

Healthcare, Pharma and Life Sciences newsletter

Imposition of Rebate to Medical Devices' Sales

Understanding the Rebate System for the sale of Medical Devices to Public Hospitals

In a strategic move to regulate healthcare expenditures and ensure the judicious allocation of public funds the Greek government has introduced last August, through Law 5129/2024 (art. 72), a new a rebate mechanism for medical devices and reagents procured by public hospitals. On 11 March 2025, long awaited Ministerial Decision nr. 3263/11-3-2025 has been published to further qualify the details on the imposition of said rebate to medical device sales to public hospitals. This newsletter aims to explain the key provisions of this newly introduced system.



Key Provisions

Scope of the Rebate and exceptions

The rebate applies to all sales of medical devices that are procured through public contracts, either via the National Centralised Health Procurement Authority (EKAPY) or other competent contracting authorities, or directly by the public hospitals (i.e. regardless of the supply channel).

Exception is made for capital medical equipment used for the prevention and diagnosis of diseases, or for detecting and measuring the structure or function of the body for medical purposes. The rebate is also not applicable in cases of sales through public tenders, where a savings percentage greater than 5% from the budgeted value of the tender is achieved.

Who is Affected?

The rebate system affects sales to:

- National Health System hospitals
- Decentralised units of these hospitals
- Onassis Cardiac Surgery Center
- Papageorgiou Hospital
- All other public hospitals

Calculation of the Rebate

The rebate amount for each supplier is determined based on the total turnover of each supplier to each hospital over the previous quarter, according to the following scaling range:

- For turnover from 0 to 10,000 Euro: 0%
- For turnover from 10,000 to 30,000 Euro: 3%
- For turnover above 30,000 Euro: 5%

Collection and Enforcement

The calculation, imposition and collection of the rebate is carried out by the entity that conducts the procurement. The rebate amount is calculated on the basis of the sum of the invoices' value, excluding VAT, that each supplier issues per hospital, on a quarterly basis for sale of the relevant products.

Non-Compliance Consequences

If the rebate is not paid on time, it shall be collected through the procedures outlined in the Public Revenue Collection Code (KEDE). Additionally, payment for products for which the rebate has not been paid will not be settled by the procuring entity until payment of the relevant rebate has been effected.

Payment Deadlines

The rebate must be paid by each supplier after the end of each quarter in question, following the receipt of a written or electronic notification. The deadlines for payment are:

- For the first quarter: by 31 May
- For the second quarter: by 31 August
- For the third quarter: by 30 November
- For the fourth quarter: by 28 February of the following year

Applicability

The rebate is applicable on all invoices issued for the sale of medical devices to public hospitals after 11 March 2025.

Conclusion

The above rebate system has been arguably adopted as a strategic measure to control healthcare costs. However, the operating Ministerial Decision has failed to address pressing matters that are crucial to the stakeholders of the sector, such as the unaccounted sales of products (*“atimologita”* per the Greek market terminology), the interplay with legal provisions and timelines relevant to public tenders and the fact that payment of the relevant invoices by the procuring entities is effected in practice several months after the actual sale.

Contact us



Nefelie Charalabopoulou
Partner | Head of Healthcare,
Pharma & Life Sciences

n.charalabopoulou@zeya.com

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, or stored in any retrieval system of any nature without prior permission. Application for permission for other use of copyright material including permission to reproduce extracts in other published works shall be made to the publishers. Full acknowledgement of author, publisher and source must be given. Nothing in this newsletter shall be construed as legal advice. The newsletter is necessarily generalised. Professional advice should therefore be sought before any action is undertaken based on this newsletter.

Established in 1893, Zepos & Yannopoulos is one of the leading and largest Law firms in Greece providing comprehensive legal and tax services to companies conducting business in Greece.

Tel.: (+30) 210 696.70.00 | 280 Kifissias Ave., 152 32 Halandri, Athens, Greece