

DECRETO-LEGGE 2 marzo 2020, n. 9

Misure urgenti di sostegno per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19. (20G00026) ([GU Serie Generale n.53 del 02-03-2020](#))

note: **Entrata in vigore del provvedimento: 02/03/2020**

COURTESY TRANSLATION

ART. 28

(Refund of travel documents and tourist packages)

1. Pursuant to article 1463 of the civil code, the impossibility to perform occurs in relation to the contracts of carriage by air, rail, sea and water transport, internal or terrestrial stipulated:

a) by the subjects against whom the quarantine with active surveillance or the fiduciary home stay with active surveillance has been ordered by the competent health authorities competent, in implementation of the measures adopted pursuant to article 3 of decree-law 23 February 2020, n. 6, with regard to contracts of carriage to be carried out in the same period of quarantine or home stay;

b) by residents, domiciled or recipients of a departure prohibition measure in the areas affected by the infection, as identified by the decrees adopted by the President of the Council of Ministers pursuant to article 3 of the decree-law of 23 February 2020, n. 6, with regard to transport contracts to be performed during the period of effectiveness of the aforementioned decrees;

c) by subjects tested positive for the COVID-19 virus for which the quarantine with active surveillance or fiduciary home stay with active surveillance by the competent health authority or admission to health facilities, with regard to transport contracts to be carried out in the same period of stay, quarantine or hospitalization;

d) by subjects who have planned stays or trips with departure or arrival in the areas affected by the infection as identified by the decrees adopted by the President of the Council of Ministers pursuant to article 3 of the decree-law of 23 February 2020, n. 6, with regard to transport contracts to be performed during the period of effectiveness of the aforementioned decrees;

e) by the subjects who have planned to participate in public events or public selections, in events or initiatives of any kind, in events and at any form of meeting in a public or private place, also of a cultural, recreational, sports-related and religious nature, even if carried out in closed premises accessible to the public, canceled, suspended or deferred by the competent authorities in implementation of the measures adopted pursuant to article 3 of the decree - law 23 February 2020, n. 6, with regard to transport contracts to be performed during the period of effectiveness of the aforementioned measures;

f) by the holders of travel documents, purchased in Italy, whose destination is overseas States, where disembarkation, landing or arrival is prevented or prohibited due to emergency epidemiological situation caused by COVID-19.

2. The subjects referred to in paragraph 1 shall notify the carrier of the occurrence of one of the situations referred to in same paragraph 1 by attaching the travel document and, in the case referred to in letter e), documentation certifying the planned participation in one of the events, initiatives or events indicated in the same letter e).

This communication is made within thirty days commencing from:

- a) the cessation of the situations referred to in paragraph 1, letters a) to d);
- b) from the cancellation, suspension or postponement of the course or the selective procedure, of the event, initiative or event, in the case referred to in paragraph 1, letter e);
- c) from the expected date of departure, in the case referred to in paragraph 1, letter f).

3. The carrier, within fifteen days of the communication referred to in paragraph 2, will proceed with the refund of the amount paid for the travel document or with the issuance of a voucher of the same value to be used within one year of issue.

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4. The provisions of paragraphs 2 and 3 also apply in cases where the travel document has been purchased through a travel agency.

5. The subjects referred to in paragraph 1 may exercise, pursuant to article 41 of the legislative decree May 23, 2011, n. 79, the right to withdraw from tourist package contracts to be performed in the periods hospitalization, quarantine with active surveillance, fiduciary home stay with active surveillance or duration of the epidemiological emergency from COVID-19 in the areas affected by the infection as identified by the decrees adopted by the President of the Council of Ministers pursuant to article 3 of the decree-law of 23 February 2020, n. 6. In case of withdrawal, the organizer can offer the traveler a replacement package of equivalent or higher quality, can proceed to the reimbursement in the terms provided for in paragraphs 4 and 6 of article 41 of the aforementioned legislative decree 23 May 2011, n. 79, or can issue a voucher, to be used within one year of its issue, for an amount equal to the refund due.

6. In relation to the hypotheses governed by Article 1, paragraph 2, letter f), of the decree-law 23 February 2020, n. 6, the refund can also be made by issuing a voucher of equal amount to be used within one year of issue.

7. In the cases referred to in paragraphs 5 and 6, the carrier reimburses the amount paid for the travel document in favor of the organizer or issues a voucher of the same amount for use within one year from the date of issuance.

8. The provisions of this article constitute, pursuant to article 17 of the law of May 31, 1995, no. 218 and Article 9 of the Regulation (EC) of the European Parliament and of the Council 17 June 2008, n. 593/2008, necessary application rules.

9. As for the suspension of travel and educational initiatives ordered from February 23 to March 15 pursuant to articles 1 and 2 of the decree-law 23 February 2020, n. 2 and the consequent implementation, the provisions of article 41, paragraph 4 of the legislative decree of 23 May 2011, n. 79, regarding the traveler's right of withdrawal before the start of the travel package as well as article 1463 of the civil code shall apply. The refund can be made also by means of a voucher of the same value to be utilized within one year from the date of issuance.