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Tourism Act

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RT I 2000, 95, 607
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Amended by the following acts

Passed	Published	Entry into force
19.06.2002	RT I 2002, 63, 387	01.09.2002
17.12.2003	RT I 2003, 88, 594	08.01.2004
10.03.2004	RT I 2004, 18, 131	15.04.2004
13.04.2005	RT I 2005, 24, 181	01.11.2005
17.05.2006	RT I 2006, 26, 191	01.08.2006
31.01.2008	RT I 2008, 8, 58	01.09.2008
30.09.2009	RT I 2009, 49, 331	01.01.2010
26.11.2009	RT I 2009, 62, 405	01.01.2010
15.04.2010	RT I 2010, 18, 98	16.05.2010, partially 1.01.2011, enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision No. 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision No. 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 2	23.03.2014, partially 01.01.2015, 01.01.2017 and 01.01.2019
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially 23.03.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 ³ (4) of the Government of the Republic Act

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides for the general requirements for offering and providing tourist services and for tourist information centres, the liability for violation of this Act and the procedure for the exercise of supervision.

(2) This Act is not applied if packages are offered or the entry into contracts on linked travel arrangements is facilitated only occasionally, on a not-for-profit basis and only to a limited group of travellers, without offering these to the public.

(3) This Act is not applied to package travel contracts or contracts on linked travel arrangements that have been concluded on the basis of a general agreement under which the undertaking arranges business travel for another person engaged in economic or professional activities.

(4) This Act is not applied to packages or linked travel arrangements that last less than 24 hours unless overnight accommodation is included.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 2. Tourist service

[Repealed – RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 3. Travel service

Travel service means:

- 1) carriage of passengers;
- 2) accommodation which is not intrinsically part of carriage of passengers and is not for residential purposes;
- 3) rental of a car, another motor vehicle for the purposes of Article 3(11) of Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 09.10.2007, pp. 1–160), or a motorcycle requiring a category A driving licence under Article 4(3)(c) of Directive 2006/126/EC of the European Parliament and of the Council on driving licences (OJ L 403, 30.12.2006, pp. 18–60);
- 4) any other tourist service not intrinsically part of the travel services referred to in clauses 1) through 3) of this section.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 4. National Development Plan for Tourism

[Repealed – RT I, 13.03.2014, 2 – entry into force 23.03.2014]

Chapter 2

TRAVEL UNDERTAKING, TOUR GUIDE AND GUIDE-INTERPRETER

[RT I 2004, 18, 131 - entry into force 15.04.2004]

§ 5. Travel undertaking

(1) A travel undertaking is an undertaking which operates as a tour operator, travel retailer or undertaking which facilitates the conclusion of contracts on linked travel arrangements for the purposes of economic or professional activities relating to packages and linked travel arrangements.

(2) A tour operator is a travel undertaking which combines packages and offers them or enters into package travel contracts itself or through another travel undertaking or together with another travel undertaking, or which transmits the traveller's data to another undertaking according to § 7 (2) 5) of this Act.

(3) A travel retailer is a travel undertaking which offers packages combined by a tour operator or enters into package travel contracts on behalf of a tour operator. A travel retailer which offers packages combined by a travel undertaking established outside the European Economic Area or enters into package travel contracts on behalf of such a travel undertaking is subject to the requirements provided by this Act for tour operators.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 6. Classification of areas of activity of travel undertaking

The areas of activity of a travel undertaking are classified as follows:

- 1) organisation of packages which include travel services provided in Estonia;
 - 2) organisation of packages which include travel services provided outside of Estonia and charter flights;
 - 3) organisation of packages which include travel services provided outside of Estonia and scheduled flights;
 - 4) organisation of packages which include travel services provided outside of Estonia, except for charter flights or scheduled flights;
 - 5) intermediation of packages combined by a travel undertaking of a state outside the European Economic Area;
 - 6) offer of linked travel arrangements and facilitation of entry into contracts.
- [RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 7. Package

(1) A package means a combination of at least two different types of travel services for the purpose of the same trip if the travel services are combined by one tour operator, including at the request of or in accordance with the selection of the traveller, before a single contract on all services is concluded.

(2) A package also means a combination of at least two different types of travel services for the purpose of the same trip if irrespective of whether separate contracts are concluded with individual travel service providers:

- 1) the traveller selects the travel services from a single point of sale before agreeing to pay;
- 2) the tour operator makes an offer, enters into a contract or charges for these services at an inclusive or total price;
- 3) the tour operator advertises, makes an offer or enters into a contract under the name “package” or alike;
- 4) the tour operator combines the travel services after the conclusion of a contract by which it entitles the traveller to choose among a selection of different types of travel services; or
- 5) the traveller chooses travel services from separate undertakings through linked online booking processes where the traveller’s name, payment details and e-mail address are transmitted from the undertaking with whom the first contract is concluded to another undertaking and a contract with the latter undertaking is concluded within 24 hours after the confirmation of the booking of the first travel service.

(3) A package is not deemed to be a combination of travel services in the case of which only one type of travel service referred to in § 3 (1) through (3) of this Act has been combined with one or several other tourist services set out in clause 4) of the same section, if the latter service or services:

- 1) does or do not account for no less than 25 per cent of the total value of the travel services and is or are not advertised as and does or do not otherwise represent an essential feature of the combination of the travel services; or
- 2) is or are selected and the provision thereof is agreed upon only after the performance of the travel service referred to in § 3 (1) through (3) of this Act has started.

(4) A package is not deemed to be accommodation service and catering service offered simultaneously with carriage of passengers in a means of transport providing regular carriage of passengers, provided the carriage of passengers is the basic service.

(5) A point of sale means an undertaking’s premises, website or similar online sales facility and phone. If websites and similar online sales facilities are presented to a traveller as a single facility, they constitute a single point of sale.

(6) A traveller means a person who is seeking to conclude a package travel contract or a contract on linked travel arrangements or is entitled to travel on the basis of a contract concluded.

(7) Upon offering a package combined by another travel undertaking, a travel undertaking shall disclose concerning the travel undertaking which combined the package information which shall include at least the name, address and other contact details of that travel undertaking.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 7¹. Linked travel arrangements

(1) Linked travel arrangements mean at least two different types of travel services for the purpose of the same trip, not constituting a package, and for which the traveller concludes separate contracts with the individual travel service providers if the travel undertaking facilitates:

- 1) on the occasion of a single visit or contact with the point of sale, the separate selection and separate payment of each travel service by travellers; or
- 2) in a targeted manner, the conclusion of at least one additional travel service contract with another undertaking if the contract with such other undertaking is concluded within 24 hours after the confirmation of the booking of the first travel service.

(2) Where a traveller enters into a contract for only one type of travel service referred to in § 3 (1) through (3) of this Act and for one or several other tourist services set out in clause 4) of the same section, they do not constitute linked travel arrangements if the other tourist service or services does or do not account for no less than 25 per cent of the total value of the travel services and is or are not advertised as, and does or do not otherwise represent, an essential feature of the trip.
[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 8. Notification obligation of travel undertaking

(1) An undertaking engaged in an area of activity set out in § 6 of this Act has an obligation to submit a notice of economic activities.
[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

(2) In addition to that provided for in the General Part of the Economic Activities Code Act, a notice shall set out the following information:

1) the area of activity or areas of activity of the travel undertaking pursuant to § 6 of this Act;
2) if the travel undertaking has also granted the right to offer packages combined thereby and the right to conclude package travel contracts to another travel undertaking or other travel undertakings, information concerning the travel undertaking or travel undertakings which has or have received the corresponding right, including the name, address and other contact details, number of registration of economic activities and in the absence thereof the travel undertaking's commercial register number or the name of and number in another relevant register;

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

3) if the travel undertaking mediates packages combined by a travel undertaking from a state outside the European Economic Area, the name, address and other contact details of the travel undertaking which combined the package as well as the name of and number in the relevant register of the country of location of the travel undertaking;

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

4) the trademark used by travel undertaking, if such a trademark exists;

5) the address of the place of business or the addresses of the places of business and other contact details, and website address in the case of e-commerce.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(3) The notification obligation provided for in this section shall be performed through the Estonian information gateway or a notary.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014, applicable as of 1 July 2016]

§ 9. [Repealed – RT I 2004, 18, 131 – entry into force 15.04.2004]

§ 10. Registration application of travel undertaking

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

§ 11. Registration procedure and registry data

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

§ 12.–§ 14. [Repealed – RT I 2004, 18, 131 – entry into force 15.04.2004]

§ 15. Obligation to provide security

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

(1) A tour operator shall provide security for the performance of the obligations listed in subsection (3) of this section in case the tour operator becomes unable to perform their obligation arising from a package travel contract due to their solvency. An undertaking which facilitates the conclusion of contracts on linked travel arrangements shall provide security for the performance of the obligations listed in subsection (4) of this section in case a travel service which is part of the linked travel arrangements is not provided due to the undertaking's solvency.

(2) The obligation to provide security lies with a travel undertaking established in Estonia and a travel undertaking which is established in a state outside the European Economic Area but which offers packages or linked travel arrangements or concludes package travel contracts or operates as a travel undertaking which facilitates the conclusion of contracts on linked travel arrangements in Estonia or directs their activity to Estonia in any manner. A travel undertaking established in another Member State of the European Economic Area which offers packages or linked travel arrangements or concludes package travel contracts or operates as a travel undertaking which facilitates the conclusion of contracts on linked travel arrangements in Estonia shall provide security in accordance with the requirements set by the state of their establishment.

(3) A tour operator shall provide sufficient monetary security:

- 1) for the return of the traveller to their place of departure or another agreed place if the package travel contract includes carriage of passengers;
- 2) for the accommodation of the traveller until their return to their place of departure or another agreed place;
- 3) for the refund of the payments made on the traveller's behalf under a package travel contract if the package is cancelled or for the payment of compensation for the cancelled part of the package;
- 4) for the refund to the traveller of an unused package gift voucher.

(4) A travel undertaking which facilitates the conclusion of contracts on linked travel arrangements shall provide sufficient monetary security:

- 1) for the refund to the traveller of the payments made for linked travel arrangements on the traveller's behalf to the travel undertaking which facilitates the conclusion of contracts on linked travel arrangements if a travel service constituting part of the linked travel arrangements is not performed or for the payment of compensation for the cancelled part of the travel service;
- 2) for the return of the traveller to their place of departure or another agreed place if the linked travel arrangements include carriage of passengers and the travel undertaking which facilitates the conclusion of contracts on linked travel arrangements is liable for the carriage of passengers;
- 3) for the accommodation of the traveller until their return to their place of departure or another agreed place if the linked travel arrangements include carriage of passengers and the travel undertaking which facilitates the conclusion of contracts on linked travel arrangements is liable for the carriage of passengers.

(5) A travel undertaking is free of the obligation to provide security if:

- 1) packages are paid for in full after the provision of the combination of travel services and the package does not include the carriage of passengers
- 2) the travel undertaking which facilitates the conclusion of contracts on linked travel arrangements is not liable for the carriage of passengers constituting part of the linked travel arrangements and the payment is not made to the travel undertaking which facilitates the conclusion of contracts on linked travel arrangements or the linked travel arrangements are paid for in full after the performance thereof;
- 3) an undertaking engaged in the area of activity referred to in § 6 (5) of this Act shall present a certificate proving that the obligation to provide security has been performed by the actual tour operator in accordance with the requirements of this Act.

(6) Security is not included in a travel undertaking's bankruptcy estate.
[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 15¹. Requirements for security

(1) Travel undertakings engaged in the areas of activity referred to in § 6 (2) and (5) of this Act shall provide security of at least seven per cent of the travel undertaking's planned annual total sales of packages, but no less than 32,000 euros.

(2) A travel undertaking engaged in the area of activity referred to in § 6 (3) of this Act shall provide security of at least three per cent of the travel undertaking's planned annual total sales of packages, but no less than 32,000 euros.

(3) A travel undertaking engaged in the area of activity referred to in § 6 (4) of this Act shall provide security of at least seven per cent of the travel undertaking's planned annual total sales of packages, but no less than 13,000 euros.

(4) A travel undertaking engaged in the area of activity referred to in § 6 (6) of this Act shall provide security of at least three per cent of the travel undertaking's planned annual total sales of linked travel arrangements, but no less than 13,000 euros.

(5) At any given time, the security provided by a travel undertaking shall be sufficient for the performance of the obligations provided for in § 15 (3) and (4) of this Act. A travel undertaking is required to prove the sufficiency of the security.

(6) The security is calculated on the basis of the travel undertaking's total sales of packages and linked travel arrangements during the previous calendar year if the sales exceed the travel undertaking's planned annual total sales of packages and linked travel arrangements.

(7) A travel undertaking shall select one or both of the following types of security:

- 1) warranty;
- 2) insurance.

(8) Security may be issued by an insurance company, credit institution or financial institution located in a Member State of the European Economic Area.

(9) Security shall meet the following requirements:

- 1) the security is provided for securing the performance of the obligations referred to in § 15 (3) or (4) of this Act;
- 2) the security is available at first demand and the use thereof does not result in any monetary obligations of the Consumer Protection and Technical Regulatory Authority toward the issuer of the security;
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]
- 3) the recipient of the security in the case of a warranty and the beneficiary in the case of insurance shall be the Consumer Protection and Technical Regulatory Authority;
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]
- 4) the terms and conditions of use of the security shall enable the use of the security as provided for in § 15³ of this Act;
- 5) the duration of the security shall not be shorter than six months or, if the undertaking has provided several securities, the duration of at least one security shall be no shorter than six months;
- 6) the premature discontinuation of the security or the premature reduction of the amount secured requires the Consumer Protection and Technical Regulatory Authority's consent in a format which can be reproduced in writing;
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]
- 7) security for a renewed period shall be established at least one month before the expiry of the previous security and the validity of the new security shall start no later than on the day following the day of expiry of the previous security.

(10) A document proving the existence of security shall be sent to the Consumer Protection and Technical Regulatory Authority promptly after the issue of security.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(11) If a travel undertaking is engaged in several areas of activity where the provision of security is required, the security shall not be smaller than required in the area of activity with the greatest amount of security.

(12) A travel undertaking is required to assess the sufficiency of the security and increase the security, if necessary.
[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 15². Report on total sales of packages and linked travel arrangements

(1) A travel undertaking engaged in an area of activity set out in § 6 of this Act shall submit to the Consumer Protection and Technical Regulatory Authority:
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

- 1) once a quarter by the 20th day of the month following the reporting quarter, a report on the total sales of packages and linked travel arrangements whereby the updated total sales of packages and linked travel arrangements planned for the following quarter are also submitted;
- 2) upon commencement of activities and henceforward every year together with the report on the total sales of packages and linked travel arrangements of the fourth quarter of the previous year, information on the planned annual total sales of packages and linked travel arrangements used as the basis for the calculation of security, which includes the quarterly sale of packages and linked travel arrangements.

(2) For the purposes of this Act, the total sales of packages and linked travel arrangements mean the gross amount of all payments made to a travel undertaking by or on behalf of travellers on the basis of package travel contracts or contracts on linked travel arrangements, including the amount received as prepayment and unused package gift vouchers.
[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 15³. Use of security

(1) If a travel undertaking is unable to perform an obligation arising from a package travel contract due to their solvency or a travel service constituting part of linked travel arrangements is not performed, the travel undertaking is required to promptly inform the Consumer Protection and Technical Regulatory Authority thereof.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) The use of security shall be decided by the Consumer Protection and Technical Regulatory Authority. Bankruptcy proceedings commenced against a travel undertaking shall not limit the rights of the Consumer Protection and Technical Regulatory Authority upon the use of security.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(3) In order to use security, the Consumer Protection and Technical Regulatory Authority shall:
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

- 1) designate a period of time for the submission of claims by travellers to the Consumer Protection and Technical Regulatory Authority, which shall not be shorter than 14 days;
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]
- 2) gather the claims of travellers and check the justifiability of timely submitted claims and, if possible, offer the possibility to continue the package travel;

3) organise the performance of the obligations set out in § 15 (3) and (4) of this Act and grant the issuer of security a reasonable period of time for the making of payments out of the security.

(4) The minister responsible for the field may establish by a regulation:

- 1) the standard form for the report on the total sales of packages and linked travel arrangements;
- 2) the procedure for the use of security.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 15⁴. Contact point

(1) The contact point referred to in Article 18(2) of Directive (EU) 2015/2302 of the European Parliament and of the Council on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, pp. 1–33) is the Consumer Protection and Technical Regulatory Authority.

[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) The Consumer Protection and Technical Regulatory Authority shall make available to the contact point of another Member State all the necessary information concerning the national requirements set for security, travel undertakings registered in the register of economic activities and the issuers of security set out in their register information. The Consumer Protection and Technical Regulatory Authority shall publish said information on its website.

[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(3) If the Consumer Protection and Technical Regulatory Authority has any doubts as to the security provided by a tour operator from another state, the Authority shall request explanations from the contact point of the Member State where the tour operator is established. The Consumer Protection and Technical Regulatory Authority shall reply to inquiries from another Member State as quickly as possible considering the urgency and complexity of the matter. The first reply shall be given within 15 working days as of the receipt of the request.

[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

§ 16. Tour guide, guide-interpreter and tour escort

(1) Tour guide means a natural person who introduces sights of interest on the basis of a pre-arranged programme, route and time schedule.

(2) Guide-interpreter means a natural person who introduces sights of interest on the basis of a pre-arranged programme, route and time schedule, and conveys brief introductions to sights of interest and conversation by way of consecutive or simultaneous interpretation.

(3) Tour guides and guide-interpreters are required to certify their professional competence.

(4) Tour escort means a natural person who accompanies consumers on the route prescribed by a tour operator and organises the timely and quality provision of services which are part of the package.

Chapter 3 ACCOMMODATION ESTABLISHMENTS

§ 17. Accommodation establishment

(1) Accommodation establishment means a business entity through which an undertaking provides accommodation service within the framework of its economic or professional activity.

(2) Accommodation service means the offer for sale or sale of sleeping accommodation and goods or services supplementary thereto.

(3) Accommodation service is not deemed to be:

- 1) accommodation provided by an undertaking to persons who are in an employment or service relationship with the undertaking, on account of the assets of the undertaking;
- 2) accommodation for which a residential lease contract is entered into;
- 3) accommodation, by an educational institution, of persons enrolled or employed at the educational institution;
- 4) accommodation in a means of transport used for the provision of transport services for passengers;
- 5) accommodation in extraordinary conditions in order to gain an experience (in the wild, in a hut, on a raft, etc.).

[RT I 2005, 24, 181 – entry into force 01.11.2005]

§ 18. Types of accommodation establishments

(1) The type of accommodation establishment characterises the accommodation establishment and the accommodation service offered through such establishment. The main types of accommodation establishments are a hotel, motel, guesthouse, hostel, holiday village and camp, holiday home, visitor's apartment and bed-and-breakfast.

(2) Hotel means an accommodation establishment with no less than 10 guestrooms which offers catering services.

(3) Motel means an accommodation establishment, located in the vicinity of a highway, with no less than 10 guestrooms which is intended primarily for persons travelling by a motor vehicle, where catering services are offered and where safe parking is ensured.

(4) Guesthouse means an accommodation establishment with no less than five guestrooms which offers catering services.

(5) Hostel means an accommodation establishment which offers catering services or food-preparing facilities.

(6) Holiday village and camp means an accommodation establishment where limited services are offered, campsites for tents and/or caravans and parking places for motor vehicles are provided and which may also include accommodation facilities.

(7) Holiday home means an accommodation establishment intended for holidays where the entire accommodation facility with food-preparing facilities is rented out.

(8) Visitor's apartment means an accommodation establishment where the accommodation unit with food-preparing facilities is an apartment which is rented out entirely.

(9) Bed-and-breakfast means an accommodation establishment where breakfast is offered and which is located on a farm, in a house or an apartment which is in the possession of a natural person.

(10) The definitions specified in subsection (1) of this section may be used for an accommodation establishment only if the accommodation establishment corresponds to the description of the relevant type of accommodation establishment and complies with the requirements established therefor.

(11) If an accommodation establishment does not correspond to the description of and does not comply with the requirements established for any type of accommodation establishment specified in subsection (1) of this section, other appropriate definition may be used by an undertaking.
[RT I 2004, 18, 131 – entry into force 15.04.2004]

§ 19. Provision of accommodation service

(1) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) An accommodation establishment shall comply with the requirements established for the accommodation establishment during the whole period of accommodation of visitors.

(3) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(4) The requirements for accommodation services shall be established by the minister responsible for the field.
[RT I 2005, 24, 181 – entry into force 01.11.2005]

§ 20. Notification obligation of provider of accommodation service

[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 20¹. Registration procedure and registration information

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

§ 21. Category of accommodation establishment

(1) The category of an accommodation establishment (hereinafter *category*) indicates the standard of the accommodation establishment and of the services offered by the accommodation establishment.

(2) A category may be assigned to an accommodation establishment and revoked by a legal person in private law which unites accommodation establishments or develops their quality-related activities, and prepares the requirements which serve as the bases for the assignment and revocation of categories (hereinafter *category requirements*) and the procedure for the assignment and revocation of categories.

(3) The right to operate as a person assigning and revoking categories (hereinafter *assigner of categories*) shall be granted by the minister responsible for the field. The right to operate as an assigner of categories shall be granted to only one person as regards each type of accommodation establishment.

(4) The minister responsible for the field shall establish the procedure and conditions for the grant of the right to operate as an assigner of categories and the requirements for the operation as an assigner of categories.

(5) Being assigned a category is voluntary for undertakings.

(6) In order to cover the costs related to the evaluation of accommodation establishments and the assignment of categories to them, a person who has been granted the right to operate as an assigner of categories pursuant to the procedure provided for in subsection (4) of this section may charge a fee.
[RT I 2005, 24, 181 – entry into force 01.11.2005]

§ 22. [Repealed – RT I 2005, 24, 181 – entry into force 01.11.2005]

§ 23. Designation of accommodation establishment

(1) A designation of an accommodation establishment which sets out the name and type or another specification characterising the type of the accommodation establishment shall be located on the building of the accommodation establishment or on the side of the driveway leading thereto.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) If the accommodation establishment has been assigned a category, the designation of category which corresponds to the category may be used in the name and designation of the accommodation establishment.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(3) The word “*turismitalu*” [tourism farm] may be used in the name of a guesthouse, hostel, holiday village and camp, holiday home and bed-and-breakfast located in a rural area.
[RT I 2005, 24, 181 – entry into force 01.11.2005]

§ 24. Registration of user of accommodation service

(1) A user of accommodation services of an accommodation establishment shall be registered in the accommodation establishment on the basis of a visitor's card. A user of accommodation services confirms by his or her signature that the information provided is correct.

(2) If a user of accommodation services is a citizen of Estonia, another Member State of the European Economic Area or Switzerland or an alien residing in Estonia on the basis of a residence permit or right of residence, at least the following information shall be entered on the visitor's card concerning him or her:
[RT I 2010, 18, 98 – entry into force 16.05.2010]

- 1) the name, date of birth, citizenship and address;
- 2) the name, date of birth and citizenship of the spouse or a minor accommodated together with him or her;
- 3) the period of provision of the accommodation services.

(3) In addition to the information specified above, a visitor's card of a person not specified in subsection (2) of this section shall set out the type and number of his or her travel document and the state which issued it.

(4) In order to register a travel group, a visitor's card of a group which sets out information, concerning the members of the travel group, specified either in subsection (2) of this section or subsections (2) and (3) of this section, and the name and contact details of the person authorised by the travel undertaking may be filled in. The visitor's card of a group shall be signed by the person authorised by the travel undertaking. The travel undertaking is responsible for the correspondence of information entered on the visitor's card of a group to the documents presented to the undertaking.

(5) An employee of an accommodation establishment may demand that a user of accommodation services present a valid identity document to enable identification of the person.

(6) Visitor's cards shall be preserved in accommodation establishments for two years as of the date they were filled in.
[RT I 2006, 26, 191 – entry into force 01.08.2006]

Chapter 4

TOURIST INFORMATION

§ 25. Tourist information

(1) Tourist information means compiled and organised information on tourist services and the provision thereof and on sights of interest.

(2) Persons interested in tourist information shall be provided with impartial and adequate tourist information free of charge by tourist information centres and tourist information points.

§ 26. Tourist information centre

(1) A tourist information centre compiles and organises impartial and adequate information on tourist services and the provision thereof and on sights of interest in the administrative territory of the county of location of the tourist information centre, and forwards such information to persons interested in tourist information and to other tourist information centres and to Enterprise Estonia.

(2) Enterprise Estonia shall publish on its website information relating to accommodation establishments and tourist information centres, and also information on tour guides and guide-interpreters and tourist information forwarded by tourist information centres.

(3) A tourist information centre shall be designated by a sign which consists of a white letter “i” depicted against a green background (hereinafter *i-sign*).

(4) In addition to the designation specified in subsection (3) of this section, the word “külastuskeskus” [visitor centre] may be used upon designating a tourist information centre pursuant to the conditions established on the basis of § 27 (1) of this Act.

(5) A tourist information centre may provide the following services for a charge or sell the following goods:

- 1) booking of accommodation;
- 2) intermediation of sightseeing services;
- 3) rental of equipment for sightseeing;
- 4) intermediation of carriage of passengers within Estonia;
- 5) permitting the use of the Internet and a fax machine;
- 6) sale of stationery, including sale of writing paper, writing instruments, envelopes, stamps and postcards;
- 7) sale of periodicals;
- 8) sale of publications introducing tourist services and sights of interest;
- 9) sale of souvenirs and photography supplies;
- 10) sale of tickets to events.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

§ 27. Requirements set for tourist information centre

(1) The mandatory requirements set for a tourist information centre, including the tourist information provided and access to the information, as well as for the designation of a tourist information centre shall be established by the minister responsible for the field.

(2) The compliance of a tourist information centre with the mandatory requirements shall be certified by its designation pursuant to the provisions of §§ 26 (3) and (4) of this Act.

(3) Prior to the commencement of activities at a tourist information centre, a person is required to submit to Enterprise Estonia a notice which shall set out at least the following information:

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

- 1) the name, address of the location and other contact details of the tourist information centre;
- 2) the date of commencement of activities at the tourist information centre if it is different from the date of submission of the notice;
- 3) the date of termination of activities at the tourist information centre if the activities are planned for a certain period of time;
- 4) the services provided and the goods sold pursuant to the provisions of § 26 (5) of this Act;
- 5) the person's name, registry code and contact details.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(4) A person is required to notify Enterprise Estonia of a change in the information specified in subsection (3) of this section or of the termination of activities immediately but no later than within five working days.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

§ 28. [Repealed – RT I 2008, 8, 58 – entry into force 01.09.2008]

§ 29. Tourist information point

A tourist information point compiles and organises impartial and adequate information on tourist services and the provision thereof and on sights of interest in the administrative territory of the local government of the location of the tourist information point.

Chapter 5 STATE SUPERVISION

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 30. State supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) State supervision over the compliance with the requirements established by this Act and on the basis thereof, except over the performance of the obligation to register a user of accommodation services provided for in § 24 of this Act and the duties of an assigner of categories specified in § 21 (3) of this Act, shall be exercised by the Consumer Protection and Technical Regulatory Authority.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) In addition to that provided for in subsection (1) of this section, supervision shall be exercised by the following law enforcement agencies:

- 1) the Rescue Board shall exercise supervision over the compliance with the fire safety requirements set for accommodation establishments;
- 2) the Health Board shall exercise supervision over the compliance with the health requirements set for accommodation establishments;
- 3) the Police and Border Guard Board shall exercise supervision over the compliance with the requirement to register users of accommodation services;
- 4) city and rural municipality governments shall exercise supervision over the compliance with the requirements set for accommodation establishments on their administrative territory, except for the requirements specified in clauses 1) through 3) of this subsection.

(3) Supervision over the compliance with the requirements established by this Act and on the basis thereof for acting as an assigner of categories shall be exercised by the Ministry of Economic Affairs and Communications.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 30¹. Special state supervision measures

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

In order to exercise the state supervision provided by this Act, a law enforcement agency may apply the special state supervision measures provided for in §§ 30, 31, 32, 49, 50, 51 and 52 of the Law Enforcement Act on the bases and pursuant to the procedure provided by the Law Enforcement Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 30². Specifications of state supervision

On the conditions provided for in § 50 of the Law Enforcement Act, a law enforcement agency may only enter the territory and buildings used within the framework of the economic or professional activity of a provider of accommodation services, travel undertaking, tourist information centre or assigner of categories.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 31. Precept of official exercising supervision

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 5¹ LIABILITY

§ 31¹. Violation of requirements established for travel undertaking

(1) Offer of packages or entry into package travel contracts, likewise offer of linked travel arrangements or facilitation of conclusion of contracts on linked travel arrangements without requisite security is punishable by a fine of up to 300 fine units.
[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

(2) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(3) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(4) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 50,000 euros.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(5) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 31². Violation of requirements established for accommodation establishment

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 31³. Violation of obligation to register user of accommodation services and violation of requirement to preserve visitor's card

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 31⁴. Violation of requirements set for tourist information centre

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 31⁵. Proceedings

The body conducting extra-judicial proceedings in matters of misdemeanours provided for in this Chapter is the Consumer Protection and Technical Regulatory Authority.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

§ 32.–§ 33.[Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

Chapter 6 FINAL PROVISIONS

§ 34. [Repealed – RT I 2005, 24, 181 – entry into force 01.11.2005]

§ 35. [Omitted from this text]

§ 36. Transitional provisions

(1) An undertaking which has been issued, prior to the entry into force of this Act, an activity licence for provision of tourist services by the minister responsible for the field the period of validity of which expires after 1 March 2001 may offer and provide travel services until the date of expiry indicated on the activity licence but no longer than until 1 July 2001.

(2) A certificate of accommodation establishment issued pursuant to legislation in force prior to the entry into force of this Act shall be valid until the date of expiry indicated on the certificate but no longer than until 1 January 2002.

(3) A certificate of category assigned to a hotel issued pursuant to legislation in force prior to the entry into force of this Act and the period of validity of which expires after 1 March 2001 shall be valid until the date of expiry indicated on the certificate but no longer than until 1 January 2002.

(4) An undertaking which has been issued an activity licence specified in subsection (1) of this section is not required to hold a security provided for in § 15 of this Act during the period of validity of such an activity licence.

(5) Travel agencies and tour operators registered in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements are required to bring, by 15 October 2004, their information into compliance with the requirements of the Tourism Act by submitting a new registration application.

(6) A certificate of accommodation establishment issued before 1 November 2005 shall be valid until the date of expiry indicated on the certificate or until information set out on the certificate changes but no longer than until 31 October 2006.

[RT I 2005, 24, 181 – entry into force 01.11.2005]

(7) The bases for the deletion of a registration apply to the revocation of a certificate of accommodation establishment until 31 October 2006.

[RT I 2005, 24, 181 – entry into force 01.11.2005]

(8) A certificate of category issued before 1 November 2005 shall be valid until the date of expiry indicated on the certificate or until information set out on the certificate changes.

[RT I 2005, 24, 181 – entry into force 01.11.2005]

(9) Legislation which was established on the basis of § 21 (2) of this Act in force until 1 November 2005 is valid until it is repealed but no longer than until 1 May 2006. A certificate of category issued by the minister responsible for the field pursuant to this subsection shall be valid until the date of expiry indicated on the certificate or until information set out on the certificate changes.

[RT I 2005, 24, 181 – entry into force 01.11.2005]

(10) A certificate of tourist information centre issued before 1 September 2008 shall be valid until the date of expiry indicated on the certificate.

[RT I 2008, 8, 58 – entry into force 01.09.2008]

(11) The bases for the revocation of the right to operate as a tourist information centre apply to the revocation of a certificate of tourist information centre issued before 1 September 2008.

[RT I 2008, 8, 58 – entry into force 01.09.2008]

(12) Upon continuation of activities, travel undertakings registered in the register of economic activities before 1 June 2010, which have granted the right to offer for sale and sell packages combined thereby also to another travel undertaking or other travel undertakings, are required to enter, by no later than 1 August 2010, in the register of economic activities information concerning the travel undertaking or travel undertakings which have received the specified right, including the name, number of registration in the register, address and other contact details.

[RT I 2010, 18, 98 – entry into force 16.05.2010]

(13) Upon continuation of activities, travel undertakings registered in the register of economic activities before 1 June 2010, which offer for sale and sell packages combined by another travel undertaking, are required to enter, by no later than 1 August 2010, in the register of economic activities information concerning the travel undertaking or travel undertakings which combined the packages, including the name, registration number, address and other contact details. Upon offer for sale and sale of packages combined by a travel undertaking from a state outside the European Economic Area or from another Member State of the European Economic Area, the number of registration in the register shall be replaced by a relevant designation of the country of location of the travel undertaking (the registry code and the name of the corresponding register).

[RT I 2010, 18, 98 – entry into force 16.05.2010]

(14) § 8 (3) of this Act shall be applied as of 1 July 2016.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(15) Travel undertakings registered in the register of economic activities before 1 July 2018 are required to bring their economic activities information in the register of economic activities into conformity with the requirements provided by this Act by 30 September 2018.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

(16) Security issued before 1 July 2018 is subject to the requirements arising from the wording of the Tourism Act that was in force at the time the security was issued until the end of the validity of the security but no longer than until 30 September 2018.

[RT I, 28.12.2017, 3 – entry into force 01.07.2018]

§ 37. Entry into force of Act

This Act enters into force on 1 March 2001.

¹Directive (EU) 2015/2302 of the European Parliament and of the Council on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament

and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, pp. 1–33); Council Directive 95/57/EC on the collection of statistical information in the field of tourism (OJ L 291, 6.12.1995, pp. 32–39). [RT I, 28.12.2017, 3 – entry into force 01.07.2018]