

LAW FOR TOURISM

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Chapter I. GENERAL

Art. 1. The law settles the organisation and the management of tourism.

Art. 2. The objective of the law is:

1. to provide conditions for development of tourism as a priority branch;
2. to introduce unified criteria for the practices of tourism;
3. to provide protection of the users of the tourist product;
4. to determine the rights and the obligations of the persons related to tourism;
5. to stipulate the control over the tourist activities.

Art. 3. (1) The law shall regulate tourism as a combination of specific economic activities, trips, participation in cultural events, forums and others, carried out on tourist sites and directed toward creation, offering, implementation and consumption of commodities and services forming the tourist product.

(2) Tourist activities are:

1. the tour operation activity and tour agency activity;
2. hotel and restaurant keeping;
3. providing additional tourist services.

(3) Tourist sites are:

1. the shelter places - hotels, motels, villa and tourist settlements;
2. the accommodation places - boarding houses, recreation homes, family hotels, individual rooms, villas, houses, bungalows, camping sites and tourist huts;

3. food and entertainment establishments - restaurants, fast food establishments, public houses, cafes and bars;
4. the places of tour operation and tourist agency and information services;
5. the centres and the places for offering and using tourist services: balneological, sport, entertainment and floor show places, etc.;
6. the museums, reservations, cultural monuments and monuments of the historical heritage according to the Law for the cultural monuments and museums, as well as the cultural institutes according to the Law for protection and development of culture;
7. the national parks, the natural parks, the reservations, the protected areas and natural landmarks according to the Law for the protected territories.

(4) Tourism is:

1. holiday;
2. cultural;
3. ecological;
4. health and balneological;
5. sport;
6. rural;
7. other.

Art. 4. The state shall carry out its tourism policy by:

1. assisting its development as a priority branch of the national economy;
2. creating normative basis for its development in compliance with the international norms, rules and usual practice;
3. providing financially and implementing national advertising of the tourist product;
4. creating conditions for development of the cultural tourism;
5. carrying out management and control of the quality of tourism;
6. carrying out the inter-governmental cooperation in tourism.

Chapter II.

BODIES OF MANAGEMENT

Section I. State bodies

Art. 5. The Minister of Economy shall implement the state policy in tourism by:

1. working out a strategy and short-term programmes for development of tourism;
2. coordinating the activity of the ministries and administrative bodies;
3. establishing a Central Expert Commission for licensing and categorisation with the participation of representatives of the nationally represented tourist associations;
4. issuing licences for tour operation and tourist agency upon proposal of the Central Expert Commission for licensing and categorisation;
5. categorising the tourist sites upon proposal of the Central Expert Commission for licensing and categorisation in the cases stipulated by the law;
6. organising and coordinating the management and control of the quality in tourism;
7. organising the creation and maintenance of a national tourist register;
8. organising and controlling the carrying out of a national advertising in the sphere of tourism and assisting the tourist associations in promoting the tourist product on the international and home market;
9. managing the National Council of Tourism and approving the annual programme for national advertising adopted by it;
10. creating, maintaining and renovating the unified system of tourist information;
11. controlling the activity of the Commission for trade and protection of the consumers and of the Executive Agency for national tourist advertising and information;
12. assisting the creation and maintenance of the infrastructure and informational and reservation systems related to tourism;
13. assisting the attraction of foreign investments and the implementation of projects for development of tourism on national, regional and local level;
14. carrying out international cooperation and representing the country before the international organisations in the sphere of tourism;
15. coordinating the creation of a unified system of training and improvement of the qualification of the personnel in tourism, jointly with the Minister of Education and Science, the Minister of Culture and the Minister of Labour and Social Policy;

16. determining the centres and the places of offering and using balneological and other medical services jointly with the Minister of Health.

Art. 6. (1) The regional governor shall implement the state policy in tourism on the territory of the region by:

1. organising, jointly with the tourist associations, the working out of a strategy and programmes for the development of tourism and coordinating their implementation; the strategy and the programmes shall be a part of the regional plan for regional development and shall be worked out on the basis of the national priorities for development of tourism, as well as of the local and regional tourist resources and needs;

2. coordinating with the mayors in the region and with other regional governors in the region the implementation of the National Programme for development of tourism.

(2) The regional council for regional development, according to the Law for the regional development, shall assist the regional governor in fulfilment of his functions according to this law.

Section II. National Council of Tourism. Agency for national tourist advertising and information

Art. 7. (1) Established is National Council of Tourism as a governmental and public consultative and coordination body of the Minister of Economy.

(2) Chairman of the National Council of Tourism is the Minister of Economy or an official authorised by him.

(3) The Minister of Economy shall appoint the representatives of the government in the National Council of Tourism in coordination with the heads of the respective state administrative bodies.

(4) Participating in the National Council of Tourism shall be representatives of:

1. the government, appointed by the order of para 3;

2. tourist associations determined under conditions and by an order of the regulations under art. 8;

3. associations of air, land and water carriers determined under conditions and by an order of the regulations under art. 8;

4. nationally represented associations of the consumers in the Republic of Bulgaria determined under conditions and by an order of the regulations under art. 8;

5. the National Association of the Municipalities in the Republic of Bulgaria.

(5) The National Council of Tourism shall:

1. propose to the Minister of Economy the annual programme for spending the resources of the state financial support of the development of tourism;
2. work out and adopt a programme of the national advertising in the sphere of tourism and propose it for approval by the Minister of Economy;
3. coordinate the implementation of the national advertising in the sphere of tourism;
4. adopt and propose to the Minister of Economy for approval the annual report of the executive director of the Executive Agency for national tourist advertising and information for fulfilment of the programme for national advertising;
5. discuss and propose to the Minister of Economy worked out concepts and programmes for development of the tourism in the country;
6. give opinion on draft normative acts and make proposals for their amendment, supplement or revoking;
7. discuss issues related to the creation and maintenance of the tourist infrastructure and attraction of foreign investments in tourism;
8. discuss the readiness of the Bulgarian air carriers for fulfilment of their charter programmes;
9. discuss the preparation for the tourist seasons and the results from them;
10. discuss the results from the activity of the bodies assigned to whom is the control in the tourism and the related activities and give opinion for the improvement of the work of the control bodies;
11. discuss issues and give recommendations for improvement of the protection of the users of tourist services.

Art. 8. (1) The Minister of Economy shall determine the number of the members of the National Council of Tourism and shall issue regulations for its organisation and activity.

(2) The representatives under art. 7, para 4, item 2 - 5 shall represent a total of the half of the members of the National Council of Tourism.

(3) The National Council of Tourism shall adopt its decisions by a majority of more than half of the total number of the members.

Art. 9. (1) Established is Executive Agency for national tourist advertising and information with the Minister of Economy with the following tasks:

1. fulfilment of the programme for national advertising;

2. carrying out methodological management and coordination of the activity of the regional and local tourist information centres;
3. creation and maintenance of a national electronic system for tourist information;
4. coordination of the activity of the Bulgarian cultural institutes, missions and associations abroad for promotion of the Bulgarian cultural and historic heritage.

(2) The Executive Agency for the national tourist advertising and information is a corporate body at budget support with headquarters in Sofia.

(3) The activity, the structure, the organisation of the work and the personnel of the Agency shall be determined by structural regulations adopted by the Council of Ministers upon proposal of the Minister of Economy.

Section III. Bodies of the local independent government and local administration

Art. 10. (1) The municipal council shall adopt a programme for development of tourism on the territory of the respective municipality in compliance with the priorities of the national strategy and in compliance with the local tourist resources and needs.

(2) The mayor of the municipality shall:

1. work out a programme for the development of tourism in the municipality jointly with the tourist associations and with other non-profit corporate bodies related to the development of tourism;
2. establish a consultative council for the issues of tourism with representatives of the local administration, the tourist associations, other non-profit corporate bodies related to the development of tourism, associations of the local business and of the consumers;
3. establish a municipal expert commission for categorisation of the tourist sites of which half of the members are representatives of tourist associations operating on the territory of the municipality, if any;
4. categorise the tourist sites according to art. 52, para 1 upon proposal of the municipal expert commission for categorisation;
5. create and maintain a register of the sites on the territory of the municipality categorised by him;
6. certify the registers of the accommodated tourists of persons carrying out tourist activity as hotel keepers on the territory of the municipality;
7. assist the advertising of the tourist product of the municipality;

8. organise the information services for tourists, including through creation of tourist information centres or bureaux;
9. assist the maintenance and preservation of the natural and cultural-historic sites on the territory of the municipality;
10. exercise control over the observation of the law and of the normative acts for its implementation;
11. assist the state bodies in implementing the policy in tourism and exercising the control over the quality of the tourist product on the territory of the municipality.

Section IV. Tourist associations

Art. 11. (1) Established in the Republic of Bulgaria can be tourist associations registered as non-profit corporate bodies.

(2) The associations under para 1 shall be established on territorial and professional principle and they can be:

1. national, regional and local associations;
2. branch and product associations.

Art. 12. (1) The tourist associations, in compliance with their statutes, shall:

1. represent and defend the interests of their members before the respective bodies of the central and local administration and of the local independent government;
2. participate in the development of strategies and programmes for development of tourism on national scale, on the territory of the region and of the municipality and assist their implementation;
3. assist the advertising of the tourist product;
4. assist the creation and functioning of tourist information centres or bureaux;
5. participate in the categorisation of the tourist sites;
6. participate in the licensing of persons for carrying out tourist activities;
7. assist the improvement of the professional qualification of the personnel engaged in tourism;
8. participate in the control over the observing of the normative acts in the sphere of tourism;

9. stipulate the professional ethics in tourism and non-admission of disloyal competition between and regarding their members and approach the competent bodies regarding the committed offences of the legislation.

(2) Tourist association, registered as a non-profit association for carrying out socially useful activity, shall spend its property for the development and strengthening of tourism.

(3) The tourist associations shall assist the work of the state and local bodies in implementing the policy in the sphere of tourism and in the management and control of the quality of tourism.

Art. 13. The state bodies and the bodies of the local independent government and local administration shall render assistance to the tourist associations for the fulfilment of their objectives.

Art. 14. The tourist associations shall submit at the Ministry of Economy documents for registration, legitimising them as such, according to the requirements for entry in the National Tourist Register.

Chapter III.

FINANCIAL PROMOTION OF THE DEVELOPMENT OF TOURISM

Art. 15. (1) The state shall promote financially the tourism by providing resources for:

1. national advertising in the sphere of tourism;
2. control over the quality of the tourist product;
3. unified system of tourist information;
4. unified system of training and qualification of the personnel engaged in tourism;
5. analyses and prognoses for the condition and development of tourism;
6. sociological studies in the sphere of tourism on national level;
7. participation in projects of international programmes.

(2) The resources under para 1 shall be submitted annually through the budget of the Ministry of Economy as follows:

1. subsidy from the central budget;
2. revenue from:
 - a) fees for licensing tourist activities and for categorisation of tourist sites;

b) fines and proprietary sanctions under this law imposed by the chairman of the Commission for trade and defence of the consumers;

c) interests;

d) other resources determined by a normative act.

(3) The resources for the development of tourism shall also be provided by donations and aid, as well as by international programmes and agreements.

(4) The resources under para 2 and 3 shall be spent on the grounds of the annual programme adopted by the National Council of Tourism and approved by the Minister of Economy.

(5) The annual programme shall be adopted by the National Council of Tourism by the end of May of the preceding year.

Art. 16. (1) By a decision of the municipal council the municipality shall create a municipal fund for development of tourism.

(2) The resources of the fund under para 1 shall be raised by a decision of the municipal council from:

1. the tourist fees determined by the order of the Law for the local taxes and fees collected on the territory of the municipality, paid for spending the night in shelters or in accommodation places;

2. the fines and proprietary sanctions under this law imposed by the mayor of the municipality;

3. the fees for categorisation of tourist sites according to art. 55, para 4;

4. resources submitted for fulfilment of expedient programmes and projects;

5. donations and aid, resources of international programmes and agreements when they are not due to the state budget;

6. interests;

7. other sources.

(3) The resources under para 2 shall be spent in fulfilment of the Municipal Programme for development of tourism.

Chapter IV.

CONDITIONS AND ORDER OF CARRYING OUT TOURIST ACTIVITIES

Section I. Tour operator's and tourist agent's activity

Art. 17. (1) Tour operator's or tourist agent's activity on the territory of the Republic of Bulgaria shall be carried out only on the basis of a licence issued by an order of the Minister of Economy.

(2) The licence under para 1 shall be termless.

(3) The licence under para 1 cannot be ceded or transferred.

(4) Issued to the licensed persons shall be a licence and a sticker which shall be shown in a visible place of the tourist site.

(5) Joint activity of two or more persons can be carried out when each of them holds licence for carrying out the respective tourist activity.

Art. 18. (1) The order of issuing, refusing, termination and withdrawal of licences for tour operator's or tourist agent's activity shall be settled by an ordinance adopted by the Council of Ministers.

(2) Fees whose size shall be determined by a tariff adopted by the Council of Ministers shall be paid for the issuance of licences by the order of the law.

Art. 19. (1) Licence for tour operator's or tourist agent's activity shall be issued to a person applying for that and:

1. who is entrepreneur in the context of the Commercial Law or who is a corporate body having the right, by virtue of another law, to carry out economic activity;
2. whose personnel carrying out tour operator's or tourist agent's activity meets the requirements for education, foreign language qualification and time of service determined by the ordinance under art. 18, para 1;
3. who has provided suitable premises for carrying out tour operator's or tourist agent's activity meeting the requirements determined by the ordinance under art. 18, para 1;
4. who has submitted recommendations by a nationally represented tourist association of persons carrying out tour operator's or tourist agent's activity;
5. who is not under proceedings for liquidation or bankruptcy;
6. who has not carried out tour operator's or tourist agent's activity without a licence during the last 12 months;
7. whose licence for tour operator's or tourist agent's activity has not been withdrawn during the last 12 months.

(2) If the person applying for licence does not present recommendation according to para 1, item 4 the licensing body shall require it ex-officio. If the tourist association does not issue recommendations within 14 days from requesting it the documents filed by the person shall be considered valid.

(3) A person who has received a written notification for issued order for licence for tour operator's activity must present to the licensing body a concluded insurance contract according to art. 42 at the time of receiving a licence and a sticker.

(4) The persons holding licence for tour operator's activity can carry out tourist agent's activity without an individual licence if they meet the requirements determined by the ordinance under art. 18, para 1.

Art. 20. The Minister of Economy shall issue or refuse the issuance of licence for tour operator's or tourist agent's activity by an order upon proposal of the Central Expert Commission for licensing and categorisation within 3 months from the date of filing the application by the person.

Art. 21. (1) The Minister of Economy shall refuse to issue licence for lack of some of the conditions under art. 19, para 1 by motivating his refusal in writing.

(2) The order of the Minister of Economy for refusal to issue licence for tour operator's or tourist agent's activity can be appealed by the order of the Law for the Supreme Administrative Court.

Art. 22. The licence for tour operator's activity or tourist agent's activity shall be terminated:

1. upon request of the licensed person;
2. upon termination of the corporate body;
3. upon termination of the economic activity of the person;
4. because of death of the individual - sole entrepreneur;
5. upon declaring the person bankrupt;
6. if the person, within 6 months from filing the application, does not appear to receive a licence and a sticker.

Art. 23. (1) The licence for tour operator's activity or tourist agent's activity shall be withdrawn for:

1. established non-compliance with the requirements of art. 19, para 1;
2. not observing the requirements of art. 42;

3. conclusion of contract with not licensed tour operator, tourist agent or carrier;
4. conclusion of contract with a person keeping hotel or restaurant in a tourist site which is not categorised;
5. conclusion of contract for carrying out tourist activity with foreign hotel keepers, restaurant keepers, tour operators or tourist agents who have not certified their right to carry out the respective tourist activity according to his national legislation;
6. issuance of a document of false contents in carrying out tourist activities when it is established by a court order;
7. repeated violation of the requirements for carrying out tour operator's or tourist agent's activity;
8. violation of the Bulgarian legislation settling the entry, stay and exit of foreign tourists on the territory of the Republic of Bulgaria.

(2) The order of the Minister of Economy for withdrawing a licence can be appealed by the order of the Law for the Supreme Administrative Court.

Art. 24. (1) In carrying out tour operator's or tourist agent's activity on the territory of the country the tour operator or tourist agent shall conclude contracts with licensed tour operators, tourist agents, insurers, as well as with persons keeping hotels and restaurants in categorised tourist sites.

(2) The tour operator or tourist agent shall conclude with the tourist, on behalf and for the account of a licensed insurer, obligatory insurance "medical expenses related to disease and accident of the tourist" for trips outside the country.

(3) For conclusion of the insurance under para 2 an insurance agent in the context of the Law for the insurance can also be a corporate body.

Art. 25. (1) The tourist voucher shall be issued for internal and outgoing tourism only by a licensed tour operator.

(2) The tourist voucher can also be submitted to the tourist by a tourist agent only on behalf and for the account of a licensed tour operator.

(3) The tourist agent shall not have the right to issue his own tourist voucher.

(4) The tourist voucher shall be issued to the tourist upon payment of the tourist trip.

(5) The tourist voucher shall be issued in no less than three copies and shall contain the following obligatory details:

1. number and date of issuance of the voucher;

2. company of the tour operator - issuer of the voucher;
3. number of the licence of the tour operator;
4. number of the licence for tourist agent's activity of the person representing the tour operator;
5. name of the tourist;
6. a list of the prepaid services included in the tourist trip;
7. date of fulfilment of the first and last service;
8. counter agents of the services;
9. number and date of a document certifying the payment by the user;
10. signature of the employee and seal of the issuer.

Art. 26. In the tourist sites for carrying out tour operator's and tourist agent's activity shall be carried out only activities directly or indirectly related to the offering of basic and additional tourist services.

Section II. Organised group and individual tourist trips at common price

Art. 27. (1) The provisions of this section settle the conditions and the order of carrying out organised group and individual tourist trips at common price (organised trips).

(2) Programmes for organised trips shall be offered only by licensed tour operators and/or licensed tourist agents.

Art. 28. (1) The information submitted by the tour operator or tourist agent regarding organised trips, their price and regarding all other terms of the contract must be precise and complete and must not mislead the user.

(2) The tour operator or tourist agent shall submit to the user information in writing which shall contain:

1. the price announced in levs and the way of payment;
2. used transport vehicles and their category;
3. initial and final date of the trip;
4. initial, end point and route of the trip;

5. location, category and kind of the tourist site;
6. number of nights to be spent included in the tourist trip;
7. number and kind of the meals included in the tourist trip;
8. minimal number of participants, where necessary for the fulfilment of the trip, and deadline for notification of the user if this number is not achieved;
9. general information about the passport and visa regime, as well as information regarding the medical and sanitary requirements related to the trip;
10. name of the insurance company with whom the insurance contract under art. 42 has been concluded.

(3) The information under para 1 must be clear, precise and legibly written.

(4) The tour operator shall be bounded with the information expressed in writing and cannot change it except in the cases when:

1. explicitly stipulated is a possibility of introducing changes to it and the user has been informed about them before the conclusion of the contract;
2. the changes have been introduced subsequently upon agreement between the parties.

(5) The tour operator or tourist agent shall be obliged to submit, before the conclusion of the contract, to the user in writing or in other suitable way information regarding the passport and visa regime and the deadline for receiving the necessary documents, as well as information regarding the medical and sanitary requirements related to the trip and the stay.

Art. 29. (1) The tour operator or tourist agent must submit in writing to the user all terms of the contract before its conclusion.

(2) The obligation for submission of information under para 1 and art. 28, para5 shall not apply for making reservations and conclusion of contract for organised trip at the last moment.

Art. 30. (1) By the contract for organised trip the tour operator shall oblige himself to provide a tourist trip at a common price t the user against payment of a definite price.

(2) The contract for organised trip shall be concluded in writing and a copy of it shall be submitted to the user.

(3) The contract must contain:

1. date and place of conclusion;

2. company, headquarters, address of management, number of the licence of the tour operator and/or tourist agent, as well as name, address, UCC, data from the personal document of the user;

3. used transport vehicles, their category and identification signs, date and hour of departure and return from the starting and end point and the route of the trip, time of arrival and duration of stay;

4. location, type of the tourist sites, their category and number of nights to be spent when the trip includes staying at night;

5. type and category of the food and entertainment establishment, number and kind of meals included in the tourist trip;

6. visits, excursions, transfers and other services included in the common price;

7. special requirements of the user declared by him before the conclusion of the contract for which an agreement has been reached between the parties to the contract;

8. common price announced in levs of all services included in the contract, other payments not included in the price, term and way of payment;

9. possibility of changing the price, the order and the way by which it shall be recalculated in the cases of art. 34, para 1;

10. deadline by which the user shall have the right to refuse the contract without owing forfeit or indemnification, as well as deadline by which the user must inform the tour operator or tourist agent that he cedes his trip to a third person;

11. size of the forfeit owed by the user to the tour operator in case of refusing the contract after the term of item 10;

12. minimal number of participants if such is necessary for the fulfilment of the trip and deadline of informing the user when this number is not achieved and the trip can be cancelled;

13. obligation to inform the user about his rights under art. 35, para 1;

14. requirements for the form, the way and terms by which the user has the right to claims in case of non fulfilment or incorrect fulfilment of the contract;

15. company and address of the insurer with whom the tour operator has concluded the insurance contract under art. 42.

(4) The tour operator cannot refer to the lack of a detail in the contract.

(5) The contract shall contain information regarding the essential elements of the concluded obligatory insurance "medical expenses related to a disease or accident of the tourist" for trips outside the country.

(6) The tour operator or tourist agent shall submit to the user an original copy of the insurance policy for insurance "medical expenses related to a disease or accident of the tourist" before the beginning of the trip.

Art. 31. The contract for organised trip cannot contain unequal clauses in the context of art. 35 and subsequent of the Law for defence of the consumers and the rules of trade.

Art. 32. (1) The tour operator or tourist agent shall be obliged to present to the user in writing, upon the conclusion of the contract, but not later than 7 work days before the beginning of the trip, information for:

1. the name or the company, the address and telephone number of his representative in the place of visit, and if there is no representative - data for contacts with the organisations in the place of visit which can render assistance to the user in case of difficulty; if there is no such organisation submitted to the user shall be a telephone or fax number for connection with the tour operator or tourist agent;

2. the time and the places of intermediate stops and connections;

3. the type and the category of the used transport vehicles and the kind of the seat to be taken by the user in the transport vehicle;

4. insurance related to the fulfilment of the contract;

5. the possibility of concluding an insurance contract for covering the expenses in case of refusing the trip on part of the user and of the expenses related to assistance, including for repatriation, as well as in cases of accident, disease or death.

(2) When the period between the conclusion of the contract and the beginning of the trip is shorter than 7 work days the information under para 1 shall be submitted at the time of concluding the contract.

(3) For trips abroad of minor or underage persons the tour operator or tourist agent shall submit, within the period under para 1, to the parent, guardian or trustee information enabling a direct contact with the minor/underage or with the person responsible for him at the place of his stay.

Art. 33. The information under art. 28, para 1 and art. 32, para 1 must also be submitted in Bulgarian language.

Art. 34. (1) The price of the organise trip cannot be changed except in the cases when this is explicitly stipulated by the contract and on condition that the contract determines the way of calculating the change of the price and the change is due only to a change of:

1. the transport cost, including the fuel;

2. the size of fees related to used services under the contract, such as airport, port and other fees;

3. the exchange rate related to the contract in the period between its conclusion and the departure date.

(2) The price cannot be increased 20 days before the initial date of the trip.

(3) The increase of the price must be economically substantiated and correspond to the changed expenses.

Art. 35. (1) When the tour operator introduces a considerable change to some of the substantial clauses of the contract the tour operator or tourist agent shall be obliged to inform immediately the user who can:

1. accept the changes which shall be certified by an additional written agreement to the contract which specifies their effect on the price or

2. give up the contract without owing forfeit or indemnification.

(2) A change of the price by more than 5 percent shall be considered a considerable change of the contract.

(3) The user shall inform the tour operator or tourist agent about his decision within 3 days from receipt of the notification, but not later than the initial day of the trip.

(4) If the user gives up the contract according to para 1, item 2 he shall have the right to chose one of the following options:

1. to be offered another trip of the same or higher quality when the tour operator or tourist agent is in position to offer such or

2. to be offered a tourist trip at common price, of lower quality, and in this case the tour operator or tourist agent shall be obliged to reimburse to the user the difference of the price between the cancelled and offer trip or

3. to have reimbursed the sums paid by him according to the contract within 7 days from the date of receiving the notification for refusal according to para 3.

(5) Regardless of the cases under para 1, 3 and 4 the user shall have the right to claim indemnification for all proprietary and non-proprietary damages incurred by the non-fulfilment or incorrect fulfilment of the contract.

Art. 36. (1) If the tour operator cancels the organised trip before its beginning for a reason which is not due to the user the latter shall have the rights under art. 35, para 4; in these cases the user shall also have the rights under art. 35, para 5 except:

1. when the minimal number of participants has not been achieved for the organised trip and about which the user has been informed in writing by the deadlines determined by the contract or

2. if the cancellation of the trip is due to an insurmountable force.

(2) Double reservations shall not be considered insurmountable force.

Art. 37. (1) The user can transfer his rights and obligations under the contract to a third person who meets all requirements for the trip, informing in advance the tour operator or tourist agent by a deadline determined by the contract.

(2) The user who transfers his rights and obligations and the person to whom the trip is transferred shall be jointly responsible before the tour operator or tourist agent for payment of the common price under the contract and of the expenses related to the transfer.

Art. 38. (1) The user shall inform immediately the provider of the services and the tour operator or tourist agent about each incorrect fulfilment of the contract established by him during the trip and the stay. The notification must be made in writing or in other suitable form, including by fax, e-mail or other technical means enabling its reproduction.

(2) The provider of the services and the tour operator, the tourist agent or their local representative shall be obliged, within the shortest period from filing the claim, to undertake the necessary measures for satisfying the user.

Art. 39. (1) The tour operator shall be responsible for each failure to fulfil his obligations under the contract regardless of whether these obligations must be fulfilled by him or his counter agents.

(2) The tour operator can lay a claim against his counter agents in case of non-fulfilment of the obligations under the contract concluded between them.

(3) The tour operator shall not bear responsibility for damages caused by non-fulfilment or incorrect fulfilment of the contract due to:

1. the user;

2. acts of a third person not related to the fulfilment of the contract which cannot be foreseen or avoided;

3. insurmountable force or event which cannot be foreseen or avoided on the part of the tour operator or his counter agents in case of a conscientious fulfilment of their obligations.

(4) In the cases under para 3, item 2 and 3 the tour operator shall be obliged to render immediate assistance to the user.

Art. 40. (1) The contract for organised trip can settle an upper limit of the responsibility of the tour operator for damages caused to the user as a result of non-fulfilment or incorrect fulfilment of the contract. The upper limit of the responsibility of the tour operator agreed between the parties cannot exceed the triple size of the price of the trip.

(2) When the responsibility of the counter agents of the tour operator for damages caused by the non-fulfilment or incorrect fulfilment of the services under the contract is limited by international agreements ratified and promulgated in the State Gazette, in force for the Republic of Bulgaria, the contract for organised trip can stipulate limitation of the responsibility of the tour operator in compliance with the provisions of these agreements.

(3) The provisions of para 1 and 2 shall not apply in the cases of bodily injury.

(4) Outside the cases under para 1 and 2 the contract for organised trip cannot include clauses releasing the tour operator from his responsibility under art. 39, para 1.

Art. 41. (1) When, during the trip, a considerable part of the services under the contract is not fulfilled or the tour operator finds that he will not be in position to fulfil a considerable part of these services he shall be obliged to undertake all suitable measures for continuation of the trip, without being connected with additional expenses for the consumer and to indemnify him for a difference between the contracted and actually provided services.

(2) If the tour operator does not undertake suitable measures for continuation of the trip the user can claim indemnification of the additional expenses made by him.

(3) When it is impossible to take suitable measures according to para 1 or they are not accepted by the user for a valid reason the tour operator shall be obliged:

1. to provide transport to the starting point of the trip or to another agreed place, without additional expenses for the user, and

2. indemnify the user for the caused damages.

Art. 42. (1) The tour operator shall conclude an insurance covering his liability for caused damages as a result of not paying to his counter agents, including in case of insolvency and bankruptcy, as the insurance shall cover:

1. reimbursement of the sums paid by the user according to the contract before the beginning of the trip;

2. payment of the difference in the cases when during the trip only a part of the services agreed by the contract have been provided;

3. the expenses related to the return of the user to the initial point of the trip.

(2) If the tour operator or tourist agent does not submit to the user the insurance contract under para 1 the user shall have the right to refuse the contract without owing forfeit or indemnification.

(3) The refusal of the user under para 2 must be made in writing before the tour operator or tourist agent before the beginning of the trip.

(4) The tour operator shall inform the Minister of Economy about the contract under para 1 concluded by him and about its term of validity for entering in the National Tourist Register.

(5) The conditions and the order of concluding the insurance contract under para 1 shall be determined by an act of the Council of Ministers which shall also stipulate the insurance coverage, the limits of responsibility, the way of determining the insurance premium and others.

Art. 43. The provisions of this section shall also apply in the cases when for individual tourist services, included in the organised trip of the user, an individual document for payment is issued.

Section III. Hotel keeping and restaurant keeping

Art. 44. (1) The hotel keeping or restaurant keeping shall be carried out only in tourist sites categorised or under opened procedure for categorisation according to the requirements of this law.

(2) The persons keeping hotels or restaurants shall be entered by the categorising body ex-officio in the National Tourist Register under art. 58.

Art. 45. Hotel keeping or restaurant keeping shall be carried out by a person who:

1. is an entrepreneur in the context of the Commercial Law or who is a corporate body having the right, by virtue of another law, to carry out economic activity;
2. carries out the activity in a categorised place of shelter, place of accommodation or food and entertainment establishment;
3. is not under proceedings for liquidation or bankruptcy.

Art. 46. The persons keeping hotel or restaurant shall be obliged:

1. to provide tourist services meeting the requirements for the determined category of the site;
2. to carry out the respective activity only in a categorised tourist site;
3. to observe the Bulgarian legislation settling the stay of tourists on the territory of the Republic of Bulgaria;

4. to erect, in the close vicinity of the entrance of the tourist site, the board according to art. 55, para 1 and the following information:

- a) the company and the headquarters of the entrepreneur;
- b) the working time of the tourist site;
- c) the name of the person - manager of the site.

Art. 47. (1) The person keeping hotels shall be obliged:

- 1. to announce the prices of the sleeping accommodation and of the other offered services by a price list put in a place visible for the user, close to the reception and in every room;
- 2. to announce the prices in such a way that they can be easily understood, to be legibly written and not to mislead the users;
- 3. the prices shall obligatorily be announced in levs as well.

(2) The persons keeping food and entertainment establishments shall be obliged to draw price lists: list-menu for the kitchen and confectionery production and a card-menu for alcoholic beverages and soft drinks containing the respective sale price and weight in grams.

(3) The list-menu and the card-menu must be submitted to every user before the order and at presenting the bill.

(4) The list-menu and the card-menu shall obligatorily be written in Bulgarian as well.

(5) For each sale of a tourist service a sale document shall be issued obligatorily, which shall contain at least data about the date of sale, the kind of the service and the price.

Art. 48. The persons keeping hotels and/or restaurants shall conclude contracts only with tour operators, tourist agents, hotel keepers or restaurant keepers who have certified their right to carry out the respective kind of tourist activity.

Art. 49. (1) The persons keeping hotels shall be obliged to keep a register of the accommodated tourists and of the number of sleeping accommodations, including of the nationality of the tourist.

(2) The register shall be certified monthly by the mayor of the respective municipality or by an official authorised by him.

(3) The persons keeping hotels shall be obliged to present information monthly for the number of sleeping accommodations in the respective municipality.

Art. 50. (1) Subject to categorisation shall be the tourist sites under art. 3, para 3, item 1, 2 and 3 regardless of the form of ownership and the way of administering.

(2) Procedure for categorisation of a tourist site shall be opened upon filing application accompanied by all required documents stipulated by the ordinance for categorisation under art. 55, para 3 by the person who carries out or will carry out hotel keeping or restaurant keeping.

(3) Issued to the person under para 2 shall be a temporary certificate for opened procedure for categorisation, valid for the periods indicated in art. 52, para 3, which shall be put in a visible place in the site.

(4) The category of the tourist site shall be determined on the basis of compliance with the minimal obligatory requirements for construction, furnishing and equipment, servicing, offered services and professional language qualification of the personnel indicated in the ordinance for categorisation according to art. 55, para 3.

(5) The category of the tourist site shall be determined for a period of three years, which period can be extended by no longer than two years.

(6) The tourist huts shall be categorised according to an ordinance adopted by the managing board of the Bulgarian Tourist Union and approved by the Minister of Economy.

(7) Subject to categorisation according to this law shall not be food and entertainment establishments located in educational and health establishments, administrative bodies and enterprises, designated for using only by the reckoned persons.

Art. 51. (1) The places of shelter and the places of accommodation, as well as the food and entertainment establishments shall be rated in the following categories: "one star", "two stars", "three stars", "four stars" and "five stars".

(2) The kinds of places of shelter, the places of accommodation, the food and entertainment establishments, as well as the criteria for the respective category of every kind shall be determined by the ordinance under art. 55, para 3.

(3) The food and entertainment establishments adherent to the places of shelter and places of accommodation can obtain a category different from the one for the place of shelter or the place of accommodation, as the difference between them shall not be more than one star.

Art. 52. (1) The mayor of the municipality, at the proposal of the municipal expert commission for categorisation shall determine a category of:

1. the places of shelter - category "one star" and the adherent food and entertainment establishments;

2. the family hotels, the boarding houses, the houses and individual rooms, as well as the adherent food and entertainment establishments - category "one star", "two stars" and "three stars";

3. the other places of accommodation - category "one star", "two stars" and the adherent food and entertainment establishments;

4. the independent food and entertainment establishments - category "one star" and "two stars".

(2) The Minister of Economy, at the proposal of the Central Expert Commission for licensing and categorisation shall determine a category of:

1. the places of shelter - category "two stars", "three stars", "four stars" and "five stars" and the adherent food and entertainment establishments;

2. the places of accommodation, with exception of family hotels, boarding houses, houses and individual rooms - category "three stars", "four stars" and "five stars" and the adherent food and entertainment establishments;

3. the independent food and entertainment establishments - category "three stars", "four stars" and "five stars".

(3) The determination of category of a tourist site shall be made upon filing application by the owner of a tourist site or by a person authorised by him:

1. for the sites under para 1 - within two months from the date of opening a procedure for categorisation by an order of the mayor of the respective municipality;

2. for the sites under para 2 - within three months from the date of opening a procedure for categorisation by an order of the Minister of Economy.

Art. 53. (1) Category of a tourist site shall be terminated:

1. upon the expiration of the term;

2. upon request of the owner of the tourist site;

3. for a change of the type of the tourist site;

4. for reconstruction or expansion of the tourist site;

5. for repeated violation of the requirements of art. 46, item 1;

6. if within six months the person who has filed application for categorisation does not appear for receiving the category symbol.

(2) After the termination of the category of the tourist site a new category of the site shall be determined by the order of the ordinance under art. 55, para 3.

Art. 54. (1) The categorising body shall refuse the determination of a category for failure to meet the requirements for the respective kind of tourist site determined by the ordinance under art. 55, para 3.

(2) The order of the categorising body by which determination of a category is refused or a category is determined, different from the requested one, can be appealed by the order of the Law for the administrative proceedings or by the order of the Law for the Supreme Administrative Court.

Art. 55. (1) Issued to the categorised tourist sites shall be a category symbol depending on their kind, including a certificate and a board which shall be put in a visible place of the site.

(2) The inscriptions for the kind, the name and the category of the tourist sites must not mislead the tourist.

(3) The conditions and the order of determining the category of the tourist site, the refusal for determining, the termination and change of the category shall be settled by an ordinance adopted by the Council of Ministers.

(4) Paid for the categorisation of tourist sites shall be fees determined by a tariff adopted by the Council of Ministers.

Art. 56. (1) In case of a change of the ownership of a site categorised by the order of the law the person who has acquired the ownership shall file an application with the categorising body for registration of the changed circumstances in the National Tourist Register.

(2) In case of a change of the tenant of a site categorised by the order of the law the latter shall file an application with the categorising body for registration of the changed circumstances in the National Tourist Register.

(3) In the case under para 1 the category of the tourist site shall be preserved for the period for which it has been issued.

Section IV. Unified system of tourist information

Art. 57. The Minister of Economy and the chairman of the National Institute of Statistics shall work out a unified system of tourist information which shall include the National Tourist Register and the statistical data for the tourism in compliance with the requirements of the statistical service of the European Union - EUROSTAT and of the World Organisation of Tourism.

Art. 58. Established is National Tourist Register in the Ministry of Economy containing information for:

1. the licensed tour operators and tourist agents;

2. the persons keeping hotels and restaurants;
3. the categorised places of shelter, places of accommodation, food and entertainment establishments and the persons carrying out hotel and restaurant keeping activity in them;
4. the tourist associations;
5. the tourist information centres or bureaux;

Art. 59. (1) The entries in the register shall be made by the Minister of Economy or by an official authorised by him ex-officio or upon a filed application for indicating changes of the registered circumstances.

(2) The persons for whom a change of the circumstances has occurred, entered in the register under art. 58, shall be obliged to declare the change in writing in the Ministry of Economy or in the respective municipality within one month from its occurrence.

(3) For creation and completing the register data shall be gathered from the Ministry of Economy, the Commission for trade and defence of the consumers, other state bodies, the municipalities on the territory of the Republic of Bulgaria and from the representatives of the tourist associations.

(4) The National Tourist Register shall contain all changes of the registered circumstances.

Art. 60. (1) The mayors of the municipalities shall be obliged to keep a register by the order of the ordinance under art. 63 for all tourist sites on the territory of the municipality categorised by them and to submit information regarding the entries in this register to the Ministry of Economy within 30 days from the date of the order for the definite category of the tourist site.

(2) The registers under para 1 shall be an integral part of the National Tourist Register.

Art. 61. (1) The following data and circumstances shall be entered in the register:

1. for the licensed persons:

- a) number of the licence;
- b) kind of the tourist activity;
- c) company, headquarters and address of management;
- d) address of the place(s) of practising the activity, telephone, fax, e-mail;
- e) BULSTAT and tax number;

- f) name and UCC of the persons having the right to represent and/or manage the entrepreneur;
- g) incoming number of the application for issuance of licence;
- h) number of the order of the Minister of Economy for issuance, refusal, termination or withdrawal of the licence;
- i) number and date of the concluded insurance contract under art. 42, name of the insurer, term of validity of the insurance;
- j) imposed compulsory administrative measures and sanctions under this law;

2. for the categorised tourist sites:

- a) number of the certificate;
- b) type of the site;
- c) name of the site;
- d) address of the site, telephone, fax;
- e) category of the site;
- f) capacity of the site;
- g) company/name, headquarters/place of residence and permanent address of the owner of the site;
- h) BULSTAT and tax number or UCC of the owner;
- i) name, headquarters and address of management, BULSTAT and tax number of the person keeping hotel or restaurant in the site, telephone, fax, e-mail;
- j) term of validity of the category;
- k) incoming number of the application for determining category;
- l) number of the order of the categorising body for determining the category, for refusal or withdrawal of the category;
- m) imposed compulsory administrative measures and sanctions according to this law;

3. for the tourist associations:

- a) name, headquarters and address of the association;
- b) type of the association;

c) court, number of the case, file, register, volume and page of the court registration of the association, BULSTAT number, registration number in the register of the Ministry of Justice if the association carries out socially useful activity;

d) full name, UCC and permanent address, telephone, fax, e-mail of the representative;

e) full names of the members of the managing board, permanent address, telephone, fax, e-mail;

f) number of the organisations and persons members of the association;

g) address, telephone, fax, e-mail of the tourist information centre or bureau;

h) data for the national representation of the association.

(2) The information in the register shall be public in its part regarding:

1. the name of the person, headquarters, address of practising the activity and telephone, type and number of the issued licence;

2. the determined category, the term of validity, name, address and telephone, type and capacity of the tourist site and the person carrying out tourist activity in the categorised site;

3. name, type, address and telephone of the association and its representative, address and telephone of the tourist information centres or bureaux.

(3) Everybody can request information for registered circumstances of the public information under para 2.

Art. 62. (1) The Minister of Economy or an official authorised by him shall require an operative statistical information for analytical and prognostic purposes in tourist from the persons licensed to carry out tourist activities, from the persons carrying out activity in categorised tourist sites, from the state and municipal bodies and tourist associations which they shall be obliged to submit.

(2) Upon request on the part of the persons under para 1 the Minister of Economy or an official authorised by him shall be obliged to submit analytical tourist information.

(3) The Ministry of Interior shall submit monthly to the Ministry of Economy border statistics for the entries of foreign citizens in the Republic of Bulgaria and for the trips of Bulgarian citizens for tourism abroad.

(4) The gathering of the statistical information on the part of the National Office "Border police" shall be carried out through official channels without requiring from the persons crossing the Bulgarian border to fill in other documents or forms except those related to the customs control.

Art. 63. The Minister of Economy shall issue an ordinance for the organisation of the Unified System of tourist information.

Chapter V.
CONTROL

Art. 64. (1) The control over the observance of the law and of the normative acts issued pursuant to it shall be exercised by:

1. the Minister of Economy;
2. the Commission for trade and defence of the consumers with the Minister of Economy;
3. the mayors of municipalities.

(2) The officials authorised by the bodies under para 1 shall have the right:

1. to free access to the tourist sites subject to control;
2. to require documents, data, information, references and other carriers of information from the controlled persons, whereas they shall not make public the information constituting official or trade secret, having become known to them during or on occasion of fulfilment of their official duties;
3. to give written instructions for elimination of the discrepancies and offences related to the law;
4. to draw in experts in the respective sphere when the inspection requires special knowledge or skills.

(3) The bodies under para 1 can coordinate their activities under this law with the control bodies under other laws.

Art. 65. (1) The Minister of Economy shall:

1. withdraw a licence issued by him for tour operator's and tourist agent's activity in the cases under art. 23, para 1;
2. terminate the category of the tourist objects categorised by him in the cases under art. 53, para 1, item 3, 4, 5 and 6;
3. lower the category of the tourist sites categorised by him at the proposal of the Commission for trade and defence of the consumers in the cases of non-fulfilment of the requirements of art. 46, para 1.

(2) The mayor of the municipality shall:

1. terminate the category of the tourist sites categorised by him in the cases of art. 53, para 1, item 3, 4, 5 and 6;

2. lower the category of the tourist sites categorised by him at a proposal of the officials authorised by the bodies under art. 64, para 1, item 2 and 3 in the cases of non-fulfilment of the requirements of art. 46, item 1.

(3) The Commission for trade and defence of the consumers or officials authorised by it shall impose compulsory administrative measure "temporary closing of the tourist site" in the cases when they establish:

1. practising tour operator's or tourist agent's without a licence;

2. non-fulfilment of the requirements of art. 42;

3. practising activities of hotel keeping or restaurant keeping in a tourist site which is not categorised;

4. refusal of access to the inspected tourist site by the person carrying out the activity in the site or refusal to present the documents required for the purposes of the inspection.

(4) For established non-fulfilment of the requirements of art. 46, item 1 the officials authorised by the Commission for trade and defence of the consumers shall propose to the respective categorising body the imposing of a compulsory administrative measure "lowering the category of the tourist site".

(5) For established non-fulfilment of the requirements of art. 46, item 1 the officials authorised by the mayor of the municipality shall propose to him to impose compulsory administrative measure "lowering of the category of the tourist site".

(6) The compulsory administrative measure "temporary closing of the tourist site" shall be imposed until the removal of the established offences.

Art. 66. The acts for applying the compulsory administrative measures shall be issued, appealed and executed by the order established by the Law for the administrative proceedings.

Chapter VI.

ADMINISTRATIVE PENAL PROVISIONS

Art. 67. Who carries out tour operator's or tourist agent's activity without a licence shall be fined by 5000 to 15 000 levs, and the sole entrepreneurs and corporate bodies - by a proprietary sanction of 10 000 to 30 000 levs.

Art. 68. A tour operator or a tourist agent who, in carrying out his activity, concludes a contract with a tour operator, tourist agent, hotel keeper, restaurant keeper or carrier who has not the right to carry out the respective tourist activity shall be punished by a proprietary sanction of 2000 to 5000 levs.

Art. 69. A hotel keeper or restaurant keeper who concludes a contract with unlicensed tour operator, tourist agent, hotel keeper or restaurant keeper who has not the right to carry out the respective tourist activity shall be punished by a proprietary sanction from 5000 to 10 000 levs.

Art. 70. Tour operator or tourist agent who does not issue or does not submit a tourist voucher to the tourist shall be punished by a proprietary sanction from 500 to 5000 levs.

Art. 71. Tour operator or tourist agent who issues or submits a tourist voucher not containing all obligatory details shall be punished by a proprietary sanction of 100 to 1000 levs.

Art. 72. Who provides tourist services in a not categorised tourist site shall be punished by a fine of 500 to 5000 levs and the sole entrepreneurs and corporate bodies - by a proprietary sanction of 1000 to 10 000 levs.

Art. 73. Hotel keeper or restaurant keeper providing tourist services in not categorised tourist site of lower quality than the required for the determined category shall be punished by a proprietary sanction of 1000 to 10 000 levs.

Art. 74. Hotel keeper who, when carrying out his activity in a place of shelter, does not keep a register certified by the respective municipality for the accommodated tourists, for the number of sleeping nights and for the nationality of the tourists shall be punished by a proprietary sanction of 2000 to 20 000 levs.

Art. 75. Who, in carrying out hotel keeping in a place of accommodation, does not keep a register certified by the respective municipality for the accommodated tourists, for the number of sleeping nights and for the nationality of the tourists shall be punished by a fine of 100 to 1000 levs, and the sole entrepreneurs and corporate bodies - by a proprietary sanction of 200 to 2000 levs.

Art. 76. Tour operator or tourist agent who does not put a licence and a sticker in a visible place in the tourist site shall be punished by a proprietary sanction of 500 to 5000 levs.

Art. 77. A person managing a tourist site where a certificate for approved category or a temporary certificate for opened procedure for categorisation are not put in a visible place shall be punished by a proprietary sanction of 500 to 5000 levs.

Art. 78. Who puts a sign in violation of art. 55, para 2 or presents untrue information for the kind, the name and the category of the tourist site managed by him shall be punished by a fine of 100 to 1000 levs, and the sole entrepreneurs and corporate bodies - by a proprietary sanction of 500 to 5000 levs.

Art. 79. Tour operator or tourist agent who violates the provisions of art. 28, 29 and 33 shall be punished by a proprietary sanction of 100 to 1000 levs.

Art. 80. Tour operator who violates the provision of art.30, para 2 shall be punished by a proprietary sanction of 500 to 5000 levs.

Art. 81. Tour operator who violates the provision of art.30, para 3 shall be punished by a proprietary sanction of 250 to 2500 levs.

Art. 82. Tour operator who does not conclude a contract according to art. 42 shall be punished by a proprietary sanction of 2000 to 20 000 levs.

Art. 83. Who does not admit an official of the control bodies to the sites subject to control or does not present to the control bodies documents or information shall be fined by 1000 to 10 000 levs.

Art. 84. For non-fulfilment of the obligations for submitting information to the Ministry of Economy according to the Unified System of Tourist Information a fine of 100 to 1000 levs shall be imposed, and to sole entrepreneurs and corporate bodies - a proprietary sanction of 200 to 2000 levs.

Art. 85. Who does not fulfil his obligation under art. 56, para 1 or 2 shall be punished by a fine of 100 to 1000 levs, and the sole entrepreneurs and corporate bodies - by a proprietary sanction of 200 to 2000 levs.

Art. 86. Hotel keeper or restaurant keeper who does not fulfil his obligation under art. 46, item 4 or under art. 47 shall be punished by a fine of 200 to 2000 levs, and the sole entrepreneurs and corporate bodies - by a proprietary sanction of 500 to 3000 levs.

Art. 87. (1) The acts for establishing the administrative offences shall be drawn up by officials appointed by the chairman of the Commission for trade and defence of the consumers or by officials of the municipal administration appointed by the mayor of the respective municipality.

(2) The penal provisions shall be issued by the chairman of the Commission for trade and defence of the consumers or by officials authorised by him, respectively by the mayor of the municipality or by officials authorised by him.

(3) The establishment of the offences, the issuance, the appeal and the execution of the penal provisions shall be carried out by the order of the Law for the administrative offences and penalties.

Additional provisions

§ 1. In the context of this law:

1. "Tourist" is every individual using basic and/or additional tourist service. Used for the purposes of the statistics shall be the term of visitor and international visitor determined by the World Organisation of Tourism and adopted by the Statistical Commission of the UNO.

2. "Hotel keeping" is the provision of tourist services in all kinds of places of shelter and accommodation categorised according to the law.

3. "Hotel keeper" is a person who carries out hotel keeping.

4. "Restaurant keeping" is the provision of tourist services in all food and entertainment establishments categorised according to the law.

5. "Restaurant keeper" is a person carrying out restaurant keeping.

6. "Tourist product" is the combination of tourist services offered and/or provided in one or several tourist sites.

7. "Tour operator's activity" is the formation and implementation of direct, or through a tourist agent, sale of organised trips in the country and abroad, insurance, reservation of hotel services, guiding, transport, passenger or other services according to a contract and a voucher in compliance with the requirements of the acting legislation.

8. "Tour operator" is a person licensed by the order of this law for tour operator's activity.

9. "Tourist agent's activity" is the fulfilment of mediation in: sales of organised trips, passenger aviation, water and bus transportation; reservation, visa, guiding and other additional tourist services, as well as insurance related to the tourist trip.

10. "Tourist agent" is a person licensed by the order of this law for carrying out tourist agent's activity.

11. "Tourist voucher" is an accounting document issued by a licensed tour operator who certifies the existence of a contract between the tour operator and the tourist as a user of the tourist service and confirms its payment.

12. "Basic tourist services" are night spending and meals, as well as transport services in compliance with the acting legislation in the sphere of transport.

13. "Additional tourist services" are excursions, entertainment, events and other events of cultural and introductory nature, sport and animation, balneological and other medical services, visa services, congress and business events, using rope lines, renting beach installations, equipment and vehicles, schools and clubs of riding, yachting, surf, ski-schools and other services contributing to the development of tourism.

14. "organised group and individual tourist trips at common price (organised trips)" are trips according to a preliminary programme, including a combination of at least two of the following services:

a) transport;

b) spending the night;

c) other tourist services not related to transport or spending the night constituting a substantial part of the trip and when they are sold or offered for sale at a common price, and when they comprise a period longer than 24 hours or include spending a night.

15. "User of organised individual or group tourist trips at a common price" is a person:

a) who concludes a contract for a tourist trip at common price or

b) who gives consent to conclude a contract for a tourist trip at a common price or

c) on whose behalf and/or in whose favour a contract for tourist trip is concluded or an agreement is reached for its conclusion or

d) in whose favour a tourist trip at common price has been transferred according to art. 37.

16. "Tourist association" is a non-profit corporate body regardless of its name, established for the purpose of development of tourism.

17. "Nationally represented tourist association" is a non-profit corporate body for socially useful activity, uniting at least 34 percent of the persons licensed for tourist activity, or of the persons carrying out tourist activity in categorised tourist sites.

18. "Local tourist association" is a non-profit corporate body established on the territory of one or more neighbouring municipalities and uniting persons carrying out tourist activities and other persons related to the development of tourism on the respective territory.

19. "regional tourist association" is a non-profit corporate body created on the territory of one or more neighbouring regions and uniting local tourist associations and other persons related to the development of tourism.

20. "Branch tourist association" is a non-profit corporate body representing the interests of the branch as a whole.

21. "Product tourist association" is a non-profit corporate body representing the interests of an individual segment of the tourist product.

22. "Repeated" is the offence committed within one year from the enactment of the penal provision by which the offender has been punished for the same kind of offence.

Transitional and concluding provisions

§ 2. This law revokes the Law for tourism (prom., SG 17/98; amend., SG 111/01).

§ 3. The requirements of art. 22, item 5 and art. 53, para 1, item 6 shall also apply for the persons who have not received the issued licence or category symbols until the enactment of the law.

§ 4. The persons licensed for tour operator's or tourist agent's activity until the enactment of this law shall be obliged to bring their activity in compliance with the requirements of this law and of the normative acts for its implementation by January 1, 2003.

§ 5. (1) With the enactment of this law the issued licences for hotel keeping, restaurant keeping and family hotels keeping shall terminate their validity.

(2) The provisions of art. 18, para 1 and 3 of the revoked Law for tourism shall not apply for the entrepreneurs keeping hotels, restaurants or family hotels from the day of promulgation of this law until October 1, 2002.

§ 6. The following amendments and supplements are introduced to the Law for the local taxes and fees (Prom. SG 117 1997; Amend. and Suppl. SG 71 1998; Amend. SG 83 1998; Amend. and Suppl. SG 105 1998; Amend. and Suppl. SG 153 1998; Amend. SG 103 1999; Amend. and Suppl. SG 34 2000; Amend. and Suppl. SG 102 2000; Amend. and Suppl. SG 109 2001; Amend., SG 28 2002; Amend. SG 28 2002; Amend. and Suppl., SG 45 2002):

1. In art. 1:

a) the previous text becomes para 1 and in item 2 letter "d" is revoked;

b) para 2 is created:

"(2) Local fee is the tourist fee paid to the municipal fund for development of tourism."

2. In chapter three section IV is amended as follows:

"Section IV

Tourist fee

Art. 93. (1) The fee shall be paid for using shelter and a place for accommodation in the context of the Law for the tourism.

(2) The revenue from the tourist fee shall be paid to the municipal fund for development of tourism.

Art. 93a. (1) The size of the fee shall be determined by a decision of the municipal council not later than June 30 of the preceding year.

(2) If the municipal council does not determine the fee by the deadline of para 1 effective for the next year shall be the size of the fee in effect for the preceding year.

Art. 94. The fee shall be paid by every person using shelter or a place for accommodation, simultaneously with the payment for the service.

Art. 95. (1) The persons under 18 years of age, women over 55 years of age and men over 60 years of age shall pay tourist tax amounting to 50 percent of the fee for the respective municipality determined by the municipal council.

(2) Registered for the persons under para 1 shall be the data certifying their respective quality.

Art. 96. The tourist fee shall be determined in amount not higher than one lev per person per day.

Art. 97. The fees shall be collected from individuals and corporate bodies conceding sites for spending the night in the shelters and places of accommodation and shall be paid to the municipal fund for development of tourism the by the 15th of the month following the month during which it has been collected."

§ 7. In the Law for the municipal budgets (prom., SG 33/98; amend., SG 69/99, SG 9/01 - Decision No 2 of the Constitutional Court of 2001) in art. 6, para 2, item 2. letter "d" is amended as follows:

"d) using a place of shelter or accommodation;"

§ 8. The state and municipal bodies having adopted or issued normative acts containing classification of kinds of places of accommodation, shelter and food and entertainment establishments shall be obliged, within a period of one year from the enactment of the law, to introduce the changes ensuing from it.

§ 9. (1) The ordinance under art. 18, para 1, art. 42, para 5, art. 55, para 3, the tariffs under art. 18, para 2 and art. 55, para 4, the structural regulations of the Executive Agency for national tourist advertising and information shall be adopted by the Council of Ministers at the time of enactment of the law.

(2) The ordinance under art. 63 and the regulations for the personnel, organisation and activity of the National Council of Tourism according to art. 8 shall be issued by the Minister of Economy at the time of enactment of the law.

(3) The ordinance under art. 50, para 6 shall be adopted by the managing board of the Bulgarian Tourist Union and shall be approved by the Minister of Economy at the time of enactment of the law.

(4) The structural regulations of the Commission for trade and defence of the consumers and ordinance No 3 for protection of the consumers in indicating the prices of the commodities and services shall be brought in compliance with this law at the time of its enactment.

§ 10. The implementation of the law is assigned to the Minister of Economy.

§ 11. Paragraph 6 regarding the amendments and supplements of the Law for the local taxes and fees shall enter into force on January 1, 2003.

§ 12. The law shall enter into force on October 1, 2002 with exception of the provisions of art. 19, para 3, art. 23, para 1, item 2, art. 28, item 10, art. 30, para 3, item 15, art. 42, para 1, 2, 3 and 4, art. 61, para 1, item 1, letter "i", art. 65, para 3, item 2 and art. 82 which shall enter into force on January 1, 2003.