

## **Proclamation No.152 /2006**

### **The Tourism Proclamation**

**Article 1. Short Title**

This Proclamation may be cited as “the Tourism Proclamation No.152/2006”.

**Article 2. Definitions,**

In this Proclamation, unless the context otherwise requires:

- fee  
and
- (1) “hotel” means an establishment or place, which provides to tourists for  
or reward sleeping accommodation with or without food or beverage  
which has no less than ten bedrooms;
  - (2) “tourist supplementary accommodation establishment” means a pension, resort, family pension, a motel, a guest house or furnished apartment a holiday village and a village inn which provides accommodation with  
or without food or beverages for tourists in return for payment.
  - (3) “restaurant and food catering establishments” means restaurants, buffets, snack bars, tearooms, table d’ hôte, fast food facilities and catering services;
  - (4) “tourist boat” means a pleasure boat available for the transport of tourists for fishing as a sport, for water-sports or pleasure generally;
  - (5) “tourist transport provider” means a person engaged in providing transportation to tourists by means of motor vehicles, including rental of cars, railway, marine vessels of 26 meters length and other means of tourist transportation as prescribed by regulations;
  - (6) “tourist” means a person who stays at least one night in Eritrea, in either private or commercial accommodation, but whose stay does not exceed twelve months and whose main purpose of visit is not to work;
  - (7) “tourism” means the business of providing travel, accommodation, hospitality  
and information services to tourists on a commercial basis and other ancillary services, which facilitate the requirements of tourists;
  - (8) “travel agent” means a person who habitually or regularly makes arrangements for other persons including the provision of the necessary airline or other transportation tickets, sometimes together with hotel

vouchers or booking, and/or sometimes together with vouchers and booking

for other services; and whose revenue is generated completely or partially

by commission paid to the travel agent by the principal;

(9) “tour operator” means a person who, on a commercial basis makes directly or indirectly an arrangement for the carriage of tourists, or the carriage of their baggage or goods by means whatsoever, or a person who makes arrangements for lodging, transport or other services relating to travel of persons within Eritrea or who arranges entertainment, sight seeing, excursions or guide services, whether such arrangements are made on the basis of comprehensive, or inclusive rate or on the basis of separate charges in respect of each service provided;

(10) “tour guide” means any person employed for a fee or a reward to guide tourists to locations, to explain and inform them about all aspects of a particular place, the country and Eritrean society in general and to help facilitate their movements and arrangements for their tour visit;

(11) “tourist entrepreneur” means a person engaged in the business of tourism service activities, or other business designated as a tourism business enterprise by the Minister and declared such by regulations;

(12) “Minister” or “Ministry “ means the Minister or Ministry of Tourism, respectively;

(13) “person” means any natural or juridical person; and

(14) “permit” means a certificate of qualification or grade issued by the Ministry under the provisions of this Proclamation.

## **Functions and Powers of the Ministry**

### **Article 3. Functions of the Ministry**

The Ministry shall have the following functions:

- (a) to develop and promote the national policy on tourism;
- (b) to prepare tourism development plans for the country, its regions and specific tourism sites, and to coordinate implementation of the plans;
- (c) to promote and coordinate all public and private sector agencies, organizations and individuals involved in tourism;
- (d) to plan and implement tourism, marketing and promotion programs to develop Eritrea as tourism destination;

- (e) to encourage people to visit Eritrea;
- (f) to encourage, develop and improve tourism in Eritrea;
- (g) to stipulate the minimum standards and requirements for establishments providing service to tourists and to regulate and control establishments providing such services;
- (h) to help conserve and protect physical environments that enhance tourist attraction;
- (i) to encourage the provision and improvement of tourist amenities and facilities in Eritrea;
- (j) to encourage investment in hotels, restaurants and tourism enterprises;
- (k) to plan and develop the manpower requirements of the tourist industry on the basis of a planned program of tourist development and to make the necessary arrangements to provide training or the required levels of knowledge and skills;
- (l) to promote and undertake tourism research and to provide technical assistance to those engaged in the tourism industry;
- (m) to encourage the development of local entrepreneurship in tourism;
- (n) to educate and inform the general public about tourism; and
- (o) to carry out any other tasks relating to tourism as may be determined by the Government.

#### **Article 4 . Powers of the Ministry**

In addition to the specific powers conferred on it by the provisions of this Proclamation, the Ministry shall have power to perform any other tasks for the purposes of discharging the functions which are incidental or conducive to the discharge of those functions and in particular, for that purpose:

- (a) in consultation with the concerned authority the Ministry to work on planning, designing standards and regulations governing the building of new tourism installations and facilities in tourism;
- (b) to levy and receive payments and/or charges where necessary for carrying out its functions;
- (c) to prescribe minimum standards and requirements for granting permits;

- (d) to permit the operation of a hotel or a tourist supplementary accommodation establishment, a catering establishment or other tourism enterprise;
- (e) to issue, renew, suspend, revoke or transfer hotel or tourist supplementary accommodation establishment, catering establishment and other tourism enterprise permits;
- (f) to impose sanctions or fines by regulation where necessary to any person providing tourist services for failure to comply with specific standards; and
- (g) to initiate any other action or program to support or strengthen the development or improvement of tourism in Eritrea.

#### **Article 5. Establishment of Regional Tourism Offices**

- (1) There shall be established regional tourism offices in every zoba.
- (2) The regional offices shall have the following functions:
  - (a) to provide a forum to address issues relating to or arising from tourism in the regions;
  - (b) to provide a forum of cooperation between the regions, municipalities and with the Ministry on matters pertaining to tourism development, implementation of the national tourism policy and other tourism-related matters;
  - (c) to provide feedback to the Ministry on tourism-related matters in the regions;
  - (d) to advise on matters referred to them by the Minister, and
  - (e) to carry out the tourism – related functions delegated by the Ministry.

#### **Article 6. Types of Permit**

The Ministry shall, in accordance with the provisions of this Proclamation, grant the following permits to any person who satisfies the standards and requirements issued by regulation:

- (1) hotel or tourist supplementary accommodation establishment;
- (2) restaurant and food catering establishment;
- (3) tour operator or travel agent;
- (4) tour guide;
- (5) operating tourist pleasure craft or boats; and
- (6) operating souvenir shop.

#### **Article 7 . Application for Permit**

- (1) Any application for the issuance, renewal or transfer of a permit shall be in

such form as may be prescribed by the Ministry and shall be completed and signed by the applicant or his agent.

- (2) A permit shall remain valid for a period of one year from the date on which it is issued, renewed or transferred.
- (3) A permit holder of a tourism enterprise shall inform the Ministry of any changes of business location or business activities which may occur during the period of validity of the permit.

#### **Article 8 . Fees**

The Minister may, by regulation, determine the fees payable for the issuance, renewal or transfer of any permit.

#### **Article 9 . Grounds for Refusal of Application and time limit for suspending**

(1) In the case of an application for the grant of a hotel or tourist supplementary accommodation, catering establishment or other tourist enterprise permit, the Ministry shall reject such application if it finds:

- (a) the location of the premises, or
- (b) the nature of the proposed use of the premises for which an application is made unacceptable.

(2) The Ministry shall, by regulation, determine the minimum standards for hotel or tourist supplementary accommodation or catering establishment or tourism enterprise permit and it shall in consultation with the concerned authority determine the minimum standards of fire, safety, hygiene and sanitation.

The Ministry shall reject an application which does not meet the standards so specified.

(3) The Ministry shall decide to accept or reject an application within 30 days of the submission thereof and it shall give reasons in writing for a rejection and return any advance payment.

(4) The Ministry may also reject applications on grounds to be prescribed in regulations.

#### **Article 10 .Transfer of a Permit**

- (1) The Ministry may allow a hotel or a tourist supplementary accommodation a restaurant and food catering establishment or other tourism business permit to be transferred to heirs or to a new owner.
- (2) Any permit transferred under sub-article (1) hereof shall be subject to the conditions on which it was originally issued.

#### **Article 11 . Suspension or Revocation of a Permit**

- (1) The Ministry may suspend a permit due to any one of the following grounds:
  - (a) if the premises in respect of which the permit was given no longer meet the standards laid down under Article 9 hereof;
  - (b) if the hotel or tourist supplementary accommodation or catering establishment or tourism enterprise has persistently failed to meet other standards and conditions laid down by regulation.
- (2) The Ministry may not order the suspension of a permit without hearing the permit holder's explanation unless, after receiving due notice of the time and place of the hearing, the permit holder fails to appear.
- (3) If the Ministry decides to order the suspension of a permit, the suspension may not be implemented until the time within which the holder may lodge an appeal expires or, if an appeal has already been lodged, until a decision of suspension is rendered.
- (4) A suspension shall remain in force until such time that the deficiencies which led to the suspension have been remedied.
- (5) Where a permit holder fails to correct the deficiencies during the period of suspension of a permit, or where any standard or condition laid down by regulation has been contravened irreparably, the Ministry may decide to revoke a permit .
- (6) Where the Ministry decides to suspend or revoke a permit, it shall so notify the Ministry of Trade and Industry in writing.

#### **Article 12. Classification of Hotels and Restaurants**

- (1) The Ministry may, by regulation, provide for the classification of hotels and restaurants in Eritrea.
- (2) Any owner whose hotel or restaurant is to be the subject of a classification

shall be entitled to make representation to the Ministry before the classification is decided, altered or cancelled.

### **Article 13. Inspection**

- (1) The Ministry shall designate inspectors with appropriate identification cards.
- (2) Any inspector of the Ministry carrying appropriate identity papers shall have the power to enter and inspect during reasonable working hours any hotel or tourist supplementary accommodation. establishment, restaurant and food catering establishment or tourism enterprise such as tour operator or travel agency, tour guide and tourist pleasure craft or boat or souvenir enterpriseship.

### **Article 14 . Judicial review**

- (1) A person aggrieved by a decision under Articles 9, 10 and 12 hereof may, within 30 days after such decision has been rendered, seek a review by the High Court of Eritrea, upon paying the required court fee. The High Court shall have exclusive jurisdiction.
- (2) The High Court shall set aside a decision which it finds:
- (a) arbitrary, an abuse of discretion, or otherwise not consistent with law; or
  - (b) not made consistent with required procedure; or
  - (c) unsupported by substantial evidence.
- (3) The decision of the High Court shall be final.

### **Article 15. Power to Issue Regulations**

The Minister may issue regulations for the implementation of the provisions of this Proclamation.

### **Article 16 . Repeal**

Any provisions of any proclamation, decree, order, legal notice or directive concerning matters provided for in this Proclamation are hereby repealed and replaced by this Proclamation

### **Article 17. Effective Date**

This Proclamation shall enter into force as of the date of its publication in the

Gazette of Eritrean Laws.

Done at Asmara, this 11<sup>th</sup> day of January, 2006  
Government of Eritrea.