

COVID-19 | Tourism

Sofia Rodrigues Nunes

Of Counsel and Head of urban planning and real estate of Gómez Acebo & Pombo

João Marques Rodrigues

Lawyer of urban planning and real estate of Gómez Acebo & Pombo

I. INTRODUCTION

Within the context of the Covid-19 pandemic crisis, the Portuguese Government approved the Decree-Law nr. 17/2020, 23rd April ("DL 17/2020"), providing exceptional and temporary measures for the tourism industry.

The aim of this legislation is to provide specific terms to regulate some of the most relevant issues for the sector due to the COVID-19 pandemic, regarding the relations between companies, but also between the companies and the consumers (e.g. travellers and guests).

The DL 17/2020 entered into force in 24.04.2020. However, as mentioned below, some of its provisions are applicable to events prior to that date.

II. SCOPE

The DL 17/2020 approaches the following main subjects: (i) Travels arranged by travel agencies; (ii) Bookings in tourist establishments or local housing, made directly by the guests; and (iii) Relations between travel agencies, tourist entertainment companies, tourist establishments and local housing.

(I) TRAVELS ARRANGED BY TRAVEL AGENCIES

In case the travels arranged and scheduled by travel agencies for the period from 13.03.2020 to 30.09.2020 do not take place or are cancelled because of the COVID-19 pandemic, the travellers are entitled to choose between:

- A voucher with the amount payed and valid until 31.12.2021;
- or
- Rescheduling the travel until 31.12.2021.

If the voucher is used for the same travel, although in a different date, the insurance contracted when the travel shall be kept.

During the effectiveness of the DL 17/2020, the travellers are not entitled to the reimbursement, except if:

- They do not use the voucher or do not reschedule the travels until 31.12.2021. In this case, they shall receive a reimbursement within 14 days;
- or
- Unemployed travellers request a reimbursement until 30.09.2020, which shall be paid within 14 days.

(II) BOOKINGS IN TOURIST ESTABLISHMENTS OR LOCAL HOUSING MADE DIRECTLY BY THE GUESTS

In case of non-performance of the services or cancellation of non-refundable bookings in tourist establishments or local housing directly made by the guests for the period from 13.03.2020 to 30.09.2020, due to a declaration of State of Emergency in the guest's home country or in Portugal, or even due to the closing of borders in the context of the COVID-19 pandemic, the guests are entitled to choose between:

- A voucher with the amount payed by them and valid until 31.12.2021;
- or
- Rescheduling the travel until 31.12.2021, made by the guests directly with the tourist establishments or the local housing.

If the guests do not use the voucher or do not reschedule the travels until 31.12.2021 (due to lack of agreement between the guest and the establishment), the guests are entitled to the reimbursement of the paid amounts within 14 days.

The unemployed guests may request the reimbursement until 30.09.2020, which shall be paid within 14 days.

The above mentioned is not applicable to refundable bookings, to which are applicable the regulations of each establishment.

(III) RELATIONS BETWEEN TRAVEL AGENCIES, TOURIST ENTERTAINMENT COMPANIES, TOURIST ESTABLISHMENTS AND LOCAL HOUSING

In case of non-performance of the services or cancellation of non-refundable bookings made by travel agencies or tourist entertainment companies, Portuguese or international, for the period from 13.03.2020 to 30.09.2020, due to a declaration of State of Emergency in the guest's home country or in Portugal, or even due to the closing of borders in the context of the COVID-19 pandemic, the operators have the right to receive credit for the unused amount.

The amount mentioned above shall be used to pay the costs of any other reservation with the same establishment to be scheduled until 31.12.2021 for the dates requested by the travel agencies or tourist entertainment companies, considering its availability.

In case the establishments do not have any accommodation available until 31.12.2021, the travel agencies or tourist entertainment companies may request the reimbursement of the unused amount within 14 days.

If the travel agencies or tourist entertainment companies are not able to make until 31.12.2021 a new reservation in any establishments located in Portugal, the deposited value shall be returned.

The information provided and the opinions expressed herein have a general nature do not substitute the legislation nor the use of adequate legal advice.
