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Application of the Obligation to Accept Card Payments - Decree of 2021

The Council of Ministers issued on 18 June 2021 a Decree concerning the detailed rules for the application of the obligation to accept card payments (259/2021, dated 18/06/2021).

In summary, companies are obliged to comply within three months of the date of publication of the Decree, i.e., until 18 September 2021. In the case of start-ups, during the last 30 days before the expiry of the three-month period, they must comply within four months of the publication of the Decree, while undertakings which will initiate an activity or change after the expiry of the three-month period must comply within one month of the start or change in their activities. Excluded from the obligation to accept card payments are businesses operating in the fields of processing, electricity supply, water, transport, and information and communication (publishing activities, film production, broadcasting, computer programmers).



Details of the Decree can be found below.

ASSESSMENT AND COLLECTION OF TAXES LAW OF 1978 UNTIL (NO. 3) 2021

Article 3 - Determination of taxpayers liable for compliance with a deadline for compliance

- a. Beneficiaries of payment who have the main Activity Numbers Codes (hereinafter referred to as 'Obligated') listed in the Annex attached are obliged to accept card payment means at the time of completion of payment transactions carried out by consumers in accordance with the provisions of Article 30A of the Assessment and Collection of Taxes Law.
- b. The obliged taxpayer must comply within three (3) months of the publication of this Decree.
- c. The obliged persons who commence an activity during the last thirty (30) days before the expiry of the period laid down in paragraph (b) shall comply within four (4) months of the publication of this Decree.
- d. Obligated persons who initiate an activity or change thereon after the expiry of the period laid down in paragraph (b) shall comply within one (1) month of such commencement or change.

Article 4 - Card acceptance terminals

- a. Payment card acceptance terminal and card payment instruments to meet the required obligation means all available devices such as wireless and wired POS terminal, mobile POS, methods and applications such as virtual POS that can be used for card acceptance, both in physical card presence and without physical card presence, i.e. distance sales:

It is understood that for the purposes of applying the above paragraph, credit transfers or direct debit as well as payments through alternative service channels such as ebanking do not constitute card acceptance terminals.

- b. Payment beneficiaries must accept card payment instruments issued by a quadri-payment system such as VISA, MASTER CARD, MAESTRO, UNION PAY and the other similar systems and it is not mandatory to accept payment instruments issued by a tripartite system:

It is understood that payment beneficiaries are compulsorily contracted with legally licensed payment service providers, as defined in the Payment Services Provision and Use and Access to Payment Systems Act, as amended or replaced and are prohibited from being contracted with entities that are not legally authorised payment service providers or their representatives.

Article 5 - Competent authority

The Competent Authority for carrying out the checks, attesting infringements referred to in paragraph 3 and imposing the administrative fines imposed under Article 50F of the Law shall be the Tax Department.

Article 6 - Obligation to inform the consumer

Payment beneficiaries who accept payment cards shall inform consumers of the acceptance of payment cards and means of payment of the payment card system in a clear manner which cannot be misinterpreted, and this information must be clearly indicated at the entrance of the store and at the cashier.



Annex

Categories of taxpayers who are obliged to accept means of payment by card in accordance with Decree 259/2021.

CAR	DESCRIPTION OF ACTIVITIES
33.12	Repair of machinery
33.13	Repair of electronic and optical equipment
33.14	Repair of electrical equipment
45.11	Sale of cars and light motor vehicles
45.19	Sale of other motor vehicles
45.20	Maintenance and repair of motor vehicles
45.32	Retail trade in motor vehicle parts and accessories
45.40	Sale, maintenance and repair of motorcycles and their parts and accessories
47.11	Retail trade in non-specialised shops selling mainly food, drinks or tobacco
47.19	Other retail trade in non-specialised shops
47.21	Retail trade in fruit and vegetables in specialised shops
47.22	Retail trade in meat and meat products in specialised shops
47.23	Retail trade in fish, crustaceans and molluscs in specialised shops
47.24	Retail trade in bread, pastries and other bakery and confectionery in specialised shops
47.25	Retailing of beverages in specialised shops
47.26	Retail trade in tobacco products in specialised shops
47.29	Retailing of other foodstuffs in specialised shops
47.30	Retail trade in motor fuels in specialised shops
47.41	Retailing of computers, peripheral computer units and software in specialised stores
47.42	Retail trade in telecommunications equipment in specialised shops
47.43	Retailing of audio and video equipment in specialised shops
47.52	Retail trade in iron, paint and glass in specialised shops
47.53	Retail trade of carpets, kilims and floor and wall coverings in specialised shops
47.54	Retail trade in electrical household appliances in specialised shops
47.59	Retail trade in furniture, luminaires and other household goods in specialised shops
47.61	Retailing of books in specialised shops
47.64	Retail trade in sports equipment in specialised shops
47.65	Retailing of toys of all kinds in specialised shops
47.71	Retailing of garments in specialised shops
47.72	Retail trade in footwear and leather goods in specialised shops
47.73	Pharmaceuticals in specialised shops



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47.74	Retail trade in medical and orthopedic articles in specialised shops
47.75	Retail trade in cosmetics and grooming in specialised shops
47.76	Retail trade in flowers, plants, seeds, fertilisers, pets and related feeding stuffs in specialised shops
47.77	Retail trade of watches and jewellery in specialised shops
47.78	Other retail trade of new items in specialised shops
55.10	Hotels and similar accommodations
55.20	Holiday and other short-stay accommodation
55.30	Campgrounds, facilities for recreational vehicles and trailers
55.90	Other properties
56.10	Restaurant and mobile catering services activities
56.30	Beverage activities
59.14	Film viewing activities
61.10	Wired telecommunications activities
61.20	Wireless telecommunications activities
61.30	Satellite telecommunications activities
69.10	Legal activities
69.20	Accounting, bookkeeping and auditing activities;
71.11	Architects' activities
71.12	Engineering and related technical advice activities
74.20	Photographic activities
75.00	Veterinary activities
77.11	Rental and rental of cars and light motor vehicles
77.12	Rental and rental of trucks
77.21	Rental and rental of leisure and sporting goods
77.22	Rent video cassettes and discs
77.29	Rent and lease other personal or household items
79.11	Activities of travel agencies
79.12	Organized travel office activities
85.20	primary education
85.31	General secondary education
85.32	Technical and vocational secondary education
85.41	Post-secondary non-higher education
85.42	Higher education
85.51	Sports and recreational education
85.53	Driver's school activities
85.59	Other training n.e.c.
86.10	Hospital activities

86.21	Activities in general medical professions
86.22	Activities in the practice of special medical professions
86.23	Dental activities
86.90	Other human health activities
87.30	Exclusive nursing home activities for the elderly and disabled;
88.91	Activities of nurseries and nurseries
92.00	Gambling and betting
93.13	Fitness facilities
93.21	Activities of amusement parks and other theme parks
93.29	Other entertainment and entertainment activities
95.11	Repair of computers and peripheral equipment
95.12	Repair of communication equipment
95.21	Repair of consumer electronics
95.22	Repair of household appliances and home and garden equipment
95.23	Repair of footwear and leather goods
95.24	Repair of furniture and household furniture
95.25	Repair of watches and jewelry
95.29	Repair of other personal and household items
96.02	Activities of hairdressers, barbershops and beauty salons

