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Public and Private Tourism Law in Greece

Kardoulia, Evanthia

ESHTE - Estoril Higher Institute for Tourism and Hotel Studies

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Evanthia Kardoulia[1]

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I. INTRODUCTION: THE LEGAL FRAMEWORK OF TOURISM IN GREECE

In Greek, the term "tourism" entered our national legislation for the first time with Law No. 4377/1929 "On ratification of the 23 March 1929 Law Decree on a Greek organisation of Tourism" (Government Gazette[2] A΄ 285), which saw the establishment of the Greek National Tourism Organisation (henceforth

[1] Dr. Evanthia Kardoulia, Ph.D. in Tourism Law (Aristotle University of Thessaloniki), LL.M. in Tourism Law (Université Paris 1 Panthéon-Sorbonne), Lecturer at Neapolis University Pafos, Attorney at Law (Athens Bar Association).

[2] Henceforth "GG".

"Greek National Tourism Organisation" or "GNTO").

Law No. 2160/1993 constitutes the first major modern legal act to establish a comprehensive set of regulations on tourism at the national level. A sizeable proportion of the provisions in the aforementioned law has been amended by various subsequent legal acts, while quite a few others have been repealed by Law No. 4276/2014. With Law No. 4276/2014, the Greek legislator has moved towards the adoption of specific rules as regards special forms of tourism. The previously mentioned law is the latest basic tourism law and its regulations take precedence over every other previous provision which regulates the same sector, as pursuant to the principle *lex posterior derogat priori* (Article 2 Civil Code[3]).

It is also worth mentioning Law No. 4179/2013 "Simplification of procedures to aid tourism entrepreneurship, restructuring of the GNTO, and other provisions" (GG A΄ 175 08-08-2013) as well as Law No. 4256/2014 "Tourist vessels and other provisions" (GG A΄ 92 14-04-2014). Moreover, other important laws pertaining to the tourism sector are Law No. 3878/2010 "Regulation of issues of the Ministry of Culture and Tourism" [GG A΄ 161 20-09-2010) and Law No. 4254/2014 "Measures for the support and development of the Greek economy within the implementation framework of Law No. 4046/2012 and other provisions" (GG A' 85 07-04-2014)].

In the area of public law, the organisation and implementation of tourism policy are regulated by Law No. 3270/2004 "Competences of the Ministry of Tourism Development and tourism issues" (GG A' 11-10-2004) and by Presidential Decree[4] 122/2004 "Reconstitution of the Ministry of Tourism" (GG A' 85 17-03-2004) in conjunction with PD 313/2001 "Transfer of competences from GNTO to the Ministry of Development and the Regions, establishment of agencies and staff positions in the Secretariat-General for Tourism and the Regions, transfer of resources and necessary arrangements" (GG A' 211 25-09-2001) and PD 343/2001 "Service structure organisation of the Greek National Tourism Organisation (GNTO)" (GG A' 231 11-10-2001). Additionally, PD 127/2017 "Organisation of the Ministry of Tourism" (GG A' 157 20-10-2017) regulates in a consistent and codified way the administrative structure of the Ministry, its decentralised agencies etc.

The legal status of tourist offices is regulated by Joint Ministerial Decision[5] 1567/2011 "Adaptation to the provisions of Directive 2006/123/EC", which transposed Directive 2006/123/EC into Greek law (GG B΄ 108 03-02-2011).

A significant legal act in the field of tourism is Law No. 3498/2006

[3] Henceforth "CC".
[4] Henceforth "PD".
[5] Henceforth "JMD".

"Development of thermal tourism and other provisions" (GG A' 230 24-10-2006), as amended by later laws (e.g. Law No. 4049/2012 "Confronting spectator violence in stadiums, doping in sport, match-fixing and other provisions" (GG A΄ 35 23-02-2012). It was followed by Law No. 3766/2009 "Operational arrangement of tourist accommodation establishments, guides and other provisions" (GG A' 102 01-07-2009).

Provisions on tourism are also found in Law No. 4070/2012 "Regulations on electronic communication, transportation, public works and other provisions" (GG A' 82 10-04-2012) and Law No. 4582/2018 "Thematic tourism – Special forms of tourism – Regulations for modernising the legal framework in the field of tourism and tourism education – Aiding tourism entrepreneurship and other provisions" (GG A΄ 208 11-12-2018).

II. THE NON-EXISTENCE OF A GREEK TOURISM CODE

Tourism is by nature a horizontal activity and a scientific approach at the legal level is complex, as the sector is associated with all areas of law, in particular administrative law, civil law, labour law, corporate law, consumer protection law or even penal law. It is a multidisciplinary field, broad in content, drawing from a multitude of sources and influences. This plurality of law specialities, coupled with the conceptual complexity of tourism, has stirred discussions on whether tourism law constitutes a separate field of practice or a set of rules taken from the other branches of traditional domestic and international law. In other words, the question at hand is if tourism law comprises a set of rules of its own or simply adopts rules from the other branches of law and, therefore, is not really an autonomous area of law, but rather a mosaic of rules originating in other branches of law.

In Greece, the regulatory material framing tourism, from both a supply and demand perspective, is "open", scattered and uncodified, spanning almost all branches of – mostly – public law and private law. At the same time, we also have international and EU law, which is yet to be systematised. Despite the attempts made by legal practitioners and academics to modernise legislation concerning tourism and codify administrative acts, tourism law has yet to become the subject of any in-depth study[6].

[6] An instance of such efforts is the one made by F. Tsetsekos, who attempted to approach the tourism phenomenon in his 1976 treatise *Το δίκαιο του τουρισμού* [Tourism law] (1976), as well as E. Mountano's book, *Κώδικας της ξενοδοχειακής νομοθεσίας και νομολογίας* [Code of hotel legislation and jurisprudence], written

A working definition that could apply to "tourism law" is the following: "tourism law is the set of rules of public and private law that regulate issues pertaining to tourism product supply and demand or tourism trade in general, as well as the state's preventive and restrictive operation of the tourism market. Tourism law serves not only as a means for the development of tourism but also as a regulator for the activities of producers, intermediaries and consumers (i.e. tourists) within the tourism sector. Its subject-matter is the regulation of relationships among providers of tourism products/services and between these providers and the recipients (i.e. tourists), as well as the state supervision of these relationships".

In Greece, the tourism sector is devoid of any primary piece of legislation that could form the core for a scientific engagement thereof. Instead, there is a profusion of mainly obsolete regulations that can be found in various statutes, beginning from the 1930s and still in effect nowadays. Particularly regarding written law – as a source of tourism law – it should be noted that it is dispersed among special laws and various provisions interpolated in legal acts that regulate other fields, or even legislative decrees, presidential decrees, regulatory acts, ministerial decisions etc. This degree of dispersion poses a significant problem for those who study the tourism phenomenon, as well as for traders, a problem exacerbated by the fact that it has been impossible to accrue and codify the current tourism legislation.

A special statute that consolidates all provisions applicable to tourism could contribute to streamlining and unifying the current legislation, a legislation presently only made up of scattered provisions. A statute of that kind would aim at eliminating legal uncertainty, creating a level playing field for domestic and foreign providers of tourism services and boosting tourists' confidence in online markets. Rapid technological development and the availability of new products and services in the tourism market have increased the number of economic transactions-related risks for tourists and necessitated the creation of a specialised legal framework to protect against services provided remotely and conducted by means of computers.

The tourism market and trading in general are in need of a modern, special

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in 1979, a more comprehensive and improved version of his previous book *Ξενοδοχειακή νομοθεσία και νομολογία* [Hotel legislation and jurisprudence] (1976). Moreover, in 1987, the Deputy Minister of National Economy highlighted the need to create a Tourism Code which would systematise the then-current administrative acts while also enriching tourism legislation, but his initiative was never realised. It is also worth mentioning M. Athanasiadi's book *Ξενοδοχειακή και τουριστική νομοθεσία* [Hotel and tourism legislation] (1997), an analysis of laws pertaining to tourist accommodation, and a study by L. Georgakopoulos and G. Sotiropoulos, *Τουριστική και Ξενοδοχειακή Νομοθεσία* [Tourism and hotel legislation], which was published in 2000 by Nomiki Bibliothiki.

statute that will cater to tourists by setting a mandatory minimum protection threshold. Besides, inasmuch as Greek economy is largely dependent on tourism, its endorsement and protection warrants special legal attention.

In conclusion, tourism law in Greece has yet to undergo an in-depth study and legal treatment, given that, until today, there is a marked absence of a Tourism Code that would codify the statutes of tourism legislation into a single text. Greece has yet to enact a Tourism Code, in spite of the existence of legal authorisation to codify the scattered legislative material into a single legal text in Law No. 2160/1993[7]. A substantial effort to gather all tourism-related legislation was made in 2017, when the Ministry of Tourism set up the online portal, the "Tourist Legislation Portal"[8], which consists of seven (7) subject areas for tourism legislation[9]. This effort could serve as a starting point for the creation of a Greek Tourism Code, since there have been efforts to bring together key statutes, judicial decisions and opinions of the Legal Council of the State that cover the aforementioned subject areas and subsections. Unfortunately, however, it has become apparent that the portal's content is not updated on a regular basis.

III. PUBLIC TOURISM LAW

Pubic tourism law can be defined as the set of those rules of law that, on the one hand, govern the status, organisation and operation of public entities tasked with monitoring tourist activities or promoting tourism growth and, on the other hand, regulate the relationships among these entities and between public and private entities. The following chapters present the organisation of tourism in the context of public institutions and, more specifically, the Greek administrative structures for tourism at the State level, as well as the role of local governments regarding the tourism industry.

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[7] Article 6 par. 6 of Law No. 2160/1993 is the most detailed and substantive effort to enforce the codification of tourism legislation in Greece.

[8] The online portal "Tourist Legislation Portal" was completed and delivered in June 2017 and it is available at: https://law.mintour.gov.gr/portal/index.

[9] More specifically, these are: 1) Organisational structures of Greek tourism; 2) Tourism businesses with facilities; 3) Other tourism businesses; 4) Tourism education – professions in tourism; 5) Contractual relations; 6) Special forms of tourism; 7) Jurisprudence – Literature – Opinion. Subject area no. 5 concerns contractual relations and comprises the following five (5) subsections: 1) Tourism leases; 2) Contractual relations of the Ministry of Tourism; 3) Contractual relations between hotel-owners and customers; 4) Contractual relations of the GNTO; and 5) Package travel.

IV. TOURISM INSTITUTIONAL ORGANISATION

IV.1. Public Authorities Responsible for Tourism

A considerable number of public authorities have competences in the tourism sector, at different levels of public administration. The powers and scope of intervention among these authorities vary, and a significant number possess only a fragmented competence in relation to the specific technical or scientific subject matter of the tourist activity or facility concerned[10].

IV.1.1. MINISTRY OF TOURISM

The efforts to establish a Ministry of Tourism began in the early 1990s and, more specifically, in 1989, with Law No. 1835/1989 for the "Establishment of a Ministry of Tourism and regulation of matters of public administration". The Ministry was eventually established with Law No. 1835/1989 and has undergone a number of changes since, each of them within the legislative and regulatory context in effect at the time.

In 1993, the Ministry of Tourism was reorganised with PD 459/1993 titled "Reorganisation of the Ministry of Tourism and specification of its competences". In Law No. 2160/1993, the Ministry of National Economy was mandated with the supervision of the Greek National Tourism Organisation, becoming responsible for advertising and promoting Greece. These were followed by PD 313/2001, titled "Transfer of competences from the GNTO to the Ministry of Development and the Regional Units, establishment of agencies and staff positions in the Secretariat-General for Tourism and the Regional Units, transfer of resources and necessary arrangements", which made a significant contribution towards the transfer of competences and financial resources to the regional tourism agencies. Law No. 3270/2004 established the Ministry of Tourism Development, which became responsible for supervising the Greek National Tourism Agency.

In 2009, a major development was the merger of two ministries, the Ministry of Culture and the Ministry of Tourism Development, through PD 186/2009, which aimed to introduce a novel kind of dynamic, shared between the two domains and based on the comparative advantage that each bears for Greece.

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[10] Papathanasopoulos, A. (2018). *Τουριστικό Δίκαιο, Ερμηνεία–Νομολογία–Υποδείγματα* [Tourism Law, interpretation–Jurisprudence–Examples]. Athens, Nomorama.NT Publications, p. 19.

In 2010, the Ministry of Tourism Development was abolished. Presidential Decree 15/2010 led to the creation of the Ministry of Culture and Tourism, which was given the same powers reserved for the Ministry of Tourism Development before that, and the Secretariat-General for Tourism was integrated into the new Ministry. On 21 July 2012, PD 25/2012 established the Ministry of Tourism, which implements tourism policy as part of the Greek government's policy and also plans tourism development initiatives.

The Ministry of Tourism has recently been reconstituted with PD 127/2017, titled "Organisation of the Ministry of Tourism" (GG A΄ 157/20-10-2017). According to Article 1 PD 127/2017, the Ministry of Tourism's mission is: a) setting out and making tourism policy, planning tourism development within the framework of the overall government policy and formulating and promoting the necessary institutional or other arrangements; b) cooperating with line Ministries for the harmonisation of policies that affect tourism and the coordination of actions to encourage tourism development, the creation of a safe environment for investment initiatives in the field and the improvement of the quality and competitiveness of the country's tourism; c) representing the country in international organisations and at the interstate level when tourism is concerned, as well as signing international contracts that involve the tourism sector and bilateral agreements on tourism cooperation; d) upgrading the tourist services provided through the implementation of educational and vocational training programmes.

IV.1.2. Greek National Tourism Organisation

The Greek National Tourism Organisation is responsible for regulating the country's tourism sector. It is the one public law entity primarily associated with the development and promotion of Greek tourism, given that it has been the country's only institution for tourism policy-making for the past 60 years.

The GNTO was established in 1950 with Binding Law No. 1565/1950. It has undergone many changes, the most recent of which are those indicated in Law No. 2160/1993, which stipulated its current status. This legal entity is governed by rules of public law and operates under the supervision of the Ministry of Tourism. According to Article 6 Law No. 3878/2010, the Greek National Tourism Organisation is managed by a nine-member board consisting of the president, the vice-president, the secretary-general and six other members, who are appointed through a decision by the Minister of Tourism and Culture published in the Greek Government Gazette. The board members serve for a renewable term of three (3) years and can be removed from office at any time.

The individuals who will serve as president, vice president or secretary-general of the GNTO's board of directors are picked among people of recognised standing who possess administrative experience. The board determines its own rules of procedure, which are approved by the Minister of Tourism and Culture and subsequently published in the Government Gazette.

Under Law No. 3270/2004, the GNTO is structured around a central office, headquartered in Athens, and has had fourteen (14) regional tourism agencies since 01 January 2005. It also operates a network of offices abroad.

The GNTO's structure and each organisational unit's competences are mandated by PD 343/2001. More specifically, the central office comprises the Directorate-General for Development, the Directorate-General for Advertising, the Directorate for Coordination of Regional Tourism Agencies and the Special Department for the Promotion and Licensing of Tourism Businesses, the Office of the President, the Press Office and the Office of the Legal Advisor.

The GNTO's mission is to organise, develop and promote tourism in Greece. More specifically, it coordinates and regulates all actions carried out by jointly responsible bodies for the purpose of advertising the tourism product in both domestic and international markets. Furthermore, it submits proposals to the Ministry of Tourism in order to shape tourism policy, implements the tourism policies set out by the government and organises and conducts programmes focused on tourism development. In fact, the GNTO considers, carries out and supervises tourism infrastructures and development projects financed by national or EU funds, either on its own or in cooperation with other bodies.

The GNTO implements a marketing and advertising strategy which focuses on the best Greece has to showcase: its natural environment and Mediterranean climate, as well as its cultural heritage. Indeed, it conducts promotional and advertising campaigns domestically and abroad through its website and by participating in tourism and commercial expos all over the world. GNTO's goals also include regional tourism development and an equitable distribution of wealth, with the aim of reinforcing the role and competences of local governments and public services as regards the tourism sector. Furthermore, it encourages the promotion of new types of tourism and implements social tourism programmes, in accordance with Article 13 of Law No. 3190/2003.

The disciplinary administrative system comprises a set of administrative sanctions applicable to infringement of tourism legislation by tourism businesses. The sanctions are applied by the body responsible for regulating the tourism sector; that is, by the GNTO. The disciplinary administrative system is structured around Law No. 642/1977 "On the amendment and supplementation of provisions of Hotel-related Legislation", Law No. 711/1977

"On special touring coaches" and Law No. 393/1976 "On the establishment and operation of Tourist Offices". These three laws were accompanied by a large number of provisions interpolated in legal acts, presidential decrees and ministerial decisions that concern tourism.

IV.1.3. Hellenic Chamber of Hotels

The Hellenic Chamber of Hotels (henceforth "HCH" or "Chamber") was founded in 1935 (with Emergency Law No. 12/1935) under the legal name "Panhellenic Union of Tourist Hotels Organisation". In 1935, it was renamed "Professional Chamber of Tourist Hotels" and again changed to its current name in 1946 (with Royal Decree 17/1946).

As regards its organisation structure, HCH's operational practice was ratified by PD 89/1988, stipulating how its services fall under a single Directorate consisting of six (6) departments: the Department of Hospitality Development, the Registries Department, the Public Relations and Publishing Department, the Administrative and Financial Department, as well as the Secretariat. The Chamber is jointly managed by the Board of Directors and the Steering Committee.

The Chamber is a public law entity and its main mission is to act as a government adviser in matters of tourism policy. In other words, the HCH has an important institutional consulting function in enhancing, improving and promoting the national tourism product, while at the same time serving the needs of hotel businesses[11].

HCH's main objectives are to study and implement any appropriate means for the development and organisation of hotels in Greece, as well as to enhance the hotelier profession and to protect, assist and provide consultation services to hotel owners and their staff. It also partakes in professional and commercial tourism expos around the world and strengthens cooperative ties not only with key financial players in the domestic market but on a global level as well, with various international institutions and associations.

IV.1.4. Hellenic Public Properties Company S.A.

The Hellenic Public Properties Company S.A. (henceforth "HPPC S.A." or "Company") was established in 1998, with Law No. 2636/1998, under the name

[11] Papathanasopoulos, A. (2018), *ibid*., p. 62

"Greek National Tourism Organisation Property Development S.A.". It was renamed to "Tourist Properties S.A." in 2000, with Law No. 2837/2000, and then to "Tourist Development S.A." in 2004, with Law No. 3270/2004. In 2004, its name changed again to "Greek Tourism Property S.A.", after absorbing "Olympiaka Akinita S.A.", following Article 47 of Law No. 3943/2011. In the same year, it merged by acquisition with "Pubic Real Estate Company S.A.", in line with the provisions of Law No. 4002/2011, into "Hellenic Public Properties Company S.A.". Moreover, with Law No. 4321/2015, the HPPC S.A. absorbed "Paraktio Attiko Metopo S.A." and, pursuant to Articles 188(1)(γ') and 188(7) Law No. 4389/2016s is now a wholly owned subsidiary of the "Hellenic Corporations of Assets and Participations S.A.".

HPPC S.A. is a public limited company that exploits and develops real estate – urban, rural, touristic, Olympic or other – in compliance with the country's overall development policy. Thus, its aim is fostering economic and tourism development, as well as strengthening local communities.

HPPC S.A.'s scope extends to the administration, management and exploitation of public property (fixed and movable) and of GNTO's business units, along the guidelines set by the national tourism policy. Moreover, the Company aims to exploit, in the public interest, all immovable property assets under its ownership, in accordance with Law No. 4389/2016. This includes the property assets whose management HPPC S.A. has taken over from other public companies and from public law or private law entities, part of the wider public sector.

The Company is responsible for exploiting in the public interest and developing the tourist capacity of all immovable property in its ownership, as well as those it assumes the management of. These are mainly assets owned by the GNTO, such as real estate of major tourist interest (former XENIA hotels, public tourism property, tourist facilities, etc.). Furthermore, the Company operates business units as branches (marinas, beaches and thermal springs), the short-term lease of facilities and outdoor spaces suitable for a variety of events (exhibitions, concerts, conferences, seminars, receptions and so on) and, at the same time, is an active party in partnerships for the development, operation and exploitation of tourism property.

IV.2. Tourism and Local Communities

The public sector and especially local communities play a pivotal role in bolstering tourism, as evinced in local governments being responsible for the implementation of national and regional strategies aiming at regional

development. The powers devolved from the central government to local authorities mainly include economic planning, logistics management and regional planning. In addition, these authorities are in charge of locally implementing national tourism policy and handling various tourism-related issues – such as the provision of necessary tourist facilities, securing financial aid for accommodation and equipment, safeguarding of control mechanisms and environmental protection through sustainable development – since they possess better knowledge regarding the needs of particular areas and their local population.

IV.2.1. MUNICIPALITIES

Since the founding of the modern Greek state, the 27 December 1833 Royal Decree "On the establishment of Municipalities" (GG 3 10-01-1834) acknowledged the importance of local communities as key actors. In accordance with Article 102 of the Constitution of Greece (1975/1986/2001/2008), conducting local affairs is the responsibility of first- and second-tier local government. The first Code of Municipalities and Communities was created with Law No. 1065/1980, which has undergone three (3) codifications (PDs 75/1985, 323/1989 and 410/1995). The last one did not include any major provision as regards local tourism development.

The current Code of Municipalities and Communities [Law No. 3463/2006 "Ratification of the Code of Municipalities and Communities" (GG A΄ 114 08-06-2006)] acknowledges the key significance of tourism for regional development and highlights the growth of local tourism in conjunction with the creation of a special legal framework. It bestows various competences on municipal and communal authorities, among which are the preparation, implementation and participation in tourism development programmes in the areas concerned, the promotion of alternative types of tourism, as well as the creation of resorts and other leisure or holiday facilities[12], the development of cultural tourism[13], the subsidisation of entities that contribute to tourism growth and the promotion of the community[14], without forgetting the connection of agricultural production with tourism development[15]. As mandated by Article 45(II)(23) Law No. 3463/2006, the Municipalities and Communities may exercise, at a local level, powers of a state character which they have been granted

[12] Article 75(I)(a)(8).
[13] Article 75(I)(f)(8).
[14] Article 75(I)(f)(8).
[15] Article 75(I)(g)(8).

to better serve citizens, in line with the pertinent legislation, such as supervising the compliance with tourism laws by tourism-related businesses.

IV.2.2. Regional Units

As mandated by Article 85 Law No. 3852/2010 "New Architecture of Local and Devolved Administration – Kallikratis Program", residents and employees of any community have the right, at least once a year, to submit proposals to the respective local governing bodies for actions that serve to develop and promote tourism in their localities. Moreover, they may propose measures – mainly as regards the organisation of cultural, sports or recreational events – that the community could use to promote the region according to the needs of the local populace and the priorities for local development.

As stated in Article 3(1) Law No. 3852/2010, "regional units are self-governed private law entities and constitute the second tier of local government". The regional units are thirteen (13) and are responsible for the coordination and legality of government policy implementation at the regional level. According to Article 186(II)(D) Law No. 3852/2010 on the Competences of Regional Units, these competences extend, among others, to employment, commerce and tourism. Specifically, the thirteen (13) regional units were granted the power to establish programmes for tourism planning, as well as tourism development and promotion of the associated region, in cooperation with GNTO, the region's municipalities and opinions on the designation and delimitation of Integrated Tourist Development Areas (ITDA), entailing the establishment, in the context of development programmes, of facility development plans for dealing with the effects of climate change on tourism.

The regional units also have special regulatory and licensing powers, which are mandated by special provisions (e.g. sanitary inspections, inspections regarding environmental licensing or the licensing of pescatourism activities)[16].

It is true that tourism is in large part the result of actions undertaken by private bodies and tourism professionals, thus the national and regional policy on tourism should arise as a collaborative effort between these actors and the public institutions with key competences in the field of tourism. A genuine partnership between the public and the private sector, based upon free competition and in harmony with the directions assumed by the regional policy, could contribute to general interest goals and to the growth of Greek tourism.

[16] Papathanasopoulos, A. (2018), *ibid*., p. 136.

V. ACCOMMODATION

V.1. Tourist Accommodation Establishments

As stated in Article 1(2) Law No. 4276/2014, tourist accommodation establishments are defined as "tourism businesses that receive tourists and provide them with accommodation and accommodation-related services, such as dining, entertainment, recreation or sports and are divided, in accordance with the elements provided for in Decision 530992/1987 of the Secretary-General of the GNTO on the subject of "technical specifications of tourism facilities" (GG B΄ 557), into primary hotel establishments and non-primary hotel establishments".

In other words, these include any type of business managed by a natural or legal person which is involved in the provision of services or products or the lease of things to domestic or foreign customers who are interested in travelling, visiting, lodging, touring or enjoying first and foremost their vacation, leisure time, recovery, exercise, study, knowledge acquisition, research, cooperation, information exchange, communication time or any other time spent to meet other needs required and imposed to a great degree by our modern way of life[17].

The primary hotel establishments may be erected either independently or in combination with specialised tourist infrastructure (Article 30 Law No. 4852/2018, GG A΄ 208 11-12-2018). In accordance with Article 1(2) Law No. 4276/2014, the primary hotel establishments are divided into: a) hotels; b) organised tourist camps; c) youth hostels; d) tourist resorts and e) condo hotels. The non-primary hotel establishments are divided into: a) self-catering accommodation: furnished villas-to-rent; b) self-catering accommodation: furnished residences-to-rent; c) furnished rooms-to-rent and rental apartments[18].

V.2. Primary Hotel Establishments

V.2.1. HOTELS

Hotels are defined as accommodation facilities that offer lodging spaces in individual rooms or one-room apartments with a bathroom and common areas,

[17] Psychomanis, S. (2003). *Τουριστικό δίκαιο: ερμηνευτικά και νομοθετικά ζητήματα και προτάσεις* [Tourism law: interpretational and legislative issues and proposals]. Athens–Thessaloniki: Sakkoulas Publications, p. 7.

[18] For the categories of hotel establishments, see figure 5 in: Mylonopouos, D. (2009). *Τουριστικό δίκαιο* [Tourism Law]. 2nd ed. Athens: Nomiki Bibliothiki Publications, p. 149.

such as reception halls, lounges, administrative offices, toilets, lobbies, dining halls, breakfast halls or drink bars, TV halls, multi-purpose halls (mainly to host seminars or conferences) and other services to customers, shops or on-the-go equipment (such as phone booths). They are separated into the following four (4) categories: 1) classic hotels; 2) motels; 3) apartment hotels; and 4) combined classic and apartment hotels.

V.2.2. Organised Tourist Camps With or Without Cabins

These are primary hotel establishments, located outdoors, with or without cabins, which offer lodging, dining and recreational options to tourists who may or not own camping and transportation means, such as towed or motor caravans, trailers and semi-trailers, tents, trailer tents or car rooftop tents, hotel buses and rotel hotels. As regards the establishment and operation of such organised camps, the Ministry of Tourism issued a decision stipulating all technical and operational specifications thereof.

V.2.3. Youth Hostels

Youth hostels are primary hotel establishments which are situated within the limits or urban areas and agglomerations. A decision by the Ministry of Tourism to be issued within two (2) months of the present paper's publication will include all technical and operational specifications regarding youth hostels, the terms and conditions for their operation, the necessary documents and associated charges for their legal operation, the administrative fees payable to apply for the Special Operation Mark, the administrative sanctions applicable in case of violation of the above terms and conditions, their classification criteria and process and any other issue relevant to their establishment and operation.

V.2.4. Tourist Resorts

Resorts are hotel complexes that are built in combination with: a) self-catering accommodation – furnished residences-to-rent and b) special tourist infrastructure facilities. The establishment and operation of tourist resorts is governed by the provisions of Articles 8 and 9 of Law No. 4002/2011 (A' 180). For the purposes of legal implementation, "special tourist infrastructure facilities" means conference centres, golf courses, thalassotherapy centres, tourist harbours, ski resorts, theme parks, sports tourism coaching centres,

hydrotherapy centres and they also include the following facilities that cater to special forms of tourism: thermal therapy units, thermal tourism/thermal centres, rejuvenation centres, wellness centres, beauty salons and scuba diving tourism centres. By decision of the Ministry of Tourism, other types of tourism businesses or facilities may qualify as special tourism infrastructure facilities, i.e. as parts of tourist resorts.

V.2.5. Condo Hotels

These are three (3)-, four (4)- or five (5)-star hotels inside approved urban areas and within the limits of urban agglomerations before 1923 or having fewer than two thousand (2,000) inhabitants. In these hotels, it is permitted to create horizontal or vertical property, in the form of rooms or apartments, and to establish or transfer rights *in personam* and rights in rem to third parties. The long-term lease is stipulated for a period of at least ten (10) years.

V.3. Non-Primary Hotel Establishments

V.3.1. Self-Catering Accommodation: Furnished Villas-To-Rent

Furnished villas-to-rent comprise detached houses, with a surface area of at least 80 m^2, which have independent external access and are characterised by land/ground and building autonomy. They are built following residential construction rules. The establishment and operation of furnished villas-to-rent are governed by the provisions of Article 46 Law No. 4179/2013.

V.3.2. Self-Catering Accommodation: Furnished Residences-To-Rent

Furnished residences-to-rent are defined as individual residences or complexes thereof, each featuring a surface of at least 40 m^2 each, being operationally self-sufficient and having independent external access. They are built following residential construction rules. The establishment and operation of furnished villas-to-rent are governed by the provisions of Article 46 Law No. 4179/2013.

V.3.3. Furnished Rooms-to-Rent and Residential Apartments

The term "furnished rooms-to-rent – residential apartments" encompasses accommodation facilities with lodging areas in rooms or in apartments with one (1), two (2) or more rooms, including a bathroom. The technical and operational specifications of furnished rooms-to-rent – residential apartments are stipulated in a decision issued by the Ministry of Tourism.

V.4. Tourist Accommodation Establishments inside Traditional Buildings

Pursuant to Article 1 PD 33/1979 "that concerns tourist accommodation establishments inside traditional buildings", the Secretary-General of the GNTO has the power to issue an operating licence to tourist accommodation establishments inside traditional buildings. The traditional buildings in question, either individual buildings or complexes thereof, may a) be situated in traditional settlements, under a preservation status or not, or b) be solitary. Their architectural design must comply with the traditions naturally present in various regions of the country. In case the building's architectural design is not commonly found in Greece, the building must have been registered as a protected historic monument or as a dwelling that requires special state protection. These establishments may be managed in line with any type of hotel business, i.e. as hotels, hostels, furnished apartments, and so on[19].

VI. PRIVATE TOURISM LAW – TOURIST CONTRACTS

VI.1. Hotel Contract

The relationships between the travel agent or travel agency and the hotel owner are governed by the hotel contact and all contracts concluded between national travel agents' associations and hotel owners' associations, codifying the habits and practices that take place among the contracting parties. The first hotel contract that refers to the relationship between travel agencies and hotel owners in various countries took the form of a "Hospitality Contract" and was international in character, given that it was signed in Paris in 1979 between the

[19] Mylonopoulos, D. (2016), *ibid*., p. 158.

International Hotel & Restaurant Association (henceforth IH&RA) and the United Federation of Travel Agents Associations (henceforth FUAAV). In 1991, IH&RA and FUAAV signed a "Regulation Contract", which replaced the earlier "Hospitality Contract", and then, in 1996, the European Travel Agents & Tour Operators Association (henceforth ECTAA) and the Confederation of National Associations of Hotels, Restaurants, Cafés and Similar Establishments in the European Union and European Economic Area (henceforth HOTREC) signed a "Code of Conduct" in Brussels. According to Article 1 of the HOTREC/ECTAA Code of Conduct, "a hotel contract is a (commercial) contract by means of which a hotel enters into an agreement with a tour operator to provide hotel services (to the clients of the latter). 'Hotel services' are defined as the provision of accommodation, meals and any other amenity that the hotel has pledged to provide".

All aforementioned texts serve to codify the practices of the contracting parties in hotel contracts and are non-binding, i.e. they do not constitute binding law (*ius cogens*), seeing as neither do they equal laws nor capture customs. Instead, they are used as an additional resource to interpret contracts. These texts have assumed an auxiliary and supplementary role, meaning that they are summoned in case there is no private contract signed between the hotel owner and the travel agent or in case parts of the contract are unclear. A more appropriate characterisation might be a "gentlemen's agreement", which lacks any intent to legal commitment[20].

The hotel agreement (in French, *contrat hôtelier*) is an agreement, usually in written form, by means of which the hotel owner assumes an obligation to the other party, the travel agent/tour operator, to allow the use of accommodation establishments and to provide all pertinent services to either a fixed or alternating number of the tour operator's clients, within one or more tourist seasons. In other words, the binding relationship between the hotel owner and the travel agent/tour operator on the subject of granting the right to use accommodation establishments and the provision of pertinent services to clients of the latter constitutes a hotel contract.

The hotel contract is signed between the hotel owner and the travel agent, by virtue of which the hotel owner is bound to provide hotel services, such as room rental, either to a fixed number of predetermined individuals or to a diverse and alternating number of the agent's clients (unknown individuals and not designated by the contracting parties), within a defined tourist season. It is a

[20] Rizos, E. (2016). *Συμβάσεις ξενοδόχων – ταξιδιωτικών πρακτόρων, Σύμβαση εγγυημένης κράτησης – Σύμβαση allotment* [Hotel owner – travel agent contracts, Guarantee commitment contract – Allotment contract]. Athens-Thessaloniki: Sakkoulas Publications, p. 13.

tripartite (triangular) relationship which connects the hotel owner, the tour operator and the final recipient of the services, the client/tourist/consumer of hotel services. The contractual relationship binds the travel agent/tour operator not only to the hotel owner (hotel contract) but also to the former's client (package travel contract). Therefore, there is no contractual relationship between the client (tourist) and the hotel owner and it is agreed that, while the client may be the recipient of hotel services, these are nevertheless provided by the hotel owner in his capacity as a servant of the travel agent/tour operator, who is also the debtor to the client's party, while bound by the travel contract. On the contrary, between the tour operator's client and the hotel owner there are no immediate contractual relationships.

As regards its legal status, a hotel contract is a compulsory contract, *in personam* and continuing, which is generally concluded in written form. Greek doctrine and jurisprudence have designated it as a mixed contract (since it shares elements with sales, deposit, supply but mostly lease contracts, which results in the implementation of Articles 579 *et seq.* CC concerning tenancy, as well as of the special provisions of "Regulation on Hotel Owners-Clients Relations"[21]). Other writers express the opinion that the contract concluded between the travel agent and the hotel owner may take several forms, for instance, constituting a lease of a fixed number of beds for designated clients or clients a priori determined on the legal basis of the clause in favour of the other. The prevailing view in our jurisprudence, however, is that the hotel contract establishes the right of the organiser, who is also the lessee, to provide beds they leased to third parties, namely their clients, following Article 593 CC. Thus, it simultaneously assigns to these clients the lessee's claim regarding the use of rooms and other pertinent services. The reason for this assignment is the travel contract that the

21 Greek legislation included a special legal act which governs the contracts a hotel owner concludes with the hotel's clients and with the tour operator, the Regulation on Hotel Owners-Clients Relations. The Regulation on Hotel Owners-Clients Relations (henceforth "Regulation") has been in force for over thirty-five (35) years in Greek legal order, since its adoption by decision of the Secretary-General of the GNTO (503007/1976). The current Regulation is the one contained in Article 8 Law No. 1652/1986, as subsequently amended. Amendments to the Regulation that had been effected by Decision No. 5358130/19 of the Secretary-General of the GNTO do not constitute part of the Regulation and do not have the status of rules of law because they were never incorporated in the text of Article 8 Law No. 1652/1986 later. Moreover, Article 1(A)(17)(4a) Law No. 4254/2014 repealed Articles 11, 14, 15 and 16 of the Regulation, while the rest of the provisions are still in force. Despite the fact that the Regulation contains arrangements for only specific aspects of the hospitality contract and the hotel contract, it still is the primary source of law from which the regulatory arrangements for the said contracts are drawn. See also Rizos, E. (2016). *Συμβάσεις ξενοδόχων – ταξιδιωτικών πρακτόρων, Σύμβαση εγγυημένης κράτησης – Σύμβαση allotment* [Hotel owner – travel agent contracts, Guarantee commitment contract – Allotment contract]. Athens-Thessaloniki: Sakkoulas Publications, p. 7.

organiser has signed with the client[22].

In reference to the rights and obligations of the contracting parties, the hotel owners reserve the right to ask for an advance payment, which takes the form of a commitment or a guarantee. They may also ask for the payment of the whole sum or part thereof and, if they do not proceed in this manner, they may receive a voucher, i.e. a document from the agent binding them to compensate the hotel owners for the services the latter provides to the agent's clients.

The hotel contract may take the following two (2) forms: *guarantee commitment contract* and *allotment contract*.

In the first case, specifically the guarantee commitment contract, the hotel owner and the travel agent sign a lease contract for a fixed number of beds and all pertinent services for a designated time period, to an alternating clientele and for an agreed compensation. The travel agency shall pay compensation to the hotel owner irrespective of whether the beds were used or not. In other words, the hotel owner reserves a certain claim on the lease for the definitively leased rooms. The hotel owner assumes a definitive obligation to provide the agreed upon rooms or accommodation establishments to the tour operator's clients while the other party, the tour operator, assumes the definitive obligation to pay a financial consideration for the agreed upon beds or accommodation establishments[23].

The second type of hotel contract, allotment, is used to reserve a fixed number of beds. It is a contract with its own features and very popular among hotel owners and travel agencies or tour operators. More specifically, the

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[22] For the concept and legal status of hotel contracts, see Georgiadis, A. (2007). *Ενοχικό δίκαιο, Ειδικό Μέρος* [Law of obligations, Special part]. Vol 2. Athens: P.N. Sakkoulas Publications, pp. 451 *et seq*. and 455 *et seq*.; Karakostas, I. (2001). *Η ευθύνη του παρέχοντος τουριστικές υπηρεσίες* [The liability of the provider of tourism services] p. 482; Rizos, E. (2016). *Συμβάσεις ξενοδόχων – ταξιδιωτικών πρακτόρων, Σύμβαση εγγυημένης κράτησης – Σύμβαση allotment* [Hotel owner – travel agent contracts, Guarantee commitment contract – Allotment contract]. Athens-Thessaloniki: Sakkoulas Publications, pp. 15, 73, and 78; Poulakou–Euthumiatou, A. (2009). *Τουριστικό δίκαιο* [Tourism law]. 4th ed. Athens–Komotini: Ant. N. Sakkoulas Publications, p. 105; Divrioti, A. (2016). Η Ξενοδοχειακή Σύμβαση [The Hotel Contract]. Athens: Nomiki Bibliothiki Publications, pp. 37 *et seq*.; Divrioti, A. (2016). Δικονομικά ζητήματα που ανακύπτουν εκ της ξενοδοχειακής συμβάσεως [Procedural issues arising from the hotel contract]. *Οικονομικές και Νομικές Παράμετροι του Ελληνικού Τουρισμού* [Financial and Legal Parameters of Greek Tourism]. 4th Panhellenic Conference, Tripolis, 15-17 September 2016, In Koutsouradis, A., & Lagos, D. (Eds.). Athens–Thessaloniki: Sakkoulas Publications, pp. 113 *et seq*.; Psychomanis, S. (2003), *ibid*., pp. 16-17; Nezeriti, E. (2017). Η ξενοδοχειακή επιχείρηση ως βοηθός εκπλήρωσης του τουριστικού πράκτορα στο πλαίσιο της σύμβασης οργανωμένου ταξιδίου – Ζητήματα αναγωγικής ευθύνης [The hotel business as servant of the tour operator in the context of the package travel contract – Issues of reductive liability]. *Οικονομικές και Νομικές Παράμετροι του Ελληνικού Τουρισμού* [Financial and Legal Parameters of Greek Tourism]. *ibid*., pp. 302 *et seq*.; Kardoulia, E. (2017). *Cadre juridique du tourisme en Grèce - Droit public et privé du tourism*e [Legal Framework of tourism in Greece - Public and private tourism law]. Editions universitaires européennes, pp. 46-48.

[23] Rizos, E. (2016), *ibid*., pp. 16 and 29-30.

allotment contract constitutes a lease contract for a number of beds therein defined by a minimum and maximum percentage. In other words, two percentages of alternating beds are defined for a given lease period: a maximum one that binds the hotel owner and a minimum one that binds the travel agency. The allotment contract does not assign any definitive obligation to the hotel owner or the tour operator for the totality of beds/establishments but rather for a number up to a certain limit (i.e. the minimum percentage).

VI.2. Hospitality Contract

Hotel contracts are distinct from hospitality contracts signed directly between hotel owners and their client (tourists). The hospitality contract is one of the most significant contract types in tourism law, since the provision of accommodation is an essential component of tourism trade, as tourists stay overnight or even spend a few hours in establishments built for that purpose.

With this contract, one party (the hotel owner) is obliged to provide a so-called "characteristic performance", namely the concession, in terms of possession and use, for the time period agreed upon – which is typically rather short – of a specified space, suitable for accommodation, within their legally operating accommodation establishment. Furthermore, the same party is obliged to take care of the cleanliness, heating, supervision, housekeeping and lighting of the aforementioned space, as well as to provide water, electricity, Internet connectivity and, generally speaking, any amenity advertised (Article 7(10) Law No. 4276/2014 and Article 10(I) Regulation on Hotel Owners-Clients Relations). The client, on the other hand, undertakes to pay the agreed price, which is usually commensurate with the hotel's quality rating.

As regards the applicable rules pertaining to hospitality contracts, these are sourced from private law that includes Civil Code provisions – particularly those on the lease of things i.e. Articles 574 *et seq*. CC, as well as the special provisions of Articles 834 *et seq*. CC, the Regulation on Hotel Owners-Clients Relations (Article 8 Law No. 1652/1986) – Law No. 2251/1994 on consumer protection, any individual hotel's Standard Terms of Business (i.e. terms pre-formulated by their user which may be applied, without any modification or derogation, to an infinitude of contracts), ad-hoc agreements between parties that take precedence over soft law or the Standard Terms of Business and, finally, any internal operating rules in effect[24]. The relationships between hotel owners and clients-

[24] For the concept of hospitality contracts, see Georgiadis, A. (2007), *ibid*., pp. 433-434; Rizos, E. (2016), *ibid*., p. 15; Divrioti, A. (2016), *ibid*., p. 46; Poulakou–Euthumiatou, A. (2009), *ibid*., p. 83; Logothetis, M.

tourists, apropos of their respective rights and obligations, are governed by the Greek Civil Code provisions "on the liability of hotel owners" (Articles 834-839) and by the Regulation on Hotel Owners-Clients Relations.

It is worth noting that the legislator proceeded to only regulate the issue of the hotel owner's liability towards their clients for losses sustained in terms of clothing, baggage and other items moved within the limits of the establishment by the clients staying there (the French Code refers to a *depot hôtelier*, a deposit of carried items in a hotel). The same concept is also found in Greek law, as well as the issue of the hotel owner's legal pledge on these items. As such, the legislator failed to regulate several issues of great importance, such as the conclusion, the fulfilment, the results and shortcomings of the contract signed between the hotel owners and their clients, since he determined that the general provisions pertaining to leases or sales suffice to govern the relationships arising from hospitality contracts.

VI.3. Time-Sharing Contract

In Greece, the time-sharing contract is governed in principle by Law No. 1652/1986 and JMD Z1–130/22-01-2011, which transposed Directive 2008/122/EC into national legislation.

A time-sharing contract is defined as a contract that extends for a duration greater than a year and by which the consumer acquires, for a price, the right to use one or more accommodation establishments for overnight stays in more than one period of use (Article 2(1)(a) JMD Z1–130/22-01-2011). In return, the contract involves a right to use, for consideration, one or more accommodation establishments for an overnight stay. The time-sharing contract is not exclusively linked to fixed property anymore; therefore, it encompasses accommodation contracts in movable property, such as recreational crafts, riverboats and caravans. The sole requirement is for the establishment to be used for the purposes of (overnight) stays. Contracts that do not involve stays, e.g. the lease of space for parking trailers, do not fall under the umbrella of time-sharing. Moreover, time-sharing does not include booking seats to attend cultural or sports activities or events, since attendance does not constitute the (overnight) stay requirement. Time-sharing contracting parties enter into the contract for a period of one (1) up to sixty (60) years[25].

(2001). *Δίκαιο της Τουριστικής Βιομηχανίας* [Tourism industry law]. Athens: Sakkoulas Publications, pp. 235-236; Psychomanis, S. (2003), *ibid*., p. 18; Kardoulia, E. (2017), *ibid*., pp. 49-51.

[25] For more on the time-sharing contract, see Kotronis, S. (2008). Χρονομεριστική μίσθωση [Time-Sharing]. In Douvlis, B., & Mbolos, A. (Eds.). *Δίκαιο Προστασίας Καταναλωτών* [Consumer Protection Law], Vol I.

VI.4. Package Travel Contract

The term "travel contract", which had been used, particularly in the past, in Greek theory and jurisprudence, may well be identical in content to the term "package travel contract", but it did not exist nor exists in EU (previous and current Directives) or national (previous and current Presidential Decrees) legislative texts. In the previous law, Article 2(5) Directive 90/314/EEC included the definition of the term "contract" (in French, *contrat*; in German, *Vertrag*)[26], and only some parts of the Directive invoked the term "package travel contract" (in French, *contrat de voyage à forfait*, *contrat relatif au forfait* and *contrat relatif à un forfait*; in German, *Pauschalreisevertrag*, etc.). The now-repealed PD 339/1996[27] includes only the term "contract", the definition of which was also given in Article 2(5)[28].

The current Directive (EU) 2015/302 on package travel and linked travel arrangements[29] employs the English term "package travel contract", the French term *contrat de voyage à forfait* and the German term *Pauschalreisevertrag*, which have been rendered in Greek – correctly, in the present writer's opinion – as *σύμβαση οργανωμένου ταξιδιού*, the definition of which is given in Article 3(3) of the Directive. Even the current PD 7/2018 "Harmonisation of legislation with Directive (EU) 2015/2302 concerning package travel and linked travel arrangements" (GG A΄ 12 29-01-2018)[30] only makes reference to "package

Athens-Thessaloniki: Sakkoulas Publications, pp. 851 *et seq*.; Kotronis, S. (2011). Η χρονομεριστική μίσθωση και συναφείς συμβάσεις διακοπών στην Οδηγία 2008/122/ΕΚ [The time-sharing contract and pertinent holiday contracts in Directive 2008/122/EC]. *Εφαρμογές Αστικού Δικαίου & Πολιτικής Δικονομίας* [Applications of Civil Law & Civil Procedure], Vol. 1. Athens: Sakkoulas Publications, pp. 25 *et seq*.

[26] Article 2(5) Directive 90/314/EEC defines "contract" as "the agreement linking the consumer to the organiser and/or the retailer".

[27] Presidential Decree 339/1996 "On package travel, in compliance with Directive 90/314 (EEL 158/59) on package travel, package holidays and package tours" (GG A' 225).

[28] According to Article 2(5) PD 339/1996, "contract is the agreement linking the consumer to the organiser and/or the retailer".

[29] Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No. 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC.

[30] Regarding the transposition of the New Package Travel Directive in Greece, see Kardoulia, E. (2020). The controversial aspects of the transposition of the new Package Travel Directive into the Greek law. In Carlos Torres, C., Melgosa Arcos, J., Jégouzo, L., Franceschelli, V., Morandi, F. & Torchia, F. (Eds.). *Collective Commentary on the New Package Travel Directive*. ESHTE (Estoril Higher Institute for Tourism and Hotel Studies), University of Salamanca, University of Sorbonne (Paris I), University of Milano-Bicocca, University of Sassari, University of Calabria, pp. 839-842; also available in: http://intranet.eshte.pt/CollectiveCommentary/839/; Kardoulia, E., & Tassikas, A. (2021). Implementation of the new Package Travel Directive in Greece: Selected issues. In Morandi, F. (Ed.). *Italian*

travel contract", as defined in Article 3(4) PD 7/2018. Given that both EU and Greek legislation provide explicit definitions of "package travel contract" and not just "contract", doctrinally it is more appropriate to refer to "package travel contract", rather than "travel contract", in order to avoid creating a discrepancy with the term employed by the EU and national legislator.

Therefore, under Article 3(4) PD 7/2018, a "package travel contract" is "a contract on the package as a whole or, if the package is provided under separate contracts, all contracts covering travel services included in the package". This means that a contract constitutes a package travel contract even if it does not include a transfer but just the provision of accommodation and other tourist services. Indeed, the most common combination does include both travelling and staying at a designated destination, but that does not preclude the existence of other combinations, such as travel and visits to monuments, archaeological sites, museums or recreational venues or even participating in some form of alternative tourism (e.g. thermal tourism or sports tourism), accommodation, provision on the part of the organiser of the adequate equipment for a sports activity, as well as the relevant training. It is possible for the traveller and travel organiser to negotiate and customise the holiday package.

VII. CONCLUSIONS

All things considered, we come to the conclusion that Greece may predicate its economic development, to a great degree, on tourism. In order to achieve this goal, tourism must be included in all forms of public policy development and the interconnection between the private and the public sector must be reinforced. It is true that public authorities, having realised the great economic significance of tourism for Greece, have endeavoured to increase the competitiveness of tourism through policies that improve productivity, the quality of tourism administrations and organisation. The Greek government seems to be more responsive than in the past regarding the all-important role tourism plays as a driver for growth.

Applying the rules of law is a necessary condition to develop a system that more efficiently specifies the roles and responsibilities of each organisation and actor in the tourism sector. Indeed, as previous experience has shown, the abundance of rules governing tourism activities and the dispersion of written sources – more specifically, laws, presidential decrees, regulatory acts, ministerial

decisions and jurisprudence – and of oral sources (traditional hotel management practices) create problems as regards the codification of tourism law.

Public tourism law, particularly administrative law, has become more mature since the State started to actively and consistently intervene in the tourism phenomenon and also because the development and implementation of measures to support tourism have become of even greater importance. Numerous legal texts have seen the light of day, a fact that requires, first of all, the codification of administrative tourism law, following the creation of a tourism law code based on tourism Law No. 2160/1993. In the present writer's opinion, the creation of an appropriate tourism regulation and an independent legal branch must be accomplished in a manner analogous to the principled distinction between public law and private law.

Bearing in mind the financial and social benefits that stem from tourism, this activity must be supported by concrete, definite and precise rules of law, which aim to provide tourists with a reception, information and protection framework to confront the financial abuse on the part of the strongest counterparties[31] and the authoritative practices of profiteering.

It is necessary for the Greek legislator to sum up the provisions already included in other codes or written sources, which aim to balance the relationships among the various actors that intervene in tourism activities, so as to render tourism law more accessible and comprehensible to tourist-consumers and professionals alike. In the context of this effort to create a Tourism Code in Greece, and taking into account that France is the first country to adopt a Tourism Code (*Code du Tourisme*), the latter could set an example by exporting its expertise in the field.

[31] Boulanger, F. (1996). Tourisme et loisirs dans les droits privés européens [Tourism and leisure in european private law of member states]. Paris : éditions Economica, p. 6.