

On Tourism

Law of the Republic of Belarus

Nº 326-3 of November 25, 1999

The present Law determines the principles of state policy of the Republic of Belarus in the sphere of tourism, regulates the relations originating at execution by citizens of the Republic of Belarus, foreign citizens and persons without citizenship of temporary departures (travels) into the country (place) of temporary stay with health-improving, educational and other purposes which are not contradictory to the legislator.

Chapter 1. General Provisions

Article 1. Basic Terms Used in the Present Law

In the present Law the following basic terms are used:

tourism – temporary departure (travel) of citizens of the Republic of Belarus, foreign citizens and persons without citizenship (hereinafter – citizens) with health-improving, educational, professional-business, sporting, religious and other purposes which are not contradictory to the legislation, into the country (place) of temporary stay without any engagement therein in paid activities;

home tourism – travels within the limits of the Republic of Belarus of citizens living in its territory;

entrance tourism – travels within the limits of the Republic of Belarus of citizens who are not living in its territory;

tourism within the limits of the country – home and entrance tourism;

exit tourism – travels outside the limits of the Republic of Belarus of citizens who are living in its territory;

social tourism – travels subsidised from the assets allocated by the state on social needs;

amateur tourism – travels organised by tourists themselves;

ecological tourism – travels executed with the purpose of ecological upbringing and education of tourists;

a tourist – a citizen visiting a country (place) of temporary stay for the period from 24 hours to 6 months, or spending at least one night with health-improving, educational, professional-business, sporting, religious and other purposes without being engaged in paid activities;

tourist activities – activities of a tourist operator or a tourist agent, and also activities of public tourist associations, children and youth tourist institutions, educational institutions and enterprises on organisation of travels;

tourist resources – natural, historical, social-cultural sites satisfying spiritual demands of tourists and contributing to restoration and improvement of their health;

tourist industry – a set (combination) of hotels and other sites, buildings for accommodation of tourists, transportation facilities, places of public nourishment, sites and means of entertainment, sites of educational, health-improving, business, sporting and other destination, organisations executing tourist activities;

tourist product – a complex of services needed to satisfy demands of a tourist, provided during his/her tourist travel and in connection with this travel;

tourist service – result of activities of a travel operator, travel agent, public tourist associations, children-youth tourist institutions, educational institutions and enterprises directed at satisfaction of a respective demand of a tourist in a travel;

advancement of a tourist product – a complex of measures, directed at sale of a tourist product, including advertising, participation in specialised exhibitions, fairs, organisation of information centers, publication of catalogues, booklets, etc.;

tourist market – sphere of circulation of a tourist product;

travel operator – an entity of entrepreneurial activities executing on the basis of a licences development and advancement of a tourist product, intended for mass and personal consumer demand, and also its sale to travel agents and tourists;

travel agent – an entity of entrepreneurial activities executing on the basis of a licences advancement and sale of a tourist product and respective tourist services;

tourist voucher – a document fixing the whole complex of services provided by a travel operator or a travel agent to each other or to a tourist (to a group of tourists);

travel agreement – an agreement between a travel operator or (and) a travel agent and a tourist about establishment, change or termination of civil rights and duties concerning sale and purchase of a tourist product;

insurance policy – a document issued by the insurer to the tourist (the insurant) as a confirmation of the contract of insurance concluded between them.

Article 2. Legislation on Tourism

Relations in the sphere of tourism are regulated by the present Law and other acts of the legislation of the Republic of Belarus.

Chapter 2. State Regulation of Tourist Activities

Article 3. Principles of State Regulation of Tourist Activities

The main principles of state regulation of tourist activities are as follows:

contributing to tourist activities and creation of favourable conditions for development of them;
definition and support of priority directions of tourist activities;
formation of an image of the Republic of Belarus as a country, favourable for tourism;
protection of rights of tourists and support of travel operators, travel agents of the Republic of Belarus and their associations.

Article 4. Aims, Priority Directions and Ways of State Regulation of Tourist Activities

The basic aims of state regulation of tourist activities are as follows:

guarantee of rights of citizens for rest, freedom of movement and other rights implemented in the sphere of tourism;

development of the tourist industry as one of priority branches of economy ensuring satisfaction of demands of tourists, creation of new jobs, development of international contacts, rational usage of tourist resources;

protection of the environment;

creation of conditions for activities, directed at upbringing, education and improvement of health of tourists.

Priority directions of state regulation of tourist activities are support and development of tourism within the limits of country.

The state regulation of tourist activities is carried out by the following ways:

creations of preferential conditions for children and youth to go in for tourism, as well as for development of social, ecological and amateur tourism;

contributing to advancement of the tourist product created by domestic producers;

contributing to participation of tourists, travel operators, travel agents of the Republic of Belarus and their associations in international tourist programs;

licensing of travel operator and travel agent activities, certification of tourist products;

establishment of rules of entrance, departure and stay in the territory of the Republic of Belarus with account of the interests of development of tourism;

contributing to the cadre and scientific support of the tourist industry.

The state regulation of tourist activities is carried out also in other ways applied in the order, established by the legislation.

The Republican body of state management in the sphere of tourism carries out the coordination of tourist activities in the Republic of Belarus.

Article 5. Representations of the Body of State Management in the Sphere of Tourism Abroad

For contributing to advancement of the tourist product created by domestic producers, the Republican body of state management in the sphere of tourism may create representations abroad.

The conditions of creation, execution of activities and termination of such representations are determined in the order established by the Council of Ministers of the Republic of Belarus.

Article 6. Licensing of Travel Operator and Travel Agent Activities, Certification of Tourist Product

For protection of rights and legitimate interests of tourists, licensing of the travel operator and

travel agent activities, certification of the tourist product are made.

The order of issuance, conditions of operation, and also the order of suspension and termination of the licence to execute any given type of activities are established by the legislation of the Republic of Belarus.

The data about travel operators and travel agents that have received licences for implementation of tourist activities are entered into the State Roll of Travel Operators and Travel Agents.

Organisation and execution of works concerning certification of the tourist product, and also running of the State Roll of Travel Operators and Travel Agents are carried out by the Republican body of state management in the sphere of tourism on conditions and in the order, defined by the legislation of the Republic of Belarus.

Chapter 3. Formation, Advancement and Sale of Tourist Product

Article 7. Formation, Advancement and Sale of Tourist Product

The tourist product is formed proceeding from the conjuncture of the tourist market or following particular orders of tourists.

A travel operator acquires the right for services that are making a part of the tourist product, on the basis of agreements ensuring rendering of all types of services, included in the tourist product.

At advancement of the tourist product the travel operator and the travel agent bear responsibility for veracity of information about the tourist product pursuant to the legislation. If the written information on the tourist product contains all the essential terms of the contract, foreseen by the Civil Code of the Republic of Belarus, and by the present Law, and is documented as a proposal, from which the will of the travel operator or a travel agent is seen to conclude an agreement on conditions indicated in the proposal, with anyone, whoever will respond, such proposal is considered to be an offer (a public offer).

A particular order of a tourist or a person authorised in a simple written form to represent a group of tourists, on formation of the tourist product is made out in writing as an agreement having the nature of a preliminary contract.

Article 8. Sale of the Tourist Product

Sale of the tourist product is carried out on the basis of the tourist agreement (hereinafter – the agreement), concluded between a travel operator and (or) a travel agent and a tourist. The form and conditions of the model agreement are determined by the Council of Ministers of the Republic of Belarus.

Among the essential conditions of the agreements are the following:

information about the travel operator and (or) the travel agent, including the data about the availability of the licence for implementation of tourist activities, their legal addresses and banking requisites;

information about the tourist in the volume necessary for sale of the tourist product;

reliable information about the consumer properties of the tourist product, including the information on the program of stay and route of travel, about conditions of security of tourists and results of certification of the tourist product;

date of start and termination of travel;

retail price of the tourist product and the order of payment for it;

order of reception (meeting), accompanying and seeing off the tourists;

rights, duties and liabilities of the parties;

conditions of medical insurance and assistance;

minimum number of tourists in a group necessary to make a travel, indication of the dates, and the order of informing the tourist about the fact that the travel may not take place because of shortage of the members of the group;

conditions of changing and termination of the agreement, order of settling of any disputes arising and indemnity of the losses of the parties;

order and dates of moving claims by the tourist to the travel operator or travel agent, dates and procedure of settlements.

Other conditions of the agreement are determined upon the consent of the parties. Particular conditions of travel, retail price of the tourist product are indicated in the tourist voucher issued to the tourist or to a group of tourists by the travel operator or travel agent. The tourist voucher is the integral part of the agreement, and also a document of operating book keeping of the

activities of the travel operator and travel agent.

The retail price of the tourist product may not be changed, until the tourist has not been presented in what way it was calculated, and without the consent of the tourist to the fact.

The cost of the tourist product may not be increased twenty days prior to the beginning of the travel.

In case a travel operator or a travel agent are forced to change, less than twenty days prior to the beginning of the travel, one of essential conditions of the agreement, they must notify the tourists about it, in order to make it possible for them to take a decision about cancellation of the agreement without any penalty, or about their consent with the appendix to the agreement which is taking into account the changes of the cost of the tourist product.

In case after the beginning of the travel, part of services indicated in the agreement has not been provided, or the travel operator or travel agent are not capable to render a part of the foreseen services, they are obliged to provide, upon the consent of the tourists, alternative versions on the charge-free basis for prolongation of the travel, and if necessary – to repay them the balance in the cost of the ordered and provided services.

Article 9. The Order of Changing and Terminating of the Agreement

Each of the parties shall have the right to demand changing or terminating of the agreement in connection with essential changes of the circumstances, from which the parties proceeded when concluding the agreement.

To essential changes of circumstances the following may belong:

- change of dates of the travel;
- shortage of the minimum number of tourists in the group, indicated in the agreement that is needed for making the travel;
- unexpected growth of traffic rates;
- introducing the new or increasing the current rates of taxes and collections.

Chapter 4. Rights and Duties of Travel Operators, Travel Agents, Other Organisations Executing Tourist Activities, and Tourists

Article 10. Duties of Travel Operators, Travel Agents, Other Organisations Executing Tourist Activities

The travel operator and travel agent bear responsibility before the tourists for non-fulfilment of liabilities indicated in the agreement, irrespective of the fact, whether these liabilities are executed by a travel operator, a travel agent or any other person rendering the tourist product, except the claims for the right of the travel operator and travel agent to hire other persons for rendering of the tourist product.

The travel operator and travel agent bear responsibility for any losses caused to the tourists as a result of non-fulfilment or inadequate fulfilment of the conditions of the agreement, except for the cases, when the non-fulfilment of the conditions of the agreement is caused by force majeure circumstances.

Travel operators and travel agents are obliged to undertake all the measures for observance of the rights and freedoms of tourists, ensuring safety and free travel in the country (place) of temporary stay, and also safety of personal property.

Travel operators and travel agents are obliged to provide tourists with exhausting information about the features of travels, and also about any imminent dangers during travels and to undertake preventive measures, directed at insuring safety of tourists.

The duties of public tourist associations, children and youth tourist institutions, educational institutions and enterprises originating during implementation by them of tourist activities, are regulated by other acts of legislation.

Sending tourists to the regions and countries declared in the established order dangerous in relation to infectious diseases is forbidden. The tourists who happen to be in such localities as on the moment of such declaration, must be duly notified about any sources connected with infectious diseases, about prophylactic measures and measures and personal hygiene, rules of rendering of the first aid.

Article 11. Rights of Tourists

Pursuant to the present Law, other acts of legislation of the Republic of Belarus, when preparing for the travel, and also during the travel, a tourist has the following rights:

to have a reliable information about rules of entrance into the country (place) of temporary stay, about customs of local population including those connected with religious rites, about artistic, archaeological, cultural, natural and other sites put under special guarding;

freedom of travel, free access to tourist resources with account of restraining measures adopted in the country (place) of temporary stay;

ensuring of personal safety, protection of consumer rights, safety of their property, receiving of emergency medical aid;

unobstructed use of communications facilities;

ensuring of the quality of services pursuant to the agreement and to the announced information about their consumer properties;

compensation of losses caused as a consequence of non-fulfilment of the conditions of the agreement by the travel operator or travel agent in the order, established by the legislation.

In case of changing of essential conditions of the agreement by the travel agent or travel operator without consent of the tourist, the latter shall have the right, upon his/her discretion, to demand the following:

fulfilment of conditions indicated in the agreement and the tourist voucher;

indemnity of losses and compensation of moral damage caused as a result of changing essential conditions of the agreement;

cancellation of the agreement and indemnification of losses.

Article 12. Duties of Tourists

During preparation and undertaking of travel, a tourist is obliged:

to present information about him/herself in the volume necessary for sale of the tourist product;

to respect the political order, social system, traditions, religious customs of the country (place) of temporary stay;

to observe the legislation of country (place) of temporary stay;

to observe the established norms and regulations of protection of environment, monuments of history and culture;

to observe the rules of entrance, exit and stay in the country into which the travel is made, and also in transit countries;

to observe the rules of personal safety during the travel.

Chapter 5. Tourist Resources of the Republic of Belarus, State Cadastre of Tourist Resources

Article 13. Tourist Resources of the Republic of Belarus

The order of referencing of any resources to the tourist ones, and also the order of running the State Cadastre of Tourist Resources are determined by the Council of Ministers of the Republic of Belarus.

Classification and estimation of tourist resources, the mode of protecting them, the order of preserving the integrity of tourist resources and the measures of restoring them, the order of using tourist resources with account of limit permissible loads on the environment, are determined pursuant to the legislation of the Republic of Belarus.

Article 14. State Cadastre of Tourist Resources

The State Cadastre of Tourist Resources contains information about the status of these resources, about their geographic position and boundaries, about land use, scientific, economical, historical, ecological and cultural value, as well as about the mode of guarding them.

Chapter 6. Safety of Tourists

Article 15. General Issues of Safety in the Sphere of Tourism

As safety in the sphere of tourism, we understand the personal security of tourists, safety of their property, causing no damage to the environment when undertaking travels.

The Republican body of state management in the sphere of tourism informs the travel operators and the public about countries (regions, localities) travels to which causes any threat to security of tourists for the time being.

Article 16. Protection of the Interests of Belarussian Tourists Abroad in Case of Emergency

In case any emergency (extraordinary) situation appear, the state shall take measures to protect the interests of Belarussian tourists outside the borders of the Republic of Belarus, including measure of evacuating them from the country (place) of temporary stay.

Article 17. Specialised Services for Ensuring Safety of Tourists

Rendering of the necessary help to the tourists who are suffering any disaster within the limits of the territory of the Republic of Belarus is carried out by specialised services, defined by the Council of Ministers of the Republic of Belarus.

Article 18. Insurance in the Sphere of Tourism

In case the legislation of the country of temporary stay establishes requirements of provision of warranties of repayment of the medical aid rendered to tourists, the travel operator or travel agent are obliged to provide such warranties. Insurance of tourists in case of a sudden disease and against accidents is the basic form of rendering of such warranties.

The insurance policy should envisage payment of any medical aid rendered to tourists and refunding of their expenditures suffered in case of an onset of an insured accident directly in the country (place) of temporary stay.

The insurance policy or its copy, certified in the established order, are issued to the tourist prior to his/her departure to the country (place) of temporary stay.

Chapter 7. Concluding Provisions

Article 19. Enactment of the Present Law

The Present Law enters into force from the date of its publication.

Article 20. Bringing Acts of Legislation into Conformity with the Present Law

The Council of Ministers of the Republic of Belarus shall:

prepare and introduce in the established order into the Chamber of Representatives of the National Assembly of the Republic of Belarus proposals concerning bringing the legislative acts of the Republic of Belarus into conformity with the present Law;

bring the decisions of the government of the Republic of Belarus into conformity with the present Law;

ensure revision and cancellation by the Republican bodies of state management subordinate to the Council of Ministers of the Republic of Belarus of their normative acts contradicting to the present Law;

ensure adoption of the normative acts that are necessary for implementation of the present Law.

* unofficial translation *