personal protection

A. Suspension of the Operation of the Courts

1. The operation of the Greek Courts, the Court of Audits and the Public Prosecutor offices has been temporarily suspended so far from 16 March 2020 until 27 March 2020, with some exemptions by Article 11 of the Act of Legislative Content of 11 March 2020 and the Joint Ministerial Decision no. Δ1α/ΓΠ.οικ.18176/15.3.2020.

B. Deadline Extension for Social Security Payments and Appeals

1. The deadlines for the payment of social security contributions

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and medication can be requisitioned from persons or private entities for a period of up to 6 months (Article 20(2) of the Act of Legislative Content of 20 March 2020).

E. Modifications to Administrative Law Procedures

1. Businesses which suspend their operation while these temporary measures are in force may not be required to pay municipal fees for cleaning and lighting services if a relevant implementing decision is issued by the competent municipal board (Article 37(9) of the Act of Legislative Content of 20 March 2020).
2. Additional employees' health and safety regulations may be imposed on public works sites by Joint Ministerial Decisions in order to prevent the spread of Covid-19. Article 61 of the Act of Legislative Content of 20 March 2020 provides that failure to comply with the Ministerial Decisions that may be issued in this regard can result in fines.
3. Contracts for the provision of communication and public information services to the State may be awarded directly by way of derogation from procurement Law 4412/2006 (Article 62 of the Act of Legislative Content of 20 March 2020).

F. Derogations from and Modifications to Public Procurement Law Procedures

1. Article 1 of Ministerial Decision no. 20319/24.03.2020 provides that tender procedures scheduled for the time period between 24 March 2020 and 30 April 2020 relating to the award of public procurement contracts falling within the competency of the Ministry of Infrastructure and Transportation and governed by procurement laws 4412/2016 and 4413/2016 have been postponed until 30 April 2020. The publication of calls for tenders is also postponed in the same way.
2. Article 2 of Ministerial Decision no. 20319/24.03.2020 extends the deadline for submitting expressions of interest or offers in the context of calls for tenders falling within the competency of the Ministry of Infrastructure and Transportation that were published up until 20 March 2020 and governed by laws 4412/2016 and 4413/2016 by two months.
3. Article 3 of Ministerial Decision no. 20319/24.03.2020 provides that all deadlines provided under any procurement laws, such as 4412/2016 and 4413/2016 for tenders and contracts where the Ministry of Infrastructure and Transportation is the contracting authority, are automatically suspended for the time period between 24 March 2020 and 30 April 2020. Any time limits that started to run before 24 March 2020 shall continue and expire after 30 April 2020.

4. Article 4 of Ministerial Decision no. 20319/24.03.2020 stipulates that all deadlines provided in the context of contract implementation, including concession contracts, where the Ministry of Infrastructure and Transportation is the contracting authority, are automatically extended until 30 April 2020. Any time-limits that started to run before 24 March 2020 shall continue and expire after 30 April 2020.
5. Articles 26 and 27 of the Act of Legislative Content of 14 March 2020 provide that any contracting authority may directly award:
 - a. the provision of cleaning, disinfection and security services; and
 - b. the supply of the necessary material, services, software and IT equipment for the provision of remote working services,by way of derogation from any national public procurement provision.
6. Articles 8 and 12 (2) of the Act of Legislative Content of 11 March 2020 provide that supplies of articles for personal hygiene or any other means of collective protection from the spread of coronavirus COVID-19, or the provision of relevant services, may be carried out by all contracting authorities supervised by the Ministry of Finance, the Independent Authority for Public Income (ΑΑΔΕ) or the Ministry of Education and Religious Affairs, through a direct award by way of derogation from public procurement provisions.
7. Various Ministries and contracting authorities supervised by them, regional and local authorities, the National Center of Immediate Help (Ε.Κ.Α.Β.), the National Organisation for Public Health (Ε.Ο.Δ.Υ.) and the National Organisation of Health Services (Ε.Ο.Π.Υ.Υ) may proceed to direct awards for the supply of particular goods and materials or for the provision of particular services by way of derogation from any national public procurement provision. The supplies and services (which may vary for each contracting authority) include in particular:
 - a. articles of hygiene, medicines and any other means of collective protection from the spread of coronavirus COVID-19;
 - b. items of logistical infrastructure, consumables and supporting services, spare parts for ambulances and their medical equipment;
 - c. contracts with private third parties (diagnostic laboratories), expansion and updating of IT systems and supply of relevant materials, including the purchase of computers.
8. Article 30 of the Act of Legislative Content of 14 March 2020 stipulates that communication and public information services may be directly awarded by way of derogation from any national provisions.

9. Article 37(3) of the Act of Legislative Content of 20 March 2020 provides that in the case of public supplies and provision of services to contracting authorities made in the interests of emergency protection against the spread of COVID-19, the Greek Court of Audits will exercise pre-contractual audits where the estimated contract value exceeds €900,000.

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G. Sanctions for Violations of Emergency Measures

1. Article 23 of the Act of Legislative Content of 14 March 2020 imposes sanctions on businesses which violate the emergency measures dictated by the relevant acts issued to tackle the spread of COVID-19, including criminal sanctions, administrative fines and administrative closure of shops and revocation of their licenses.

This Briefing is intended to provide general information and is not meant to constitute a comprehensive analysis of the matters set out herein or to be relied upon as legal advice. It is not meant to create a lawyer-client relationship. Legal and other professional advice should be sought before applying any of the information in this Briefing to a specific situation.

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