

Tourism Act

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(*) effective 1.07.2007 - amended, SG No. 80/3.10.2006, effective 3.10.2006

(**) effective 1.01.2008 - amended, SG No. 53/30.06.2007, effective 30.06.2007

Text in Bulgarian: Закон за туризма

Chapter One GENERAL DISPOSITIONS

Article 1. (Amended, SG No. 94/2005) (1) This Act regulates the social relations associated with the implementation of governance and control in tourism, the interaction of the State and municipalities in the implementation of activities related to tourism, as well as the participation of not-for-profit legal entities and natural persons in the said activities.

(2) The State tourism policy shall be determined by the Council of Ministers.

(3) Within the respective competences thereof, the State bodies shall conduct the State tourism policy and shall create appropriate conditions for the development of tourism.

Article 2. The purpose of this Act is:

1. to ensure conditions for development of tourism as a sector of priority importance;
2. to introduce uniform criteria for performance of tourism activities;
3. to ensure protection of the consumers of the tourist product;
4. to define the rights and duties of persons concerned with tourism;
5. (Supplemented, SG No. 39/2004) to regulate control over tourism activities and the quality of the tourist product.

Article 3. (1) This Act regulates tourism as a totality of specific economic activities, journeys, participation in cultural events, forums and other such, carried out at tourism establishments and intended to produce, supply, sell and consume goods and services comprising the tourist product.

(2) The following shall qualify as tourism activities:

1. tour operation and travel agency;

2. hoteliery and restaurateurship;

3. provision of ancillary tourist services;

(3) The following shall qualify as tourism establishments:

1. the collective tourist accommodation establishments: hotels, motels, cottage villages and holiday villages;

2. (Amended, SG No. 94/2005) the supplementary tourist accommodations: boarding houses, holiday accommodations owned by businesses for their employees and workers, family hotels, rented rooms in family houses, villas, houses, cabanas and camping sites;

3. the mass-catering and entertainment establishments: full-service restaurants, fast food restaurants, drinking establishments, cafés and patisseries, and bars;

4. the places for practice of tour operation, travel agency and provision of information services;

5. (New, SG No. 39/2004, supplemented, SG No. 94/2005) the beaches: beaches at natural water sites (coastal, river-side and lake-side) and beaches at man-made water sites (dam-lake-side and at swimming-pool-side);

6. (New, SG No. 39/2004, supplemented, SG No. 94/2005) the ski areas: ski areas for downhill skiing and snowboarding and ski areas for cross-country skiing;

7. (Renumbered from Item 5 and amended, SG No. 39/2004) the centres and sites for supply and consumption of ancillary tourist services: spa services, sports services, entertainment services and other such;

8. (Renumbered from Item 6, SG No. 39/2004, amended, SG No. 19/2009, effective 10.04.2009) the museums, reserves, cultural values under the Cultural Heritage Act, as well as the cultural institutes under the Protection and Promotion of Culture Act;

9. (Renumbered from Item 7 and supplemented, SG No. 39/2004) the national parks, the natural parks, the strict nature reserves, the managed nature reserves, the protected sites and the natural monuments under the Protected Areas Act;

10. (New, SG No. 94/2005) hikers' chalets: hikers' chalets, hikers' training centres and hikers' hostels, and mass-catering establishments attached to hikers' chalets: hikers' canteens, hikers' refectories, and hikers' canteens with waiter service.

(4) There shall be the following types of tourism:

1. holiday (vacation) tourism;

2. (Amended, SG No. 39/2004) cultural and heritage tourism;

3. ecotourism;

4. health and spa tourism;

5. activity holidays;

6. rural tourism;

7. (New, SG No. 39/2004) conference industry;

8. (Renumbered from Item 7, SG No. 39/2004) other.

Article 3a. (New, SG No. 94/2005) (1) It shall be inadmissible to refuse to provide tourist services at the tourism establishments covered under Article 3 (3) herein, as well as to provide such services or an inferior quality or at less favourable

conditions on the grounds listed in Article 4 (1) of the Protection against Discrimination Act.

(2) The providers of tourist services covered under Article 3 (3) herein shall be obligated to announce the prices of the said services at an identical amount in respect of all tourists, and difference of treatment of tourists or placing part of tourists in a less favourable position compared to another part on the grounds listed in Article 4 (1) of the Protection against Discrimination Act shall be inadmissible.

(3) The requirements of Paragraph (2) shall furthermore apply in the cases where the announced prices of tourist services are indicated on the Internet, in promotional and commercial brochures and publications, as well as in radio and television broadcasts.

Article 4. The State shall implement the tourism policy thereof and, to this end, shall:

1. facilitate the development of tourism as a sector of priority importance for the national economy;
2. evolve a statutory framework for the development of tourism in accordance with international standards, rules and customary practice;
3. ensure financing for, and organize, national advertising of the tourist product;
4. (Amended, SG No. 39/2004) create conditions for development of vacation tourism, cultural and heritage tourism, health and spa tourism, activity holidays, rural tourism, the conference industry and other types of tourism;
5. (Amended, SG No. 39/2004) manage and control the quality of the tourist product;
6. implement state-to-state cooperation in tourism.

Chapter Two

GOVERNANCE BODIES

Section I

State Bodies

Article 5. (Amended, SG No. 39/2004, SG No. 28/2005, SG No. 94 /2005, SG No. 82/2009, effective 16.10.2009) (1) The Minister of Economy, Energy and Tourism shall implement the State policy in tourism and, to this end, shall:

1. elaborate short-term concepts and programmes for development of tourism and lay a strategy for development of tourism before the Council of Ministers for adoption;
2. organize and coordinate the control over the quality of the tourist product, effect registration for tour operation or travel agency and award categories to tourism establishments in the cases provided for by the law;
3. elaborate and control the fulfilment of the annual programme on spending of resources allocated in State financial support for the development of tourism, including the annual programme for national tourism promotion;
4. conduct, jointly with the competent central-government departments, the State policy in respect of training and continuing education of tourism personnel;
5. facilitate the activity concerning the attraction of investment and implementation of projects for development of tourism at the national, regional and local level; facilitate the construction and maintenance of tourism-related infrastructure;
6. interact with the bodies of local self-government and local administration and with the regional governors in the implementation of the powers thereof in the sphere of tourism;

7. represent the Republic of Bulgaria before international tourism bodies and organizations and honour and coordinate the honouring of the obligations of the Republic of Bulgaria arising from the membership thereof in the international bodies and organizations;

8. participate in the elaboration, evaluation and control over the implementation of programmes and projects financed by the European Union and by international organizations;

9. provide methodological guidance for the operation of the regional and local tourist information centres;

10. interact with the competent central-government departments and organize the joint activity concerning the development and assertion of the various types of tourism;

11. organize the creation and maintenance of the integral tourist information system, including the National Tourism Register;

12. direct the National Tourist Board;

13. issue the Rules of Operation of the Commission of Experts for Registration of Tour Operators and Travel Agents CERTOTA and the Rules of Operation of the Commission of Experts for Rating of Tourism Establishments CERTE and organize and direct the operation of the said commissions in the capacity as chairperson thereof;

14. through the commercial and economic offices at the diplomatic missions and consular posts of the Republic of Bulgaria, promote Bulgarian tourism abroad and coordinate the operation of the Bulgarian cultural institutes and associations abroad for the promotion of Bulgarian history and cultural heritage;

15. ensure information services for, and assist the participation of Bulgarian companies in tourism-related fairs and events;

16. elaborate and participate in the discussion of drafts of statutory instruments in the field of tourism.

Article 5a. (New, SG No. 94/2005) (1) (Redesignated from Article 5a, SG No. 31/2008, repealed, SG No. 82/2009, effective 16.10.2009).

Article 6. (1) The Regional Governor shall conduct the State tourism policy within the territory of the administrative region thereof and, to this end, shall:

1. organize, jointly with the tourist associations, the development of a strategy and programmes for development of tourism, and coordinate the implementation of the said strategy and programmes; the said strategy and programmes shall be part of the administrative-region plan for functional-region development and shall be drafted proceeding from the national priorities for development of tourism, as well as from the local and regional tourism resources and needs;

2. coordinate, with mayors of the administrative region and with other regional governors of the functional region, the implementation of the National Programme for Development of Tourism.

(2) (Amended, SG No. 39/2004) The administrative-region council for functional-region development under the Regional Development Act shall assist the Regional Governor in the discharge of the functions thereof under this Act.

Section II

National Tourist Board. Commission of Experts for Registration of Tour Operators and Travel Agents. Commission of Experts for Rating of Tourism Establishments

(Heading amended, SG No. 39/2004, SG No. 94/2005)

Article 7. (1) There shall be established a National Tourist Board as a state-cum-public advisory and coordinating body with the Minister of Economy, Energy and Tourism.

(2) The National Tourist Board shall be chaired by the Minister of Economy, Energy and Tourism or an official empowered thereby.

(3) The Minister of Economy, Energy and Tourism shall designate the representatives of the State on the National Tourist Board in consultation with the heads of the relevant central-government departments.

(4) The members of the National Tourist Board shall include representatives of:

1. the State, as designated according to the procedure established by Paragraph (3);

2. (Amended, SG No. 94/2005) tourist associations, designated under terms and according to a procedure established by the Rules referred to in Paragraph (6);

3. (Amended, SG No. 94/2005) associations of carriers by air, land and water, designated under terms and according to a procedure established by the Rules referred to in Paragraph (6);

4. (Amended, SG No. 94/2005) the nationally represented associations of consumers in the Republic of Bulgaria, designated under terms and according to a procedure established by the rules referred to in Paragraph (6);

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

(5) The National Tourist Board shall perform the following functions:

1. (Amended, SG No. 94/2005) endorse an annual programme on spending of the resources allocated in State financial support for the development of tourism, including an annual programme for national tourism promotion;

2. (Repealed, SG No. 94/2005);

3. coordinate the implementation of national tourism promotion;

4. (Repealed, SG No. 39/2004);

5. (Amended, SG No. 94/2005) consider elaborated concepts and programmes for development of tourism in Bulgaria;

6. give opinions on drafts of statutory instruments and initiate motions to amend, supplement or repeal such instruments;

7. discuss matters related to the construction and maintenance of the tourism infrastructure and the attraction of foreign investment in tourism;

8. discuss the readiness of Bulgarian air carriers to perform the charter programmes thereof;

9. (Supplemented, SG No. 94/2005) discuss and analyze the preparation for the tourist seasons and the results thereof;

10. discuss the results of the performance of authorities entrusted with the exercise of control in tourism and tourism-related activities, and make recommendations on improvement of the performance of the control authorities;

11. consider questions and make recommendations regarding an improvement of the protection of consumers of tourist services.

(6) (New, SG No. 94/2005) The Minister of Economy, Energy and Tourism shall determine the number of the members of the National Tourist Board, shall ensure the organizational and logistical servicing of the said Board and shall issue Rules of Organization and Operation of the said Board.

Article 8. (Repealed, SG No. 94/2005).

Article 9. (Amended, SG No. 39/2004, effective 12.05.2004, repealed, SG No. 94/2005).

Article 9a. (New, SG No. 39/2004) (1) (Amended, SG No. 82/2009, effective 16.10.2009) There shall be established a Commission of Experts for Registration of Tour Operators and Travel Agents (CERTOTA) and a Commission of Experts for Rating of Tourism Establishments (CERTE) with the Minister of Economy, Energy and Tourism.

(2) (Amended, SG No. 82/2009, effective 16.10.2009) The commissions referred to in Paragraph (1) shall be chaired by the Minister of Economy, Energy and Tourism or by an official empowered thereby.

(3) (Amended, SG No. 94/2005, SG No. 82/2009, effective 16.10.2009) CERTOTA shall be composed in a manner such as to give an equal number of votes to representatives of the Ministry of Economy, Energy and Tourism, of the one part, and representatives of the nationally represented tourist associations of tour operators and travel agents, of the other part.

(4) (Amended, SG No. 94/2005, SG No. 82/2009, effective 16.10.2009) Upon rating of tourism establishments referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein, CERTE shall be composed in a manner such as to give an equal number of votes to representatives of the Ministry of Economy, Energy and Tourism, of the one part, and representatives of the nationally represented tourist associations of hoteliers and restaurateurs, of the other part.

(5) (Amended, SG No. 94/2005, amended, SG No. 36/2008, SG No. 82/2009, supplemented, SG No. 50/2010) Upon rating of tourism establishments referred to in Items 5 and 6 of Article 3 (3) herein, the CERTE shall be composed in a manner such as to give an equal number of votes to representatives of the Ministry of Economy, Energy and Tourism and a representative of the Ministry of Physical Education and Sports, on the one part, and representatives of the nationally represented tourist associations and other not-for-profit legal entities concerned with the development of the relevant tourism establishments, on the other part.

(6) (Amended, SG No. 94/2005, SG No. 82/2009, effective 16.10.2009) The members of the commissions referred to in Paragraph (1) shall be designated by an order of the Minister of Economy, Energy and Tourism on a nomination by the relevant association.

(7) (Amended, SG No. 94/2005, SG No. 82/2009, effective 16.10.2009) The organization of work, the composition and the operation of the commissions referred to in Paragraph (1) shall be regulated by Rules issued by the Minister of Economy, Energy and Tourism.

Section III

Bodies of Local Self-Government and Local Administration

Article 10. (1) The Municipal Council shall adopt a programme for development of tourism within the territory of the relevant municipality in accordance with the priorities of the national strategy and in conformity with the local tourism resources and requirements.

(2) (New, SG No. 39/2004) The programme for development of tourism shall envisage action for:

1. (Amended, SG No. 19/2009, effective 10.04.2009) construction and maintenance of the infrastructure servicing tourism within the territory of the municipality, including the local roads connecting resorts with airports, railway stations and bus stations, as well as with cultural values;

2. conservation, maintenance and development of greenspaces;

3. establishment of tourist information centres and arrangement of information services for tourists;

4. promotion at home and abroad of tourism establishments located within the territory of the municipality.

(3) (Renumbered from Paragraph (2), SG No. 39/2004) The municipality mayor shall perform the following functions:

1. (Repealed, SG No. 39/2004);

2. (Amended, SG No. 39/2004) establish and direct an advisory board on tourism affairs;

3. form a municipal commission of experts for rating of tourism establishments, with half of the members of the said commission representing the tourist associations operating within the territory of the municipality, should there be any such associations;

4. (Amended, SG No. 39/2004) award a category to tourism establishments covered under Article 52 (1) herein on a motion by the municipal commission of experts for rating of tourism establishments;

5. (Amended, SG No. 39/2004) create and keep a register of the establishments covered under Article 52 (1) herein rated within the territory of the municipality;

6. certify the registers of accommodated tourists of the persons practising hoteliery as a tourism activity within the territory of the municipality;

7. assist in the promotion of the tourist product of the municipality;

8. organize information services for tourists, inter alia through establishment of tourist information centres or offices;

9. assist in the maintenance and conservation of the natural, cultural and historical sites within the territory of the municipality;

10. (Amended, SG No. 94/2005) perform control functions in the cases provided for in this Act;

11. assist the state bodies in the conduct of tourism policy and the exercise of control over the quality of the tourist product within the territory of the municipality.

Article 10a. (New, SG No. 39/2004) (1) There shall be established an advisory board on tourism affairs within the territory of each municipality pursuing tourism activities on a motion by the mayor or by a tourist association.

(2) The advisory board on tourism affairs shall be chaired by the municipality mayor or by an official empowered thereby.

(3) The local administration, of the one part, and tourist associations and other not-for-profit legal entities concerned with the development of tourism, local business associations and consumers associations, of the other part, shall have an equal number of representatives on the advisory board on tourism affairs.

(4) The municipality mayor shall determine the number of members of the advisory board on tourism affairs according to Paragraph (4).

(5) The advisory board on tourism affairs shall perform the following functions:

1. elaborate the programme referred to in Article 10 (1) herein and propose the said programme to the Municipal Council;

2. (amended, SG No. 98/2010, effective 1.01.2011) make proposals and give opinions on matters of material relevance to the development of tourism within the territory of the municipality, including the rate of the visitor tax.

(6) The advisory board on tourism affairs shall make decisions by a majority of more than one half of the total number of members.

(7) The organization of work, the number of members and the composition of the advisory board shall be regulated by Rules adopted by the Municipal Council.

Section IV

Tourist Associations

Article 11. (1) Tourist associations, registered as not-for-profit legal entities, may be established in the Republic of Bulgaria.

(2) The associations referred to in Paragraph (1) shall be established along territorial and professional lines and may be of the following types:

1. national, regional, and local associations;
2. sectoral and trade associations.

Article 12. (1) In accordance with the charters thereof, the tourist associations shall perform the following functions:

1. represent and protect the interests of the members thereof in dealings with the relevant bodies of the central administration and of the local administration and local self-government;

2. participate in the elaboration of strategies and programmes for development of tourism on a national scale, within the territory of the functional region and of the municipality, and assist in the implementation of the said strategies and programmes;

3. assist in the promotion of the tourist product;

4. assist in the establishment and operation of tourist information centres or offices;

5. (Amended, SG No. 39/2004) participate, through representatives thereof, in CERTE;

6. (Amended, SG No. 39/2004) participate, through representatives thereof, in CERTOTA;

7. assist in the continuing vocational education of tourism personnel;

8. share in the control over compliance with the statutory instruments in the field of tourism;

9. codify professional ethics in tourism and the non-admission of unfair competition between and in respect of the members of the said associations, and report any committed violations of legislation to the competent authorities.

(2) Any tourist association, which has been registered as a not-for-profit legal entity for pursuit of public benefit activities, shall expend the property thereof on development and assertion of tourism.

(3) (Amended, SG No. 39/2004) The tourist associations shall assist in the efforts of the central-government authorities and of the local authorities to implement tourism policy and to manage and control the quality of the tourist product.

Article 13. The state bodies and the bodies of local self-government and local administration shall render assistance to the tourist associations for attainment of the purposes thereof.

Article 14. (Amended, SG No. 39/2004, SG No. 28/2005) The tourist associations shall submit to the Ministry of Economy, Energy and Tourism registration documents legitimating them in this capacity according to the requirements for entry into the National Tourism Register.

Chapter Three

FINANCIAL INCENTIVES TO DEVELOPMENT OF TOURISM

Article 15. (1) The State shall offer financial incentives to the development of tourism by providing resources for:

1. national advertising in the field of tourism;

2. control of the quality of the tourist product;
3. an integral tourist information system;
4. (Amended, SG No. 39/2004) tourism personnel education and training;
5. analyses and forecasts of the state and development of tourism;
6. sociological surveys in tourism at a national level;
7. participation in projects under international programmes.

(2) (Amended, SG No. 94/2005, SG No. 31/2008) The resources referred to in Paragraph (1) shall be provided annually to the budget of the Ministry of Economy, Energy and Tourism, as follows:

1. a grant from the central government budget;

2. proceeds from:

(a) (Amended, SG No. 39/2004) fees for registration of tourism activities and for rating of tourism establishments;

(b) (Supplemented, SG No. 39/2004, amended, SG No. 28/2005, SG No. 94/2005) any fines and pecuniary penalties imposed under this Act by the Chairperson of the Trade and Consumer Protection Commission;

(c) interest income;

(d) other resources as specified by a statutory instrument.

(3) Resources for development of tourism shall furthermore be raised by donations and aids, as well as under international programmes and agreements.

(4) (Amended, SG No. 94/2005) The resources covered under Paragraphs (2) and (3) shall be expended proceeding from the annual programme adopted by the National Tourist Board.

(5) The annual programme for each year shall be adopted by the National Tourist Board prior to the end of May of the preceding year.

Article 16. (1) (Repealed, SG No. 119/2002 and SG No. 120/2002, effective 1.01.2003).

(2) (Amended, SG No. 119/2002, SG No. 120/2002) The resources for development of tourism in each municipality shall be raised, by resolution of the Municipal Council, from:

1. (amended, SG No. 98/2010, effective 1.01.2011) the visitor tax as determined according to the procedure established by the Local Taxes and Fees Act;

2. any fines and pecuniary penalties as imposed by the municipality mayor under this Act;

3. the fees for rating of tourism establishments under Article 55 (4) herein;

4. action resources provided for implementation of specific programmes and projects;

5. donations and aid, resources under international programmes and agreements, where not envisaged to be credited in national budget revenue;

6. interest income;

7. other sources.

(3) (Amended, SG No. 39/2004) The resources covered under Paragraph (2) shall be expended solely on the activities covered under Article 10 (2) herein.

Chapter Four

TERMS AND PROCEDURE FOR PERFORMANCE OF TOURISM ACTIVITIES

Section I

Tour Operation and Travel Agency

Article 17. (Amended, SG No. 39/2004) (1) Tour operation or travel agency shall be practised within the territory of the Republic of Bulgaria solely by persons registered under this Act.

(2) Registration shall be effected by the Minister of Economy, Energy and Tourism by means of recording in the Register of Tour Operators and Travel Agents. The said Register shall be open to public inspection.

(3) To be recorded in the Register for practise of tour operation or travel agency, a person must be responsive to the following requirements:

1. be a merchant within the meaning given by the Commerce Act or a legal person entitled to carry out economic activity by virtue of another law;

2. have personnel with the appropriate education, foreign-language proficiency and experience;

3. have the tour operation or travel agency management functions performed by an individual possessing the appropriate education, foreign-language proficiency and experience;

4. has procured a premise appropriate for the practice of tour operation or travel agency;

5. has concluded a tentative contract of insurance under Article 42 (1) herein;

6. be not subject to liquidation or bankruptcy proceedings;

7. has not practised tour operation or travel agency without a licence or registration during the last succeeding twelve months;

8. the licence (or the registration) thereof for practice of the relevant activity has not been revoked (or, respectively, expunged) during the last preceding twelve months.

(4) The requirements referred to in Items 2, 3 and 4 shall be particularized in an ordinance adopted by the Council of Ministers.

(5) (New, SG No. 15/2010, effective 23.02.2010) Tour operation or travel agency may furthermore be practised by a person established in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the European Economic Area if, upon establishment in the territory of the Republic of Bulgaria, the said person presents a copy of a document certifying the right thereof to practise such activity and a certificate or another document issued by a credit institution or an insurer containing data of the existence of insurance covering the liability of the said person for damage which may ensue as a result of a culpable non-fulfilment of professional duties.

Article 18. (Amended, SG No. 39/2004) (1) (Amended, SG No. 105/2005, SG No. 34/2006) Any person referred to in Article 17 (3) herein wishing to be recorded in the Register shall submit an application completed in a standard form, stating therein: the type of tourism activity for which registration is sought, name and address of the person or, respectively, registered office, address of the place of management, and standard identification code, where such are available, as well as

address of the tourism establishment. Any such application shall be accompanied by:

1. (Amended, SG No. 94/2005, SG No. 34/2006, SG No. 82/2009, effective 16.10.2009) copies of documents certifying that the legal person is entitled to carry out economic activity by virtue of another law;
2. (Amended, SG No. 94/2005, SG No. 82/2009, effective 16.10.2009) a declaration to the effect that the person is not subject to bankruptcy proceedings or liquidation proceedings;
3. an information sheet on the education, foreign-language proficiency and experience of the personnel which will be engaged in the performance of the tourism activity;
4. copy of the documents certifying educational attainment, experience and foreign-language proficiency of the individual performing tour operation or travel agency management functions;
5. information sheet on the location, appropriateness and furnishings of the premises for practice of tour operation or travel agency;
6. a copy of a title deed or of a commercial lease agreement, or another document creating a right of use of the premises referred to in Item 5, valid for not less than one year reckoned from the date of submission of the application;
7. a copy of the tentative contract of insurance under Article 42 (1) herein;
8. a declaration to the effect that the applicant has not practised tour operation or travel agency without a licence (or registration) during the last preceding twelve months and that the tour operation or travel agency licence (or registration) thereof has not been revoked (or, respectively, expunged);
9. documentary proof of fee paid for consideration of the documents according to the rate schedule referred to in Paragraph (10).

(2) (Amended, SG No. 82/2009, effective 16.10.2009, SG No. 15/2010, effective 23.02.2010) Any application referred to in Paragraph (1) with the accompanying documents and the documents referred to in Article 17 (5) herein shall be submitted to the Ministry of Economy, Energy and Tourism.

(3) (Amended, SG No. 82/2009, effective 16.10.2009) The Commission of Experts for Registration of Tour Operators and Travel Agents shall consider the applications and documents referred to in Paragraph (1) within two months after the date of receipt of the said applications and documents and shall pronounce thereon, approaching the Minister of Economy, Energy and Tourism with a reasoned proposal to effect a registration or to refuse to effect a registration.

(4) Should any deficiency or non-conformity be detected in the documents submitted under Paragraph (1), CERTOTA shall allow the person a 30-day time limit to cure the said deficiencies or non-conformities. The time limit referred to in Paragraph (5) shall begin to run from the date of curing the deficiency or non-conformity, as the case may be.

(5) (Amended, SG No. 82/2009, effective 16.10.2009) Within two months after submission of an application to the Tourism Agency, acting on the proposal by CERTOTA, the Minister of Economy, Energy and Tourism shall effect the registration and shall issue a certificate of registration or a reasoned refusal to effect a registration.

(6) (Amended, SG No. 30/2006, SG No. 15/2010, effective 23.02.2010) Any refusal to effect a registration shall be appealable according to the procedure established by the Administrative Procedure Code.

(7) The registration and the certificate of registration shall have an indeterminate term of validity.

(8) The rights arising from the registration may not be transferred or ceded.

(9) The registrants shall be issued a certificate of registration, which shall be prominently displayed at the tourism establishment.

(10) Fees according to a rate schedule approved by the Council of Ministers shall be charged for consideration of

documents and for recording in the Register of Tour Operators and Travel Agents.

(11) (New, SG No. 15/2010, effective 23.02.2010) The persons referred to in Article 17 (5) herein shall be entered into the Register of Tour Operators and Travel Agents proprio motu, and the term of validity of the registration thereof shall conform to the term of validity of the documents presented by them.

Article 19. (New, SG No. 39/2004) (1) Any registered tour operator may submit an application for registration as travel agent, provided that the said operator is responsive to the requirements relating to tour operation referred to in Items 2, 3 and 4 of Article 17 (3) herein. In such cases, the tour operator shall submit an application for registration as travel agent, attaching thereto the documents referred to in Items 3, 4, 5 and 6 of Article 18 (1) herein.

(2) (Amended, SG No. 94/2005) In the cases referred to in Paragraph (1), registration shall be effected according to the procedure established by Article 18 herein. No fees shall be charged for consideration of the documents and recording of the additional registration as travel agent.

Article 20. (Amended, SG No. 39/2004) (1) A registration shall be expunged by an order of the Minister of Economy, Energy and Tourism:

1. at the request of the registrant;
2. upon the death of the natural-person sole trader or, respectively, upon the dissolution of the legal person;
3. (new, SG No. 15/2010, effective 23.02.2010) upon expiry of the term of validity of the registration, applicable to the cases referred to in Article 17 (5) herein;
4. (amended, SG No. 94/2005, renumbered from Item 3, SG No. 15/2010, effective 23.02.2010) on a reasoned proposal by CERTOTA:
 - (a) where the registration has been effected on the basis of false documents or of documents making false statements;
 - (b) where the tour operator or travel agent is adjudicated bankrupt or placed in liquidation;
 - (c) (Amended, SG No. 94/2005) upon systematic violations of the requirements referred to in Items 2, 3 and 4 of Article 17 (3) herein and Article 24 (1) and (4) herein;
 - (d) (Supplemented, SG No. 15/2010, effective 23.02.2010) if the tour operator fails to present a contract of insurance concluded under Article 17 (5) herein and Article 42 (1) herein to the registering authority;
 - (e) if the tour operator or the travel agent has issued a document making a false statement in the course of practice of the activity thereof, and this fact has been established by a judicial procedure.
 - (f) (New, SG No. 42/2007) upon a repeated violation of the requirements under Article 27 (4) herein;
 - (g) (New, SG No. 42/2007) upon a repeated violation of the requirements under Article 30a herein;
 - (h) (New, SG No. 42/2007) upon a repeated violation of the requirements under Article 30b herein.
- (2) The certificate shall be voided by the expungement of the registration.
- (3) (Amended, SG No. 30/2006) Any order of the Minister of Economy, Energy and Tourism expunging a registration shall be appealable according to the procedure established by the Administrative Procedure Code.
- (4) Upon expungement of a registration, the Minister of Economy, Energy and Tourism shall take the appropriate action to have the public informed of the expungement through the mass communication media.

Article 21. (Amended, SG No. 39/2004) (1) The following shall be recorded in the Register referred to in Article 17 (2) herein:

1. registration number;
2. type of tourism activity (or activities);
3. business name, registered office and address of the place of management of the registrant;
4. address of the location (or locations) of practice of the activity, telephone number, facsimile number, electronic mail address;
5. (amended, SG No. 105/2006, SG No. 34/2006 supplemented, SG No. 15/2010, effective 23.02.2010) standard identification code, tax or registration code or another identification used in the Member State concerned;
6. (amended, SG No. 15/2010, effective 23.02.2010) names of the persons entitled to represent and manage the registered person;
7. number of the order of the Minister of Economy, Energy and Tourism on registration and on expungement of the registration;
8. (supplemented, SG No. 15/2010, effective 23.02.2010) number and date of the contract of insurance concluded under Article 17 (5) and Article 42 (1), business name of the insurer, and term of validity of the insurance;
9. coercive administrative measures and sanctions imposed under this Act.

(2) (Amended, SG No. 94/2005) Upon an intervening change of any recordable circumstance covered under Paragraph (1), the registrant shall notify the Minister of Economy, Energy and Tourism of the said change within 30 days after occurrence of the said change. Documents certifying the change and documentary proof of a fee paid for entry of intervening changes in circumstances into the National Tourism Register according to the rate schedule referred to in Article 18 (10) herein shall be attached to the notification. If necessary, a new certificate of registration shall be issued.

Article 22. (Repealed, SG No. 39/2004).

Article 23. (Repealed, SG No. 39/2004).

Article 24. (Amended, SG No. 39/2004) (1) In the course of practice of tour operation or travel agency within the territory of Bulgaria, each tour operator or travel agent shall conclude contracts with registered tour operators or travel agents, with licensed insurers and carriers, with tourist guides, animators, mountain guides, ski instructors, providers of aquatic, flying and other risk sport and adventure tourist services possessing professional qualifications and experience, as well as with persons performing tourism activities at rated tourism establishments.

(2) (Effective 12.05.2004, SG No. 39/2004, amended, SG No. 28/2005, SG No. 94/2005) The requirements for professional qualifications and experience referred to in Paragraph (1) shall be established by an ordinance of the Council of Ministers on a motion by the Minister of Economy, Energy and Tourism.

(3) (New, SG No. 94/2005) The ordinance referred to in Paragraph (2) shall furthermore regulate a possibility for not-for-profit legal entities which are affiliated to international organizations to deliver training of the persons referred to in Paragraph (1) and to issue documents which certify the professional qualifications and experience of the said persons.

(4) (Renumbered from Paragraph (3), SG No. 94 of 2005) Acting on behalf and for the account of a licensed insurer, the tour operator or the travel agent shall contract with the tourist a compulsory insurance to cover medical expenses arising out of illness or accident as the tourist may sustain during international travel.

(5) (Renumbered from Paragraph (4), SG No. 94/2005) A legal person may likewise act as an insurance agent within the meaning given by the Insurance Act for contracting of the insurance referred to in Paragraph (3).

Article 25. (1) (Amended, SG No. 39/2004) A tourist voucher shall be issued for domestic and outbound tourism solely by a registered tour operator.

(2) (Amended, SG No. 39/2004) A tourist voucher may furthermore be provided to the tourist by a travel agent acting solely on behalf and for the account of a registered tour operator.

(3) A travel agent shall have no right to issue a tourist voucher of its own.

(4) (Amended, SG No. 94/2005) The tourist voucher shall be issued to the tourist after conclusion of the contract referred to in Article 30 (1) herein.

(5) The tourist voucher shall be issued in not fewer than three copies and shall contain the following mandatory essential elements:

1. number and date of issue of the voucher;
2. business name of the tour operator issuing the voucher;
3. (Amended, SG No. 39/2004) registration number of the tour operator;
4. (Amended, SG No. 39/2004) travel-agency registration number of the person representing the tour operator;
5. (Amended, SG No. 94/2005) name/names of the tourist/tourists;
6. list of the prepaid services included in the tour;
7. dates of provision of the first and last service;
8. counterparties providing the services;
9. (Amended, SG No. 94/2005) time limit for and mode of payment;
10. executive signature and seal of the issuer.

Article 26. Solely activities directly or indirectly associated with the supply of basic and ancillary tourist services shall be performed at tourism establishments for practice of tour operation and travel agency.

Section II

Pre-arranged Group and Individual Tours at an Inclusive Price

Article 27. (1) The provisions of this Section regulate the terms and a procedure for carrying out of pre-arranged group and individual tours at an inclusive price (package tours).

(2) (Amended, SG No. 39/2004) Package tours at an inclusive price shall be organized by a registered tour operator and shall be offered for sale by the said operator and/or through travel agents.

(3) (New, SG No. 42/2007) Pre-arranged tours at an inclusive price for children and pupils shall be organized by a registered tour operator and shall be offered for sale by the said operator and/or through travel agents.

(4) (New, SG No. 42/2007) Pre-arranged tours at an inclusive price for children and pupils, organized within the system of public education, shall be performed on the basis of a contract concluded with the principal of kindergarten, school or auxiliary unit within the meaning of the Public Education Act. The said contract shall be concluded after approval by the chief of the respective regional educational inspectorate.

Article 28. (1) (Amended, SG No. 39/2004) The information on package tours, the price thereof and all other terms and conditions of the contract, as provided directly by the tour operator or through a travel agent, must be accurate and comprehensive and must not mislead the consumer.

(2) (Amended, SG No. 39/2004) Acting directly or through a travel agent, the tour operator shall make available to the consumer information in writing which must indicate:

1. the price, named in Bulgarian lev terms, and the method of payment;

2. (Supplemented, SG No. 42/2007, repealed, SG No. 80/2007);

3. the dates of departure and return;

4. the place of departure, the final destination, and the itinerary;

5. the location, category, and type of the tourism establishment;

6. the number of overnight stays included in the tour;

7. the number and type of the meals included in the tour;

8. the minimum number of persons, where required for the package tour to take place, and a deadline for informing the consumer in the event of failure to enrol the said number;

9. (Amended, SG No. 94/2005) general information on passport and visa requirements, as well as information on medical and health formalities required for the journey;

10. (Effective 1.01.2003) designation of the insurance company wherewith the contract of insurance referred to in Article 42 herein has been concluded.

(3) The information referred to in Paragraph (1) must be written in a comprehensible, accurate and legible manner.

(4) The particulars set forth in the information in writing shall be binding on the tour operator who or which may not change the said information unless:

1. a possibility to change the said information is expressly stated therein, and the said possibility has been communicated to the consumer before conclusion of the contract;

2. the changes are made later, following an agreement between the parties to the contract.

(5) (Amended, SG No. 39/2004, SG No. 94/2005) Acting directly or through a travel agent, the tour operator shall be obligated to provide the consumer, in writing or in any other appropriate form, before the contract is concluded, with information on the passport and visa requirements and on the periods for obtaining the requisite documents, as well as with information on the medical and health requirements for the journey and the stay.

Article 29. (1) (Amended, SG No. 39/2004) Acting directly or through a travel agent, the tour operator must provide the consumer, before conclusion of the contract, with all terms and conditions of the said contract set out in writing.

(2) The obligation to provide information referred to in Paragraph (1) and in Article 28 (5) herein shall not apply upon last-minute reservations and conclusion of a package tour contract.

Article 30. (1) By a package tour contract, the tour operator shall undertake to provide to the consumer a tour at an inclusive price in consideration of the payment of a named price.

(2) A package tour contract shall be concluded in writing, and a copy thereof shall be provided to the consumer.

(3) The contract must state:

1. date and place of conclusion;

2. (Amended, SG No. 39/2004) business name, registered office, address of the place of management, registration

number of the tour operator and/or the travel agent, as well as name, Standard Public Registry Personal Number (EGN), and particulars of the personal identity document of the consumer;

3. (supplemented, SG No. 39/2004, amended, SG No. 42/2007, SG No. 80/2007) business name, registered office, address of the place of management, licence number of the carrier, the means of transport to be used, year of manufacture, number and term of validity of the sign of an initial technical inspection or the control counterfoil to the sign of a periodic inspection for verification of the roadworthiness of the vehicle, date and hour of departure and return and the itinerary of the tour, the time of arrival and the duration of stay;

4. the location and type of the tourism establishments, the tourist category thereof and the number of overnight stays where the journey includes overnight accommodation;

5. type and category of the mass-catering and entertainment establishments, number and type of the meals included in the tour;

6. (Amended, SG No. 39/2004) visits, trips, transfers and other services which are included in the price of the package;

7. special requirements which the consumer has communicated before conclusion of the contract and on which the contracting parties have agreed;

8. the price of the package, named in Bulgarian lev terms, for all services included in the contract, other payments not included in the price, the timetable for payment and the method of payment;

9. the possibility of revision of the price, the manner and procedure for recalculation of the said price in the cases under Article 34 (1) herein;

10. the latest date on which the consumer has the right to withdraw from the contract without penalty, as well as the latest date on which the consumer must give the tour operator or the travel agent notice that he or she is transferring the package thereof to a third party;

11. the amount of damages which the consumer is liable to pay the tour operator in the event of withdrawal from the contract after the latest date referred to in Item 10;

12. the minimum number of persons, if required for the package tour to take place, and a deadline for informing the consumer in the event of failure to enrol the said number and cancellation of the tour;

13. an obligation to inform the consumer of the rights thereof covered under Article 35 (1) herein;

14. requirements as to the form, manners and periods within which the consumer is entitled to make any complaint concerning failure to perform or improper performance of the contract;

15. (Effective 1.01.2003) business name and address of the insurer wherewith the tour operator has concluded a contract of insurance under Article 42 herein.

(4) (New, SG No. 42/2007) When the subject of the contract is a pre-arranged tour at an inclusive price for children and pupils, the number of overnight stays shall be determined in accordance with Article 30b herein.

(5) (Renumbered from Paragraph (4), SG No. 42/2007) The tour operator may not invoke the absence of an essential element in the contract.

(6) (Renumbered from Paragraph (5), SG No. 42/2007) The contract shall contain information on the material elements of the contracted compulsory insurance to cover medical expenses arising out of illness or accident as the tourist may sustain during international travel.

(7) (Amended, SG No. 39/2004, renumbered from Paragraph (6), SG No. 42/2007) Acting directly or through a travel agent, the tour operator shall provide the consumer, before the start of the journey, with an original of the insurance policy evidencing insurance covering medical expenses arising out of illness or accident as the tourist may sustain during international

travel.

Article 30a. (New, SG No. 42/2007) By the contract for a pre-arranged tour at an inclusive price for children and pupils, the tour operator or the carrier shall undertake to travel only during daytime.

Article 30b. (New, SG No. 42/2007) In case the pre-arranged tour at an inclusive price for children and pupils is performed by bus transport, the children and the pupils shall be provided with at least 8 hour long overnight stay per 24 hours at a rated tourism establishment.

Article 31. (Amended, SG No. 99/2005) The package tour contract may not contain unfair terms within the meaning given by Article 143 of the Consumer Protection Act.

Article 32. (1) (Amended, SG No. 39/2004) After conclusion of the contract but not later than seven working days before the start of the journey, the tour operator, acting directly or through a travel agent, shall be obligated to provide the consumer, in writing, with information on:

1. the name or the business name, the address and telephone number of a local representative thereof or, where no such representative exists, with information that will enable the consumer to contact the local agencies on whose assistance the consumer in difficulty could call; where no such agency exists, the consumer shall be provided with a telephone number or facsimile number that will enable the consumer to contact the tour operator or travel agent;

2. the times and places of intermediate stops and transport connections;

3. the type and category of the means of transport to be used, and details of the place to be occupied by the consumer on board the said means;

4. the insurances associated with the performance of the contract;

5. the optional conclusion of a contract of insurance to cover the cost of cancellation by the consumer or the cost of assistance, including repatriation, in the event of accident, illness or death.

(2) Where the period between the conclusion of the contract and the start of the journey is shorter than seven working days, the information covered under Paragraph (1) shall be provided upon conclusion of the contract.

(3) (Amended, SG No. 39/2004) In the case of journeys abroad by persons who have not attained the age of 14 years or by persons who have attained the age of 14 years but have not attained the age of 18 years, within the time limit referred to in Paragraph (1) the tour operator, acting directly or through the travel agent, shall provide the parent, tutor or curator with information enabling direct contact to be established with the person who has not attained the age of 14 or 18 years or with the person responsible therefor at the place of stay.

Article 33. The information covered under Article 28 (1) herein and under Article 32 (1) herein must be provided in a Bulgarian language version as well.

Article 34. (1) The price of a package tour shall not be subject to revision unless the contract expressly provides for the possibility of any such revision and provided that the said contract states precisely how the revised price is to be calculated, and solely to allow for variations in:

1. transportation costs, including the cost of fuel;

2. the amount of dues, taxes and fees chargeable for certain services used under the contract, such as landing taxes at airports or embarkation or disembarkation fees at ports;

3. the rate of exchange of foreign currencies applicable to the contract during the period between the conclusion thereof and the date of departure.

(2) The price may not be increased during the 20 days prior to the date of departure.

(3) Any increase of the price must be economically justified and must be commensurate to the alteration of costs.

Article 35. (1) (Amended, SG No. 39/2004) Where the tour operator alters significantly any of the essential clauses of the contract, the tour operator, acting directly or through the travel agent, shall be obligated to notify the consumer forthwith, and the said consumer may elect:

1. either to accept the alterations, which shall be certified by a rider to the contract specifying the impact of the said alterations on the price,

2. or to withdraw from the contract without penalty.

(2) Any revision of the price in excess of 5 per cent shall be deemed to be a significant alteration of the contract.

(3) The consumer shall inform the tour operator or travel agent of the election thereof within three days after receipt of the notification but not later than the departure date.

(4) Where the consumer withdraws from the contract according to Item 2 of Paragraph (1), the said consumer shall be entitled to elect one of the following options:

1. either to be offered a substitute package tour of equivalent or higher quality, where the tour operator or travel agent is in a position to offer such a substitute,

2. or to be offered a substitute package tour at an inclusive price of lower quality, in which case the tour operator or travel agent shall be obligated to refund the difference in price between the tour as cancelled and as offered to the consumer,

3. or to be repaid all sums paid thereby under the contract within seven days after the date of receipt of the notification of withdrawal referred to in Paragraph (3).

(5) Notwithstanding the cases referred to in Paragraphs (1), (3) and (4), the consumer shall be entitled to bring action for compensation for all damage to property and personal injury resulting from a failure to perform or an improper performance of the contract.

Article 36. (1) Where the tour operator cancels a pre-arranged tour prior to the start of the journey for any reason which is not attributable to any fault of the consumer, the said consumer shall enjoy the rights covered under Article 35 (4) herein; in such cases, the consumer shall furthermore enjoy the rights referred to in Article 35 (5) herein, except where:

1. cancellation is on the grounds that the number of persons enrolled for the package tour is less than the minimum number required for the tour to take place and the consumer is informed of this, in writing, within the period indicated in the contract, or

2. cancellation is for reasons of force majeure.

(2) Overbooking shall not qualify as force majeure.

Article 37. (1) The consumer may transfer the rights and obligations thereof under the contract to a third person satisfying all requirements for proceeding with the journey, having first given the tour operator or travel agent notice whereof the period shall be stipulated in the contract.

(2) The transferor and the transferee shall be jointly liable to the tour operator or travel agent for payment of the price of the package under the contract and of any costs arising from such transfer.

Article 38. (1) The consumer shall notify the service provider and the tour operator or travel agent of any improper performance of the contract as the consumer may establish during the journey and the stay. Notification must be made in writing or in another appropriate form, including transmission by means of facsimile machine, electronic mail or another technical device which precludes the possibility of an inaccurate reproduction of the statement.

(2) The service provider and the tour operator, the travel agent or the local representative thereof shall be obligated to

make prompt efforts necessary to find an appropriate solution in cases of complaint.

Article 39. (1) The tour operator shall incur liability for any failure to perform the obligations thereof arising from the contract, irrespective of whether the said obligations must be performed thereby or by any counterparties thereof.

(2) The tour operator may bring action against the counterparties thereof in the event of a failure of the said counterparties to perform any obligations under the contract concluded therebetween.

(3) The tour operator shall not incur liability for any damage resulting from failure to perform or improper performance of the contract which is attributable to:

1. the consumer;
2. acts of a third party unconnected with the performance of the contract, which are unforeseeable or unavoidable;
3. force majeure or an event which could not be foreseen or forestalled on the part of the tour operator or the counterparties thereof, even if performing the obligations thereof with all due care.

(4) In the cases covered under Items 2 and 3 of Paragraph (3), the tour operator shall be required to give prompt assistance to the consumer.

Article 40. (1) By a package tour contract, an upper limit may be agreed to the liability of the tour operator for any damage resulting for the consumer from failure to perform or improper performance of the contract. The upper limit to the liability of the tour operator, as agreed between the parties, may not exceed the treble amount of the price of the tour.

(2) Where the liability of the counterparties of the tour operator for any damage resulting from failure to perform or improper performance of the contract is limited by international treaties which have been ratified, have been promulgated in the State Gazette and have entered into force for the Republic of Bulgaria, the package tour contract may stipulate limitation of the liability of the tour operator in accordance with the provisions of the said treaties.

(3) The provisions under Paragraphs (1) and (2) shall not apply in the cases of personal injury.

(4) In cases other than such referred to in Paragraphs (1) and (2), the package tour contract may not include clauses exempting the tour operator from the liability incurable thereby under Article 39 (1) herein.

Article 41. (1) Where, during the journey, there occurs a failure of performance of a significant part of the services under the contract or the tour operator perceives that he (she, or it) will be unable to procure a significant part of the said services, the said tour operator shall be obligated to make all suitable alternative arrangements, at no extra cost to the consumer, for the continuation of the journey and to compensate the consumer for the difference between the services as agreed and as actually provided.

(2) In case the tour operator fails to make suitable arrangements for the continuation of the journey, the consumer may bring an action for compensation for the additional costs incurred thereby.

(3) Where it is impossible to make suitable arrangements under Paragraph (1) or where the said arrangements are not accepted by the consumer for good reasons, the tour operator shall be obligated:

1. to provide transport back to the place of departure or to another return-point to which the consumer has agreed, at no extra cost to the consumer, and
2. to compensate the consumer for the damage sustained.

Article 42. (1) (Effective 1.01.2003, amended, SG No. 39/2004) Every year, the tour operator shall conclude a contract of insurance covering the liability thereof for damage resulting from failure to settle any obligations to the counterparties thereof, including insolvency and bankruptcy, and the said insurance must cover:

1. repayment of the sums paid by the consumer under the contract before the start of the journey;

2. compensation for the difference in case only part of the services agreed in the contract are provided during the journey;

3. the costs of provision of transport for the consumer back to the place of departure.

(2) (Effective 1.01.2003, amended, SG No. 39/2004) Where the tour operator, acting directly or through the travel agent, fails to present to the consumer the contract of insurance referred to in Paragraph (1), the consumer shall be entitled to withdraw from the contract without penalty.

(3) (Effective 1.01.2003) A withdrawal by the consumer under Paragraph (2) must be communicated in writing to the tour operator or travel agent before the start of the journey.

(4) (Effective 1.01.2003, amended, SG No. 39/2004) The contract of insurance shall be concluded for a term of validity of one year and shall be renewed or a new contract shall be concluded not later than 30 days prior to the date of expiry of the term of validity of the previous contract. The tour operator shall provide the Minister of Economy, Energy and Tourism with a copy of the contract of insurance within 14 days after the conclusion or renewal of the said contract for the purpose of recording in the register referred to in Article 17 (2) herein.

(5) (New, SG No. 39/2004) Upon initial registration, registered tour operators shall be obligated to submit a copy of the contract of insurance as concluded within seven days after notification of the issuance of a certificate of registration.

(6) (Renumbered from Paragraph (5), SG No. 39/2004) The terms and a procedure for conclusion of the contract of insurance referred to in Paragraph (1) shall be established by an act of the Council of Ministers, which shall furthermore regulate the insurance cover, the limits of liability, the manner of determination of the insurance premium and other such.

Article 43. The provisions of this Section shall furthermore apply in the cases where a separate document on payment is issued for separate tourist services included in the package tour of the consumer.

Article 43a. (New, SG No. 66/2008) (1) Tour operators and travel agents shall undertake or ensure the undertaking of the requisite measures in accordance with Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, hereinafter referred to as "Regulation (EC) No 1107/2006", in respect of disabled persons or persons with reduced mobility, for the purposes of travelling by air.

(2) When the measures undertaken under Paragraph (1) are not consistent with Regulation (EC) No 1107/2006, disabled persons or persons with reduced mobility may claim compensation for the damages inflicted thereon. The action for compensation shall be brought against the tour operator or travel agent before the competent court.

Section III

Hoteliery and Restaurateurship

Article 44. (Repealed, SG No. 94/2005).

Article 45. (1) (Previous Article 45, SG No. 94/2005) To practise hoteliery or restaurateurship, a person must:

1. (supplemented, SG No. 15/2010, effective 23.02.2010) be a merchant within the meaning given by the Commerce Act or a legal person entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;

2. (repealed, SG No. 94/2005);

3. (amended, SG No. 39/2004) be not subject to liquidation or bankruptcy proceedings.

(2) (New, SG No. 94/2005) The persons practising hoteliery or restaurateurship and the rated tourism establishments

referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein shall be entered into the National Tourism Register referred to in Article 58 herein.

Article 46. (Amended, SG No. 94/2005) Any person providing tourist services at any tourism establishments referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein shall be obligated:

1. to provide tourist services satisfying the requirements of the category awarded to the establishment;
2. (Amended, SG No. 94/2005) to provide tourist services at a rated tourism establishment or at an establishment which has been issued an interim certificate on an initiated rating procedure;
3. to comply with Bulgarian legislation regulating the stay of tourists within the territory of the Republic of Bulgaria;
4. to display, in proximity to the entrance to the tourism establishment, the sign referred to in Article 55 (1) herein and the following information:
 - (a) the business name and the registered office of the merchant;
 - (b) (Amended, SG No. 39/2004) the business hours of the tourism establishment: applicable to mass-catering and entertainment establishments;
 - (c) the forename and the surname of the person managing the establishment.

Article 46a. (New, SG No. 94/2005) Any person providing tourist services at any tourism establishments referred to in Items 5 and 6 of Article 3 (3) herein shall be obligated:

1. to provide tourist services satisfying the requirements of the category awarded to the establishment;
2. to provide tourist services at a rated tourism establishment or at an establishment which has been issued an interim certificate on an initiated rating procedure.

Article 47. (1) The persons practising hoteliery shall be obligated:

1. to announce the prices of overnight stays and of the other services thereby supplied by means of a price list displayed in a place visible to consumers near the reception desk and in each room;
2. to indicate the prices in a comprehensible and legible manner, not misleading consumers;
3. (Amended, SG No. 94/2005) mandatorily to name the prices in Bulgarian lev terms as well, complying with the requirements of Article 3a (2) and (3) herein.

(2) The persons practising restaurateurship at mass-catering and entertainment establishments shall be obligated to prepare price lists: a menu of the meals and confections served, and a list of alcoholic and non-alcoholic beverages, showing the relevant selling prices and the weight of a helping and a measure.

(3) The menu and the list of beverages must be presented to each consumer prior to ordering and upon presentation of the bill.

(4) The menu and the list of beverages shall mandatorily be provided in a Bulgarian language version as well.

(5) (New, SG No. 94/2005) The prices named in the menu and in the list of beverages shall be of an identical amount for all tourists, determined in compliance with the requirements of Article 3a (2) and (3) herein.

(6) (Renumbered from Paragraph (5), SG No. 94/2005) A document of sale shall be issued for each sale of a tourist service, containing, at a minimum, particulars of the date of the sale, the type of service, and the price.

Article 48. The persons practising hoteliery and/or restaurateurship shall contract solely with tour operators, travel

agents, hoteliers or restaurateurs who or which have certified the right thereof to perform the relevant type of tourism activity.

Article 49. (Amended, SG No. 94 of 2005) (1) The persons practising hoteliery shall be obligated to keep a register of the accommodated tourists and of the overnight stays spent thereby, recording the tourists, inter alia, by country of citizenship.

(2) The register shall be certified on a monthly basis by the competent municipality mayor or by an official empowered thereby.

(3) The persons practising hoteliery shall be obligated to submit information on the overnight stays spent on a monthly basis to the relevant municipality.

(4) (New, SG No. 39/2004, repealed, SG98/2010, effective 1.01.2011).

Section IV

Rating of Tourism Establishments

(New, SG No. 39/2004)

Article 50. (Amended, SG No. 39/2004) (1) (Amended, SG No. 94/2005) The tourism establishments referred to in Items 1, 2, 3, 5, 6 and 10 of Article 3 (3) herein shall be subject to rating under this Act regardless of the form of ownership and the manner of management.

(2) Any mass-catering and entertainment establishments located at educational establishments and medical-treatment facilities, institutions and enterprises, intended for the exclusive use by persons linked thereto by ties of professional nature, as well as any refreshment bars, kiosks, caravans, and outlets selling puff pastry or deep-fried light dough with a seating capacity of up to 12 customer places, shall not be subject to rating under this Act.

(3) (Amended, SG No. 94/2005) Any person who or which practises or is to practise hoteliery or restaurateurship, or a person authorized thereby, shall submit an application for rating or for alteration of the category of a tourism establishment referred to in Items 1, 2 and 3 of Article 3 (3) herein, attaching thereto:

1. (amended, SG No. 94/2005, SG No. 34/2006, SG No. 82/2009, effective 16.10.2009, SG No. 15/2010, effective 23.02.2010) copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;

2. (amended, SG No. 94/2005, SG No. 82/2009, effective 16.10.2009) a declaration to the effect that the person is not subject to bankruptcy proceedings or in liquidation;

3. an information sheet on the professional qualifications and the foreign-language proficiency of the personnel at the establishment, completed in a standard form indicated in the ordinance referred to in Article 55 (3) herein;

4. copies of the documents certifying the professional qualifications and foreign-language proficiency of the manager of the tourism establishment;

5. a category award form, indicated in the ordinance referred to in Article 55 (3) herein;

6. copies of the documents on ownership of the establishment;

7. a document certifying the commissioning of the establishment;

8. a copy of the commercial lease agreement or of another contract showing that conditions exist for the applicant to perform the relevant tourism activity at the establishment;

9. (amended, SG No. 94 of 2005) an original notarized power of attorney, where the application is submitted by an authorized representative;

10. documentary proof of a fee paid for rating according to the rate schedule referred to in Article 55 (4) herein.

(4) The person, who or which is to practice hoteliery or restaurateurship, shall be issued an interim certificate on an initiated rating procedure, which shall be valid for the periods specified in Article 52 (3) herein, and which shall be prominently displayed at the establishment.

(5) The category of a tourism establishment referred to in Items 1, 2 and 3 of Article 3 (3) herein shall be awarded on the basis of conformity with the minimum mandatory requirements for construction, furnishings and equipment, standard of service, services offered and professional qualifications and language proficiency of the personnel, as specified in the ordinance referred to in Article 55 (3) herein.

(6) The category of the tourism establishments referred to in Items 1, 2 and 3 of Article 3 (3) shall be awarded for an indeterminate duration.

(7) (Repealed, SG No. 94/2005).

Article 50a. (New, SG No. 39/2004, amended, SG No. 94/2005) To be eligible to apply for the award of a category of a tourism establishment referred to in Items 5, 6 and 10 of Article 3 (3) herein, a person must be:

1. (supplemented, SG No. 15/2010, effective 23.02.2010) a merchant within the meaning given by the Commerce Act or a legal person entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or another State which is a Contracting Party to the Agreement on the European Economic Area;

2. not subject to liquidation or bankruptcy proceedings.

Article 50b. (New, SG No. 39/2004) (1) (Amended, SG No. 94/2005) Any person who or which is to provide tourist services within the territory of a beach or who or which owns the said beach or has been granted rights to use the said beach, or a person authorized thereby, shall submit an application for the rating or for alteration of the category of the tourism establishment, attaching thereto:

1. (amended, SG No. 34/2005, SG No. 82/2009, effective 16.10.2009, SG No. 15/2010, effective 23.02.2010) copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;

2. (amended, SG No. 34/2005) a declaration to the effect that the person is not subject to bankruptcy proceedings or in liquidation;

3. a category award form, indicated in the ordinance referred to in Article 51 (5) herein;

4. a conviction status certificate for the person who is to perform functions of management of the activities at the establishment;

5. a copy of the document on ownership of the beach or, respectively, of the contract of concession, commercial lease agreement or of another contract showing that the person has been granted rights to use the beach;

6. a conclusion by the State health control authorities that the quality of bathing water and the bathing area adjoining the beach conform to the statutory framework, issued not earlier than 30 days prior to the date of submission of the application;

7. a plat showing the boundaries of the beach, a plat of the beach or another document showing the exact location of the beach, issued by the relevant competent authority;

8. an original notarized power of attorney, where the application is submitted by an authorized representative;

9. documentary proof of a fee paid for rating according to the rate schedule referred to in Article 55 (4) herein.

(2) (New, SG No. 94/2005) The person referred to in Paragraph (1) shall be issued an interim certificate on an initiated rating procedure, which shall be valid for the period specified in Item 2 of Article 52 (3) herein, and which shall be prominently displayed at the establishment.

(3) (Renumbered from Paragraph (2) and amended, SG No. 94 of 2005) A beach shall be awarded a category on the basis of conformity with the minimum requirements for safety, availability of information, satisfaction of the health requirements and tourist services offered, as specified in the ordinance referred to in Article 51 (5) herein.

(4) (Renumbered from Paragraph (3), SG No. 94/2005) The category of a beach shall be awarded for an indeterminate duration.

Article 50c. (New, SG No. 39/2004) (1) (Amended, SG No. 94/2005) Any person who or which is to provide tourist services within the territory of a ski area and who or which owns the facility attached to the tourism establishment or has been granted rights to use the facility attached to the ski area, or a person authorized thereby, shall submit an application for rating of the tourism establishment, attaching thereto:

1. (amended, SG No. 34/2006, SG No. 82/2009, effective 16.10.2009, SG No. 15/2010, effective 23.02.2010) copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;

2. (amended, SG No. 82/2009, effective 16.10.2009) a declaration to the effect that the person is not subject to bankruptcy proceedings or in liquidation;

3. a category award form, indicated in the ordinance referred to in Article 51 (7) herein;

4. copies of the document on ownership of the facilities attached to the tourism establishment or, respectively, of a commercial lease agreement or of another contract showing that the person has been granted rights to use the facilities;

5. a document certifying the commissioning of the facilities attached to the tourism establishment;

6. a plat of the ski area indicating a designation of the ski area on a scale of 1 to 5,000;

7. a large-scale map showing the location of the ski area;

8. an environmental impact assessment (EIA) decision on approval of the development proposal or a decision finding that conduct of an EIA is unnecessary, issued in the cases and according to the procedure established by the Environmental Protection Act, or a written consent according to the procedure established by the Protected Areas Act;

9. an original notarized power of attorney, where the application is submitted by an authorized representative;

10. documentary proof of a fee paid for rating according to the rate schedule referred to in Article 55 (4) herein.

(2) (New, SG No. 94/2005) The person referred to in Paragraph (1) shall be issued an interim certificate on an initiated rating procedure, which shall be valid for the period specified in Item 2 of Article 52 (3) herein, and which shall be prominently displayed at the establishment.

(3) (Renumbered from Paragraph (2), SG No. 94/2005) A ski area shall be awarded a category on the basis of conformity with the minimum requirements for safety, availability of information, level of difficulty and access to the mountain area and tourist services offered, as specified in the ordinance referred to in Article 51 (7) herein.

(4) (Renumbered from Paragraph (3), SG No. 94/2005) The category of a ski area shall be awarded for an indeterminate duration.

Article 50d. (New, SG No. 94/2005) (1) Any person who or which practises or is to practise hoteliery or

restaurateurship at any tourism establishment referred to in Item 10 of Article 3 (3) herein, or a person authorized thereby, shall submit an application for rating or for alteration of the category of the tourism establishment, attaching thereto:

1. (amended, SG No. 34/2006, SG No. 82/2009, effective 16.10.2009, SG No. 15/2010, effective 23.02.2010) copies of documents certifying that the person is entitled to carry out economic activity by virtue of another law, including under the legislation of a Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area;

2. (amended, SG No. 82/2009, effective 16.10.2009) a declaration to the effect that the person is not subject to bankruptcy proceedings or in liquidation;

3. a category award form, indicated in the ordinance referred to in Article 51 (9) herein;

4. copies of the documents on ownership of the establishment or a certificate from the public register of sports establishments and the social tourism establishments under Article 48a of the Physical Education and Sports Act;

5. a copy of a commercial lease agreement or of another contract showing that conditions exist for the applicant to perform the relevant tourism activity at the establishment;

6. an original notarized power of attorney, where the application is submitted by an authorized representative;

7. documentary proof of a fee paid for rating according to the rate schedule referred to in Article 55 (4) herein.

(2) The person referred to in Paragraph (1) shall be issued an interim certificate on an initiated rating procedure, which shall be valid for the period specified in Item 2 of Article 52 (3) herein, and which shall be prominently displayed at the establishment.

(3) The category of hikers' chalets and of mass-catering establishments attached to hikers' chalets shall be awarded on the basis of conformity with the minimum mandatory requirements for construction, furnishings and equipment, standard of service and tourist services offered, as specified in the ordinance referred to in Article 51 (9) herein.

(4) The category of a hikers' chalet and of a mass-catering establishment attached to a hikers' chalet shall be awarded for an indeterminate duration.

Article 51. (1) The collective tourist accommodation establishments and the supplementary tourist accommodations, as well as the mass-catering and entertainment establishments, shall be rated with the following categories: "One-Star," "Two-Star," "Three-Star," "Four-Star," or "Five-Star."

(2) (Amended, SG No. 94/2005) The types of collective tourist accommodation establishments, supplementary tourist accommodations, mass-catering and entertainment establishments and the characteristics thereof shall be specified in the ordinance referred to in Article 55 (3) herein.

(3) The mass-catering and entertainment establishments attached to the collective tourism accommodation establishments and the supplementary tourist accommodations may be awarded a category differing from the category awarded to the collective tourism accommodation establishment or the supplementary tourist accommodation, and the said difference therebetween may not be more than one star.

(4) (New, SG No. 39/2004) Beaches shall be rated with the following categories: "A," "B," and "C."

(5) (New, SG No. 39/2004, effective 12.05.2004, amended, SG No. 94/2005, SG No. 82/2009, supplemented, SG No. 50/2010) The rating of beaches shall be regulated by an ordinance adopted by the Council of Ministers on a motion by the Minister of Economy, Energy and Tourism jointly with the Minister of Physical Education and Sports.

(6) (New, SG No. 39/2004, amended and supplemented, SG No. 94/2005) Ski areas shall be rated with the following categories: "Green," "Blue," "Red" and "Black."

(7) (New, SG No. 39/2004, effective 12.05.2004, amended, SG No. 94/2005, amended, SG No. 36/2008, SG No.

82/2009, supplemented, SG No. 50/2010) The rating of ski areas shall be regulated by an ordinance adopted by the Council of Ministers on a motion by the Minister of Economy, Energy and Tourism jointly with the Minister of Physical Education and Sports.

(8) (New, SG No. 94/2005) Hikers' chalets and mass-catering establishments attached to hikers' chalets shall be rated with the following categories: "One-Edelweiss," "Two-Edelweiss," and "Three-Edelweiss."

(9) (New, SG No. 94/2005, amended, SG No. 82/2009, effective 16.10.2009) The rating of hikers' chalets and mass-catering establishments attached to hikers' chalets shall be regulated by an ordinance adopted by the Governing Board of the Bulgarian Hikers' Union and endorsed by the Minister of Economy, Energy and Tourism.

Article 52. (1) Acting on a motion by the municipal commission of experts for rating of tourism establishments, the municipality mayor shall award a category to:

1. the one-star collective tourism accommodation establishments and the mass-catering and entertainment establishments attached thereto;

2. the family hotels, boarding houses, houses and rented rooms in family houses, as well as the one-star, two-star and three-star mass-catering and entertainment establishments attached thereto;

3. the other one-star, two-star and three-star supplementary tourist accommodations and the mass-catering and entertainment establishments attached thereto;

4. the stand-alone one-star and two-star mass-catering and entertainment establishments.

(2) (Amended, SG No. 39/2004) Acting on a motion by the CERTE, the Minister of Economy, Energy and Tourism shall award a category to:

1. the two-star, three-star, four-star and five-star collective tourism accommodation establishments and the mass-catering and entertainment establishments attached thereto;

2. the three-star, four-star and five-star supplementary tourist accommodations, with the exception of family hotels, boarding houses, houses and rented rooms in family houses, and the mass-catering and entertainment establishments attached thereto;

3. the stand-alone three-star, four-star and five-star mass-catering and entertainment establishments;

4. (New, SG No. 39/2004) the beaches rated "A," "B" and "C;"

5. (New, SG No. 39/2004, amended and supplemented, SG No. 94/2005) the Green, Blue, Red and Black ski areas;

(6) (New, SG No. 94/2005) the one-edelweiss, two-edelweiss and three-edelweiss hikers' chalets and mass-catering establishments attached to hikers' chalets.

(3) (Amended, SG No. 39/2004, SG No. 94/2005) A category shall be awarded to a tourism establishment covered under Paragraph (1) and (2):

1. in respect of the establishments covered under Paragraph (1): within two months after the date of initiation of a rating procedure by order of the competent municipality mayor;

2. in respect of the establishments covered under Paragraph (2): within three months after the date of initiation of a rating procedure by order of the Minister of Economy, Energy and Tourism.

Article 53. (1) (Supplemented, SG No. 39/2004, amended, SG No. 94/2005) The category of a tourism establishment referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein shall be terminated:

1. (Repealed, SG No. 39/2004);

2. at the request of the owner of the tourism establishment;
3. upon alteration of the type of the tourism establishment;
4. upon remodelling or extension of the tourism establishment;
5. upon a repeated violation of the requirements referred to in Item 1 of Article 46 herein;
6. (repealed, SG No. 15/2010, effective 23.02.2010);

7. (new, SG No. 39/2004, amended, SG No. 98/2010, effective 1.01.2011) upon non-fulfilment of the requirements referred to in Items 1 and 3 of Article 49 herein.

(2) (Supplemented, SG No. 39/2004, amended, SG No. 94/2005) After termination of the category of a tourism establishment referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein, a new category of the said establishment shall be awarded according to the procedure established by the ordinance referred to in Article 55 (3) herein or in Article 51 (9) herein, as the case may be.

(3) (New, SG No. 39/2004) The category of a beach and of a ski area shall be terminated:

1. at the request of the person who or which owns the tourism establishment or has been granted rights to use the beach and, respectively, at the request of the person who or which owns the facility attached to the tourism establishment or has been granted rights to use the facility attached to the ski area;

2. upon placing in liquidation or adjudication in bankruptcy of the person referred to in Article 50b (1) herein or in Article 50c (1) herein;

3. upon systematic violations of the requirements specified in the ordinances referred to in Article 51 (5) and (7) herein.

(4) (New, SG No. 39/2004) Upon termination of the category of a tourism establishment, the Minister of Economy, Energy and Tourism shall take the appropriate action to have the public informed of the termination through the mass communication media.

(5) (New, SG No. 94/2005) Where the provider of tourist services at a tourism establishment referred to in Items 1, 2, 3, 5, 6 and 10 of Article 3 (3) herein wishes to have the category of the establishment altered, the said person shall take the actions referred to in Article 50 (3), Article 50b (1), Article 50c (1) or Article 50d (1) herein, respectively.

Article 54. (1) (Amended, SG No. 39/2004, SG No. 94/2005) The rating authority shall refuse to award a category upon non-fulfilment of the requirements for the relevant type of tourism accommodation as established in the ordinances referred to in Article 51 (5), (7) and (9) herein and in the ordinance referred to in Article 55 (3) herein.

(2) (New, SG No. 94/2005) The rating authority shall award a category other than the category applied for upon non-fulfilment of the requirements for the relevant category of the tourism establishment as established in the ordinance referred to in Article 55 (3) herein or in Article 51 (9) herein, as the case may be.

(3) (Renumbered from Paragraph (2) and amended, SG No. 94/2005, amended, SG No. 30/2006) The order of the rating authority, whereby the award of a category is refused or whereby a category other than the category applied for is awarded, shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 55. (1) The rated tourism establishments shall be issued category insignia depending on the type of the establishment, including a certificate and a sign which shall be prominently displayed at the establishment.

(2) The type, designation and category of the tourism establishments must not be inscribed in a manner misleading the tourist.

(3) (Supplemented, SG No. 39/2004, effective 12.05.2004) The terms and a procedure for the award of a category of a

tourism establishment referred to in Items 1, 2 and 3 of Article 3 (3) herein, the refusal to award a category, the termination and alteration of a category shall be regulated by an ordinance adopted by the Council of Ministers.

(4) (Supplemented, SG No. 94/2005) Fees for the rating of tourism establishments shall be paid in amounts and in a mode fixed by a rate schedule adopted by the Council of Ministers.

Article 56. (1) (Amended, SG No. 39/2004) Upon change of the ownership of any rated establishment, the person who or which has acquired ownership shall submit an application to the rating authority for entry of the changed circumstances into the National Tourism Register.

(2) (Amended, SG No. 39/2004) Upon change of the lessee of any rated establishment, the new lessee shall submit an application to the rating authority for entry of the changed circumstances into the National Tourism Register.

(3) (Amended, SG No. 39/2004, SG No. 94/2005) In the cases under Paragraphs (1) and (2), the category of the tourism establishment as awarded shall subsist.

Section V

Integral Tourist Information System

(Renumbered from Section IV, SG No. 39/2004)

Article 57. The Minister of Economy, Energy and Tourism and the President of the National Statistical Institute shall develop an integral tourist information system which shall incorporate the National Tourism Register and the tourism statistics in accordance with the requirements of the Statistical Office of the European Union (EUROSTAT) and the World Tourism Organization.

Article 58. There shall be established a National Tourism Register with the Ministry of Economy, Energy and Tourism, which shall contain information on:

1. (Amended, SG No. 39/2004) the registered tour operators and travel agents;
2. (Amended, SG No. 39/2004) the rated tourism establishments referred to in Items 5 and 6 of Article 3 (3) herein;
3. the rated collective tourist accommodation establishments, supplementary tourist accommodations, mass-catering and entertainment establishments and the persons practising hoteliery and restaurateurship activity thereat;
4. (New, SG No. 94/2005) the rated hikers' chalets and mass-catering establishments attached to hikers' chalets, and the persons practising hoteliery and restaurateurship thereat;
5. (Renumbered from Item 4, SG No. 94/2005) the tourist associations;
6. (Renumbered from Item 4, SG No. 94/2005) the tourist information centres or offices.

Article 59. (1) Entries in the Register shall be effected by the Minister of Economy, Energy and Tourism or by an official empowered thereby either proprio motu or upon receipt of an application for entry of changes in the circumstances as recorded.

(2) The persons in respect of which or whom there has occurred a change in the circumstances as entered in the register referred to in Article 58 herein shall be obligated to declare any such change in writing to the Ministry of Economy, Energy and Tourism or to the competent municipality within one month after occurrence.

(3) (Amended, SG No. 94/2005, SG No. 99/2005) The Register shall be built and amplified by data collected from the Ministry of Economy, Energy and Tourism, the Commission on Consumer Protection, other state bodies, the municipalities within the territory of the Republic of Bulgaria, and from the representatives of the tourist associations.

(4) All changes in the circumstances as recorded shall be kept on record in the National Tourism Register.

(5) (New, SG No. 39/2004) The nationally represented tourist associations may cooperate with the Minister of Economy, Energy and Tourism upon conduct of verifications as to the circumstances recorded in the Register.

Article 60. (1) The municipality mayors shall be obligated to keep a register according to the procedure established by the ordinance referred to in Article 63 herein of all tourism establishments rated thereby within the territory of the municipality and to provide information regarding the recordings in the said register to the Minister of Economy, Energy and Tourism within 30 days after the date of the order on the specific category of the tourism establishment.

(2) The registers referred to in Paragraph (1) shall be an integral part of the National Tourism Register.

Article 61. (1) The following particulars and circumstances shall be recorded in the Register:

1. (Amended, SG No. 39/2004) in respect of the registrants:

(a) (Amended, SG No. 39/2004) number of the certificate of registration;

(b) type of the tourism activity;

(c) business name, registered office, and address of the place of management;

(d) address of the location (or locations) of practice of the activity, telephone number, facsimile number, electronic mail address;

(e) (Amended, SG No. 39/2004, SG No. 39/2005, SG No. 34/2006, supplemented, SG No. 15/2010, effective 23.02.2010) standard identification code, tax or registration code or another identification used in the Member State concerned;

(f) (Amended, SG No. 15/2010, effective 23.02.2010) names of the persons entitled to represent and manage the registered person;

(g) (Repealed, SG No. 39/2004);

(h) (Amended, SG No. 39/2004) number of the order of the Minister of Economy, Energy and Tourism effecting, refusing to effect, or expunging the registration and, respectively, voiding the certificate of registration;

(i) (Effective 1.01.2003 - SG No. 53/2002, supplemented, SG No. 15/2010, effective 23.02.2010) number and date of the contract of insurance concluded under Article 17 (5) and Article 42 herein, business name of the insurer, and term of validity of the insurance;

(j) any coercive administrative measures and sanctions imposed under this Act;

2. (Supplemented, SG No. 39/2004, amended, SG No. 94/2005) in respect of the rated tourism establishments referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein:

(a) number of the certificate;

(b) type of the establishment;

(c) designation of the establishment;

(d) address of the establishment, telephone number and facsimile number;

(e) category of the establishment;

(f) capacity of the establishment;

(g) business name/name, registered office/residence and permanent address of the owner of the establishment;

(h) (amended, SG No. 39/2004, SG No. 39/2005, SG No. 34/2006, SG No. 15/2010, effective 23.02.2010) standard identification code, tax or registration code or another identification used in the Member State concerned of the owner of the establishment;

(i) (amended, SG No. 39/2004, SG No. 39/2005, SG No. 34/2006, supplemented, SG No. 15/2010, effective 23.02.2010) designation, registered office and address of the place of management, standard identification code, tax or registration code or another identification used in the Member State concerned of the person practising hoteliery or restaurateurship at the establishment, telephone number, facsimile number, electronic mail address;

(j) term of validity of the category;

(k) incoming reference number of the application for the award of category;

(l) (Amended, SG No. 39/2004) number of the order of the rating authority awarding the category, refusing to award, demoting, or terminating the category;

(m) any coercive administrative measures and sanctions imposed under this Act;

3. (New, SG No. 39/2004) in respect of the rated beaches and ski areas:

(a) number of the certificate;

(b) type of the establishment;

(c) designation of the establishment;

(d) category of the establishment;

(e) business name (or name, registered office), residence and permanent address of the owner of the beach or of the person which or who has been granted rights to use the beach or, respectively, of the owner of the facility attached to the ski area or of the person which or who has been granted rights to use the facility attached to the ski area;

(f) (Amended, SG No. 105/2005, SG No. 34/2006) standard identification code or Standard Public Registry Personal Number (EGN) of the owner of the beach or of the person which or who has been granted rights to use the beach or, respectively, of the owner of the facility attached to the ski area or the person which or who has been granted rights to use the facility attached to the ski area;

(g) number of the order of the Minister of Economy, Energy and Tourism awarding the category, refusing to award, or terminating the category;

(h) any coercive administrative measures and sanctions imposed under this Act;

4. (Renumbered from Item 3, SG No. 39/2004) in respect of the tourist associations:

(a) designation, registered office and address of the association;

(b) type of the association;

(c) (Amended, SG No. 39/2004) court, case number, record, register, volume and page of the court registration of the association, BULSTAT Code number, registration number in the register with the Ministry of Justice if the association pursues public benefit activities;

(d) forename, patronymic and surname, Standard Public Registry Personal Number (EGN) and permanent address, telephone number, facsimile number, electronic mail address of the representative;

(e) forename, patronymic and surname of each member of the Governing Board, permanent address, telephone number, facsimile number, electronic mail address;

(f) number of the organizations and individuals which and who are members of the association;

(g) address, telephone number, facsimile number and electronic mail address of the tourist information centre or office;

(h) particulars of the national representativity of the association.

(2) The information in the register shall be open to public inspection in the part thereof regarding:

1. (Amended, SG No. 39/2004) the designation of the person, registered office, address of practice of the activity and telephone number, type and number of the certificate of registration as issued;

2. (Supplemented, SG No. 39/2004, amended, SG No. 94/2005) the category as awarded, the term of validity, designation, address and telephone number, type and capacity of the tourism establishment referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein and the person performing tourism activity at the rated establishment;

3. (New, SG No. 39/2004) the category as awarded, designation, type of tourism establishment referred to in Item 5 and 6 of Article 3 (3) herein, and the person who or which owns the beach or has been granted rights to use the said beach or, respectively, who or which owns the facility attached to the ski area or has been granted rights to use the facility attached to the ski area;

4. (Renumbered from Item 3, SG No. 39/2004) designation, type, address and telephone number of the association and of the representative thereof, address and telephone number of the tourist information centres or offices.

(3) Any person may request searches for circumstances included in the public information covered under Paragraph (2) which are recorded in the register.

Article 62. (1) (Amended, SG No. 39/2004) The Minister of Economy, Energy and Tourism or an official empowered thereby shall require current statistical information for the purposes of analysis and forecasts in tourism from the persons registered to perform tourism activities, from the persons practising at rated tourism establishments, from the state and municipal bodies and the tourist associations, and they shall be obligated to provide the information so requested.

(2) (Amended, SG No. 39/2004) Upon request on the part of the persons covered under Paragraph (1), the Minister of Economy, Energy and Tourism or an official empowered thereby shall be obligated to provide them with analytical tourism information.

(3) The Ministry of Interior shall provide the Ministry of Economy, Energy and Tourism, on a monthly basis, with border statistics on the entries of foreign citizens in the Republic of Bulgaria and on the tourist trips of Bulgarian citizens abroad.

(4) (Amended, SG No. 82/2006) The collection of statistical information on the part of the Chief Directorate "Border Police" shall be effected by its own resources, without requiring from persons crossing the Bulgarian border to complete any documents or forms other than such associated with customs control.

Article 63. (Supplemented, SG No. 39/2004, amended, SG No. 94/2005) Acting on a motion by the Minister of Economy, Energy and Tourism, the Council of Ministers shall issue an ordinance on the organization of the Integral Tourist Information System.

Chapter Five

CONTROL

Article 64. (1) Control over compliance with this Act and with the statutory instruments issued in pursuance thereof shall be exercised by:

1. (Amended, SG No. 94/2005) the Minister of Economy, Energy and Tourism;
2. (Amended, SG No. 39/2004, SG No. 99/2006) the Chairperson of the Commission on Consumer Protection;
3. (New, SG No. 39/2004, repealed, SG No. 94/2005);
4. (Renumbered from Item 3, SG No. 39/2004) the municipality mayors.

(2) The officials empowered by the authorities covered under Paragraph (1) shall have the right:

1. (New, SG No. 39/2004) to conduct inspections on site and of documents;

2. (Renumbered from Item 1, SG No. 39/2004) to gain unimpeded access to the tourism establishments subject to control;

3. (Renumbered from Item 2, SG No. 39/2004) to require documents, data, reports, information sheets and other data mediums from the persons controlled, being bound by the obligation of the official or trade secrecy of the entire information as may come to the knowledge thereof in the course of, or in connection with, the performance of the official duties thereof;

4. (New, SG No. 105/2006) access to all documents directly or indirectly relevant to a violation of this Act, or of the legislation of the Member States of the European Union transposing the requirements of Council Directive 90/314/EEC for tours at an inclusive price, regardless of the form of the document;

5. (New, SG No. 105/2006) order any person to provide information on violations under Item 4 known thereto;

6. (Renumbered from Item 3, SG No. 39/2004, amended, SG No. 28/2005, renumbered from Item 4, SG No. 105/2006) to issue mandatory prescriptions on the curing of non-conformities and violations under the law;

7. (Renumbered from Item 4, SG No. 39/2004, renumbered from Item 5, SG No. 105/2006) to recruit experts in the appropriate field, where the inspection requires special knowledge or skills;

8. (New, SG No. 28/2005, renumbered from Item 6, SG No. 105/2006) to impose fines and pecuniary penalties.

(3) (New, SG No. 39/2004) During the exercise of control, the officials shall draft memoranda of ascertainment. The said memoranda shall state the facts and circumstances ascertained and shall issue mandatory prescriptions, fixing a time limit for compliance.

(4) (New, SG No. 105/2006) The head of the respective control authority referred to in Paragraph (1) shall have the right to:

1. order the offender in writing to discontinue the violation under Item 4 of Paragraph (2);

2. require from the offender to declare that he or she will discontinue the violation under Item 4 of Paragraph (2) and, if necessary, oblige him or her to make this declaration public;

3. order the termination or prohibition of any violation under Item 4 of Paragraph (2) and, if necessary, make public the order for termination or prohibition of the violation.

(5) (Renumbered from Paragraph (3), SG No. 39/2004, renumbered from Paragraph (4), SG No. 105/2006) The authorities covered under Paragraph (1) may coordinate the activities thereof under this Act with the control authorities under other laws.

Article 64a. (New, SG No. 39/2004, amended, SG No. 28/2005, repealed, SG No. 94/2005).

Article 64b. (New, SG No. 39/2004, amended, SG No. 28/2005, SG No. 94/2005, SG No. 99/2005) (1) The Chairperson of the Commission on Consumer Protection shall exercise follow-up control as to compliance with the requirements:

1. for tour operators and travel agents;
2. for rating of the tourism establishments referred to in Items 1, 2, 3, 5, 6 and 10 of Article 3 (3) herein;
3. established by Article 3a herein.

(2) (Amended, SG No. 99/2005) As a result of the control covered under Paragraph (1), the Chairperson of the Commission on Consumer Protection:

1. shall impose fines and pecuniary penalties;
2. shall notify the municipality mayors upon non-fulfilment of the obligations referred to in Article 49 (1) herein;
3. shall impose a coercive administrative measure of suspension from operation on a tourism establishment referred to in Items 1, 2, 3, 4 and 10 of Article 3 (3) herein in the cases of:
 - (a) practice of tour operation or travel agency without a certificate of registration;
 - (b) provision of tourist services at a non-rated tourism establishment referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein or in an establishment which has not been issued an interim certificate on an initiated rating procedure;
 - (c) a repeated denial of access to the tourism establishment as inspected by the person performing the activity at the said establishment, or a repeated refusal to provide the documents required for the inspection;
4. shall notify the Minister of Economy, Energy and Tourism in the cases of systematic violations of the requirements referred to in Items 2, 3 and 4 of Article 17 (3) herein and Article 24 (1) and (4) herein;
5. shall notify the Minister of Economy, Energy and Tourism in the cases of violations of the requirements referred to in Items 3, 4 and 5 of Article 53 (1) in respect of the tourism establishments referred to in Items 1, 2, 3 and 10 of Article 3 (3) herein rated thereby;
6. shall notify the Minister of Economy, Energy and Tourism in the cases of violations of the requirements indicated in the ordinances referred to in Article 51 (5) and (7) herein;
7. shall notify the Minister of Economy, Energy and Tourism in the cases of violations of the requirements referred to in Item 1 of Article 46 herein in respect of the tourism establishments referred to in Items 1, 2, 3, 5, 6 and 10 of Article 3 (3) herein rated thereby.

(3) The coercive administrative measure referred to in Item 3 of Paragraph (2) shall be imposed until elimination of the violation as ascertained.

(4) (Amended, SG No. 99/2005) Within seven days, the Chairperson of the Commission on Consumer Protection shall notify the Minister of Economy, Energy and Tourism of the fines and pecuniary penalties imposed thereby and of the imposition of a coercive administrative measure referred to in Item 3 of Paragraph (2) for entry thereof into the National Tourism Register.

(5) (New, SG No. 66/2008) The Commission on Consumer Protection shall supervise the fulfilment of tour operators' and travel agents' obligations under Regulation (EC) No 1107/2006 in its capacity as a national body designated for the enforcement of the said Regulation.

Article 64c. (New, SG No. 28/2005) (1) (Amended, SG No. 94/2005, SG No. 15/2010, effective 23.02.2010, SG No. 98/2010, effective 1.01.2011) Municipality mayors shall exercise control as to compliance with the requirements for rating of the tourism establishments, referred to in Items 1, 2 and 3 of Article 3 (3) herein, as indicated in Items 1 and 3 of Article 45 (1), Item 1 of Article 46, Article 49 (3), Article 50 (5), Items 3 to 5 of Article 53 (1) herein, Article 56 (1) and (2), and Article 59 (2) herein.

(2) As a result of the control covered under Paragraph (1), municipality mayors:

1. shall impose fines and pecuniary penalties;

2. (amended, SG No. 94/2005) shall terminate the category of the tourism establishments rated thereby, referred to in Items 1, 2 and 3 of Article 3 (3) herein, in the cases referred to in Article 53 (1) herein, as well as in the cases referred to in Item 2 of Article 64b (2) herein;

3. shall demote in category of the tourism establishments rated thereby, referred to in Items 1, 2 and 3 of Article 3 (3) herein in the cases of non-fulfilment of the requirements referred to in Item 1 of Article 46 herein;

4. (amended, SG No. 98/2010, effective 1.01.2011) shall notify the Minister of Economy, Energy and Tourism in the cases of non-fulfilment of the obligations referred to in Article 49 (3) in respect of the tourism establishments referred to in Items 1, 2 and 3 of Article 3 (3) herein, rated under Article 52 (2) herein.

Article 65. (1) The Minister of Economy, Energy and Tourism:

1. (Amended, SG No. 39/2004) shall expunge the registration of the person who or which practises tour operation or travel agency in the cases covered under Article 20 (1) herein;

2. (Amended and supplemented, SG No. 39/2004) shall terminate the category of the tourism establishments rated thereby, referred to in Items 1, 2 and 3 of Article 3 (3) herein, in the cases referred to Article 53 (1) herein;

3. (New, SG No. 39/2004) shall terminate the category of the rated establishments referred to in Items 5 and 6 of Article 3 (3) herein in the cases referred to in Article 53 (3) herein;

4. (New, SG No. 94/2005) shall terminate the category of the rated tourism establishments, referred to in Item 10 of Article 3 (3) herein, in the cases referred to in Article 53 (1) herein;

5. (Renumbered from Item 3 and amended, SG No. 39/2004, renumbered from Item 4, SG No. 94/2005) shall demote in category the tourism establishments rated thereby, referred to in Items 1, 2 and 3 of Article 3 (3) herein, in the cases of non-fulfilment of the requirements referred to in Item 1 of Article 46 herein.

6. (New, SG No. 94/2005) shall demote in category the tourism establishment referred to in Items 1, 2 and 3 of Article 3 (3) herein in the case of non-fulfilment of the requirements referred to in Item 1 of Article 46 herein;

7. (New, SG No. 94/2005) shall notify the Chairperson of the Trade and Consumer Protection Commission of the registered tour operators and travel agents and of the rated tourism establishments referred to in Items 1, 2, 3, 5, 6 and 10 of Article 3 (3) herein.

(2) (Amended and supplemented, SG No. 39/2004, repealed, SG No. 28/2005).

(3) (Amended, SG No. 39/2004, repealed, SG No. 28/2005).

(4) (Amended, SG No. 39/2004, repealed, SG No. 28/2005).

(5) (Repealed, SG No. 28/2005).

(2) (Supplemented, SG No. 39/2004, repealed, SG No. 28/2005).

Article 66. (Amended, SG No. 30/2006) The written statements on application of the coercive administrative measures shall be issued, appealed against and executed according to the procedure established by the Administrative Procedure Code.

Chapter Six

ADMINISTRATIVE PENALTY PROVISIONS

Article 67. (Amended, SG No. 39/2004) Any person, who or which practises tour operation or travel agency without holding a certificate of registration, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 15,000 or, if a sole trader or a legal person, to a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 30,000.

Article 68. (Amended, SG No. 39/2004) Any tour operator or travel agent which, in the course of performance of the activity thereof, concludes a contract with any unregistered tour operator or travel agent, or with any person performing a tourism activity at a non-rated tourism establishment, or with any unlicensed carrier, or with any tourist guide, mountain guide, ski instructor, animator, provider of aquatic, flying and other risk sport and adventure tourist services who does not possess the appropriate professional qualifications and experience according to Article 24 (2) herein, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000.

Article 69. (Amended, SG No. 39/2004) Any hotelier or restaurateur, which concludes a contract with any unregistered tour operator, travel agent, hotelier or restaurateur who or which has no right to perform the relevant tourism activity, shall be liable to a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

Article 70. Any tour operator or travel agent, which fails to issue or which fails to provide a tourist voucher to a tourist, shall be liable to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

Article 70a. (New, SG No. 39/2004) Any travel agent, which issues a tourist voucher of its own, shall be liable to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 3,000.

Article 70b. (New, SG No. 94/2005) (1) Any tour operator or travel agent, which practises tour operation or travel agency in violation of the requirements of Items 2, 3 and 4 of Article 17 (3) herein, shall be liable to a pecuniary penalty of BGN 200 or exceeding this amount but not exceeding BGN 500.

(2) A repeated and any further violation shall be punishable by a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 1,000.

Article 71. Any tour operator or travel agent, which issues or provides a tourist voucher that does not contain all mandatory essential elements, shall be liable to a pecuniary penalty of BGN 100 or exceeding this amount but not exceeding BGN 1,000.

Article 72. Any person, who or which provides tourist services at a non-rated tourism establishment, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000 or, if a sole trader or a legal person, to a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

Article 72a. (New, SG No. 94/2005) (1) Any person, who or which fails to fulfil the obligations thereof under Article 3a herein upon provision of tourist services at any tourism establishment covered under Article 3 (3) herein, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 1,000 or, if a sole trader or a legal person, to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 2,000.

(2) A repeated commission of the violation referred to in Paragraph (1) shall be punishable by a sanction of BGN 700 or exceeding this amount but not exceeding BGN 3,000.

Article 73. (Amended, SG No. 39/2004) Any person, which provides tourist services at a rated tourism establishment of a quality inferior to the quality required for the category held, shall be liable to a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

Article 74. (Amended, SG No. 94/2005) Any hotelier, which in the course of practice of hoteliery at a collective tourist accommodation establishment fails to keep a register, certified by the competent municipality, of the accommodated tourists, of the overnight stays spent and of the countries of citizenship of the tourists, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

Article 75. (Amended and supplemented, SG No. 94/2005) Any person, who or which in the course of practice of hoteliery at a supplementary tourist accommodation or a hikers' chalet fails to keep a register, certified by the competent municipality, of the accommodated tourists, of the overnight stays spent and of the citizenship of the tourists, shall be liable to a

fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000 or, if a sole trader or a legal person, to a pecuniary penalty of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

Article 76. (Amended, SG No. 39/2004, SG No. 94/2005) Any tour operator or travel agent, which fails to display prominently a certificate of registration at the tourism establishment, shall be liable to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

Article 77. (Amended, SG No. 94/2005) Any person, which provides tourist services at any tourism establishment referred to in Items 1, 2, 3, 5, 6 and 10 of Article 3 (3) herein, whereat a certificate of an approved category or an interim certificate on an initiated rating procedure is not prominently displayed, shall be liable to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

Article 78. (Amended, SG No. 94/2005) Any person, who or which displays a sign in violation of Article 55 (2) herein or who or which provides untrue information regarding the type, designation and category of a tourism establishment, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000 or, if a sole trader or a legal person, to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

Article 78a. (New, SG No. 42/2007) (1) Any tour operator, which violates the provision of Article 27 (4) herein, shall be liable to a pecuniary penalty of BGN 10,000.

(2) A repeated commission of the violation referred to in Paragraph (1) shall be punishable by a sanction of BGN 20,000.

Article 79. Any tour operator or travel agent, which violates the provisions of Articles 28, 29 and 33 herein, shall be liable to a pecuniary penalty of BGN 100 or exceeding this amount but not exceeding BGN 1,000.

Article 80. Any tour operator, which violates the provisions of Article 30 (2) herein, shall be liable to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

Article 81. Any tour operator, which violates the provision of Article 30 (3) herein, shall be liable to a pecuniary penalty of BGN 250 or exceeding this amount but not exceeding BGN 2,500.

Article 81a. (New, SG No. 42/2007) (1) Any tour operator, which violates the provision of Article 30a herein, shall be liable to a pecuniary penalty of BGN 10,000.

(2) Any tour operator, which violates the provision of Article 30b herein, shall be liable to a pecuniary penalty of BGN 10,000.

(3) A repeated commission of the violation referred to in Paragraph (1) or (2) shall be punishable by a sanction of BGN 20,000.

Article 82. (Effective 1.01.2003) Any tour operator, which fails to conclude a contract referred to in Article 42 herein, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

Article 83. Any person, who denies access of an official of the control authorities to any establishments subject to control or who fails to provide documents or information to the control authorities, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

Article 84. (Amended, SG No. 39/2004, SG No. 28/2005) Any non-performance of the obligations to provide information to the Ministry of Economy, Energy and Tourism under the Integrated Tourist Information System shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000 or, in the case of sole traders and legal persons, by a pecuniary penalty of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

Article 85. Any person, who or which fails to perform the obligation thereof referred to in Article 56 (1) or (2) herein, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000 or, if a sole trader or a legal person, to a pecuniary penalty of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

Article 86. Any hotelier or restaurateur, who or which fails to perform the obligation thereof referred to in Item 4 of Article 46 or in Article 47 herein, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 2,000 or, if a sole trader or a legal person, to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 3,000.

Article 86a. (New, SG No. 94/2005) Any natural person, sole trader and legal person, who or which commits any violations of the ordinances on the application of this Act for which no sanctions are provided for under this Chapter, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 200 or exceeding this amount but not exceeding BGN 1,000.

Article 86b. (New, SG No. 94/2005) Any official, who fails to fulfil any obligation under this Act, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 500.

Article 86c. (New, SG No. 105/2006) (1) For a failure to execute an order under Item 5 of Article 64 (2) herein, the blameworthy persons shall be liable to a fine of BGN 250 or exceeding this amount but not exceeding BGN 1,000, and sole traders and legal persons shall be liable to a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 2,000.

(2) Upon a repeated violation under Paragraph (1), the blameworthy persons shall be liable to a fine, and sole traders and legal persons shall be liable to a pecuniary penalty in a double amount.

Article 86d. (New, SG No. 66/2008) A pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on:

1. any tour operator or travel agent which fails to fulfil the obligations thereof under Article 3 of Regulation (EC) No 1107/2006;
2. any tour operator or travel agent which fails to prepare safety rules and restrictions and thus breaches the provision of Article 4, paragraph 3 of Regulation (EC) No 1107/2006;
3. any tour operator or travel agent which fails to fulfil the obligation thereof under Article 4, paragraph 4 of Regulation (EC) No 1107/2006;
4. any tour operator or travel agent which fails to transmit information on the need for assistance of a disabled person or a person with reduced mobility to the managing body of an airport in accordance with Article 6 of Regulation (EC) No 1107/2006.

Article 87. (1) (Supplemented, SG No. 28/2005, amended, SG No. 94/2005, SG No. 99/2006) The written statements ascertaining the administrative violations shall be drawn up by officials designated by the Chairperson of the Commission on Consumer Protection or by officials of the municipal administration, designated by the competent municipality mayor.

(2) (Amended, SG No. 28/2005, SG No. 94/2005, SG No. 99/2006) The penalty decrees shall be issued by the Chairperson of the Commission on Consumer Protection or by officials empowered thereby, or by the municipality mayor or by officials empowered thereby, as the case may be.

(3) The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISION

§ 1. Within the meaning given by this Act:

1. "Tourist" shall be any natural person consuming a basic and/or ancillary tourist service. The concepts of "visitor" and "international visitor," as defined by the World Tourism Organization and as adopted by the United Nations Statistical Commission, shall be used for statistical purposes.

2. (Amended, SG No. 94/2005) "Hoteliery" shall be the provision of tourist services at all types of collective tourist accommodation establishments, supplementary tourist accommodations and hikers' chalets rated under this Act or with an issued interim certificate on an initiated rating procedure.

3. "Hotelier" shall be a person who or which practises hoteliery.

4. (Supplemented, SG No. 94/2005) "Restaureurship" shall be the provision of tourist services at all types of mass-catering and entertainment establishments and mass-catering establishments attached to hikers' chalets rated under this Act.

5. "Restaureur" shall be a person who or which practises restaureurship.

6. "Tourist product" shall be the totality of tourist services offered and/or provided at one or several tourism establishments.

7. (Amended, SG No. 39/2004) "Tour operation" shall be the organizing of group or individual tours at an inclusive price and the sale of journeys, whether directly and/or through a travel agent, under contract and voucher to a final consumer.

8. (Amended, SG No. 39/2004) "Tour operator" shall be a person registered according to the procedure established by this Act to practise tour operation.

9. "Travel agency" shall be the performance of intermediation in: the sale of package tours, passenger air, water and bus transport; reservation, visa, tourist-guide and other ancillary tourist services, as well as insurance linked to tourist journeys.

10. (Amended, SG No. 39/2004) "Travel agent" shall be a person registered according to the procedure established by this Act to practise travel agency.

11. (Amended, SG No. 39/2004, SG No. 94/2005) "Tourist voucher" shall be an accountable document issued by a registered tour operator which certifies the existence of a contract between the tour operator and the tourist as a consumer of a tourist service.

12. "Basic tourist services" shall be overnight accommodation and meals, as well as transport services performed in compliance with the requirements of the effective legislation in the field of transport.

13. (Amended and supplemented, SG No. 39/2004) "Ancillary tourist services" shall be services related to journeys, entertainment activities, events and other cultural and sightseeing activities, sports, animation, hydrotherapeutic and other health services, convention and business events, use of cable-operated passenger transportation, rental of beach facilities, equipment and vehicles, horseback-riding instruction and rental of saddle horses, boating instruction and rental of sailboats, surfing instruction and rental of surfboards, ski instruction, water sports instruction and other services facilitating the development of tourism.

14. "Pre-arranged group and individual tours at an inclusive price (package tours)" shall be journeys according to a programme prepared in advance, including a combination of at least two of the following services:

(a) transport;

(b) overnight accommodation;

(c) other tourist services not ancillary to transport or overnight accommodation and accounting for a significant proportion of the journey, when sold or offered for sale at an inclusive price, and when covering a period of more than 24 hours or including overnight accommodation.

14a. (New, SG No. 42/2007) "Pre-arranged tour for children and pupils" shall be a pre-arranged tour in which the consumers of the tour are persons under the age of 19 years, accompanied by adults.

14b. (New, SG No. 42/2007) "Daytime" shall include the period from sunrise until sunset according to data of the

national meteorological service.

15. "Consumer of pre-arranged group and individual tours at an inclusive price" shall be a person:

(a) who concludes a package tour contract, or

(b) who agrees to conclude a package tour contract, or

(c) on whose behalf and/or in whose favour a package tour contract has been concluded or agreement to conclude such a contract has been reached, or

(d) to whose benefit a package tour has been transferred according to Article 37 herein.

16. "Tourist association" shall be a not-for-profit legal entity, irrespective of the designation thereof, established for the purpose of development of tourism.

17. (Amended, SG No. 39/2004) "Nationally represented tourist association" shall be a not-for-profit legal entity for pursuit of public benefit activities, which affiliates:

(a) (Amended, SG No. 94/2005) not less than 25 per cent of the persons registered for performance of tourism activity, or

(b) (Amended, SG No. 94/2005) the persons performing tourism activity at not less than 25 per cent of the rated tourism establishments.

18. "Local tourist association" shall be a not-for-profit legal entity which is established within the territory of one or more contiguous municipalities and which affiliates persons performing tourism activities and other persons concerned with the development of tourism within the relevant territory.

19. "Regional tourist association" shall be a not-for-profit legal entity which is established within the territory of one or more contiguous administrative regions and which affiliates local tourist associations and other persons concerned with the development of tourism.

20. "Sectoral tourist association" shall be a not-for-profit legal entity which represents the interests of the sector as a whole.

21. "Trade tourist association" shall be a not-for-profit legal entity which represents the interests of an individual segment of the tourist product.

22. "Repeated violation" shall be any violation which is committed within one year after the entry into effect of a penalty decree whereby the offender was penalized for a violation of the same kind.

23. (New, SG No. 39/2004) "Beach" shall be a zone in immediate proximity to a natural or a man-made water site, accessible to the general public and rendered safe for use, intended for recreational activities, wherein tourist services are offered and consumed.

24. (New, SG No. 39/2004) "Water site" shall be a permanent or temporary concentration of waters in natural or artificially created terrestrial relief forms.

25. (New, SG No. 39/2004) "Ski area" shall be a mountain sector, accessible to the general public, self-contained and rendered safe for use, wherein tourist services related to the practice of ski sports (downhill skiing, snowboarding and cross-country skiing) are practised.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. This Act shall supersede the Tourism Act (promulgated in the State Gazette No. 71 of 1998; amended in No. 111

of 2002).

§ 3. The requirements referred to in Item 5 of Article 22 herein and in Item 6 of Article 53 (1) herein shall furthermore apply to any persons who or which have not received the licence or category insignia issued thereto prior to the entry of this Act into force.

§ 4. Any person, who or which was licensed for the practice of tour operation or travel agency prior to the entry of this Act into force, shall be obligated to bring the activity thereof into conformity with the requirements of this Act and the statutory instruments on the application thereof not later than the 1st day of January 2003.

§ 5. (1) All hoteliery, restaurateurship and family-hoteliery licences shall become inoperative as from the entry of this Act into force.

(2) The provisions of Article 18 (1) and (3) of the Tourism Act as superseded shall not apply to any merchants practising hoteliery, restaurateurship or family hoteliery as from the day of promulgation of this Act and until the 1st day of October 2002.

§ 6. (Effective 1.01.2003) The Local Taxes and Fees Act (promulgated in the State Gazette No. 117 of 1997; amended in Nos. 71, 83, 105 and 153 of 1998, No. 103 of 1999, Nos. 34 and 102 of 2000, No. 109 of 2001, Nos. 28 and 45 of 2002) shall be amended and supplemented as follows:

1. In Article 1:

(a) the existing text shall be renumbered to become Paragraph (1), and Item 2 (d) therein shall be repealed.

(b) there shall be added the following new paragraph:

"(2) The visitor fee, which is credited to the municipal fund for development of tourism, shall likewise be a local fee."

2. In Chapter Three, Section IV shall be amended to read as follows:

"Section IV

Visitor Fee

Article 93. (1) A fee shall be paid for use of a collective tourist accommodation establishment or a supplementary tourist accommodation within the meaning given by the Tourism Act.

(2) The proceeds from the visitor fee shall be credited to the municipal fund for development of tourism.

Article 93a. (1) The amount of the fee shall be determined by resolution of the Municipal Council not later than the 30th day of June in the last preceding year.

(2) Should the Municipal Council fail to determine the fee within the time limit established by Paragraph (1), the amount of the fee effective during the last preceding year shall continue in effect for the next succeeding year.

Article 94. The fee shall be paid by each person using a collective tourist accommodation establishment or a supplementary tourist accommodation simultaneously with the payment for the service.

Article 95. (1) The persons who have not attained the age of 18 years, the women who have attained the age of 55 years and the men who have attained the age of 60 years shall pay a visitor fee at 50 per cent of the amount of the fee as determined by the Municipal Council for the relevant municipality.

(2) The particulars certifying the relevant capacity of any person covered under Paragraph (1) shall be recorded.

Article 96. The visitor fee shall be determined at an amount not exceeding BGN 1 per person per day.

Article 97. The fee shall be collected by the natural or legal persons who or which supply the service of overnight

accommodation at a collective tourist accommodation establishment or a supplementary tourist accommodation, and shall be credited to the municipal fund for development of tourism not later than the 15th day of the month next succeeding the month wherein the fee was collected."

§ 7. In the Municipal Budgets Act (promulgated in the State Gazette No. 33 of 1998; amended in No. 69 of 1999, modified by Constitutional Court Judgment No. 2 of 2001, promulgated in No. 9 of 2001), Item 2 (d) of Article 6 (2) shall be amended to read as follows:

"(d) use of a collective tourist accommodation establishment or a supplementary tourist accommodation;"

§ 8. The state and municipal bodies, which have adopted or issued any statutory instruments containing classification of types of collective tourist accommodation establishments, supplementary tourist accommodations and mass-catering and entertainment establishments, shall be obligated to effect the alterations ensuing from this Act within one year after the entry of this Act into force.

§ 9. (1) The ordinances referred to in Article 18 (1), Article 42 (5), Article 55 (3) herein, the rate schedules referred to in Article 18 (2) and Article 55 (4) herein, and the Rules of Organization of the Bulgarian National Tourism Promotion and Information Agency shall be adopted by the Council of Ministers upon the point of entry of this Act into force.

(2) The ordinance referred to in Article 63 herein and the rules establishing the composition, organization and operation of the National Tourist Board, referred to in Article 8 herein, shall be issued by the Chairperson of the State Agency for Tourism upon the point of entry of this Act into force.

(3) The ordinance referred to in Article 50 (6) herein shall be adopted by the Governing Board of the Bulgarian Hikers' Union and shall be endorsed by the Minister of Economy, Energy and Tourism upon the point of entry of this Act into force.

(4) The Rules of Organization of the Trade and Consumer Protection Commission and Ordinance No. 3 on Consumer Protection in the Indication of Prices of Goods and Services shall be brought into conformity with this Act upon the point of entry of this Act into force.

§ 10. The implementation of this Act shall be entrusted to the Minister of Economy, Energy and Tourism.

§ 11. § 6, as amending and supplementing the provisions of the Local Taxes and Fees Act, shall enter into force on the 1st day of January 2003.

§ 12. This Act shall enter into force on the 1st day of October 2002, with the exception of the provisions under Article 19 (3), Item 2 of Article 23 (1), Item 10 of Article 28 (2), Item 15 of Article 30 (3), Article 42 (1), (2), (3) and (4), Item (i) 2 of Article 61 (1), Item 2 of Article 65 (3) and Article 82 herein, which shall enter into force on the 1st day of January 2003.

Act to Amend and Supplement the Tourism Act

(Promulgated, SG No. 39/2004, effective 13.11.2004, amended, SG No.

28/2005, effective 15.03.2005, amended and supplemented, SG No. 94/2005)

(effective 25.11.2005)

TRANSITIONAL AND FINAL PROVISIONS

§ 62. (Effective 12.05.2004) (1) The Bulgarian National Tourism Promotion and Information Agency with the Minister of Economy shall be transformed into a Tourism Agency with the Minister of Economy.

(2) The operation, assets, liabilities, archives, as well as the other rights and obligations, the civil-service and employment relationships with the employees of the Bulgarian National Tourism Promotion and Information Agency shall pass to the Tourism Agency.

(3) Within one month after the promulgation of this Act in the State Gazette, the Minister of Economy shall lay before the

Council of Ministers a draft of a decree on transformation of the Bulgarian National Tourism Promotion and Information Agency and on adoption of Rules of Organization of the Tourism Agency.

§ 63. (Effective 12.05.2004) Within six months after the promulgation of this Act in the State Gazette, the Council of Ministers shall adopt the ordinances referred to in Article 51 (5) and (7) and Article 55 (3) (of the Tourism Act).

§ 64. (Effective 12.05.2004) Within six months after the promulgation of this Act in the State Gazette, the Minister of Economy, together with the Minister of Education and Science, the Minister of Culture, the Minister of Youth and Sports and the Minister of Health, shall issue the ordinance referred to in Article 24 (2) (of the Tourism Act).

§ 65. (1) Any licensed tour operators and travel agents shall be registered proprio motu within one month after the entry of this Act into force.

(2) Within the time limit referred to in Paragraph (1), any licensed tour operators must present to the Ministry of Economy a contract of insurance concluded under Article 42 (1) (of the Tourism Act). Should any licensed tour operator fail to present the contract of insurance referred to in Article 42 (1) (of the Tourism Act) after (sic) the lapse of the time limit referred to in Article 42 (1) herein, the said tour operator shall not be eligible for recording in the register.

(3) Any licences issued prior to the entry of this Act into force shall be presumed invalid after the lapse of the time limit referred to in Paragraph (1).

§ 66. (1) (Amended, SG No. 94/2005) Any coastal beaches, in respect of which the Council of Ministers has adopted decisions and, accordingly, contracts for the award of concessions for the said beaches have been signed at the time of entry into force of the ordinance referred to in Article 51 (5) herein, shall be awarded a "C" category by right.

(2) (Repealed, SG No. 28/2005, effective 15.03.2005, new, SG No. 94/2005) The concessionaires of any coastal beaches referred to in Paragraph (1) shall submit an application for the award of a "C" category by right, stating the information required under Item 3 of Article 61 (1) herein, for entry into the National Tourism Register.

(3) (New, SG No. 94/2005) A certified copy of the contract for the award of a concession to the coastal beach shall be attached to the application referred to in Paragraph (2).

(4) (New, SG No. 94/2005) The concessionaires of any coastal beaches referred to in Paragraph (1) shall receive category insignia, including a certificate and a sign, without paying a fee.

§ 67. (1) In the cases where any procedure for the issuance of a licence for tour operation or travel agency is pending at the date of entry of this Act into force, any such procedure shall be completed according to the procedure established by this Act.

(2) In the cases where any procedure for rating of tourism establishments referred to in Items 1, 2 and 3 of Article 3 (3) (of the Tourism Act) has been initiated before the date of entry of this Act into force, any such procedure and the rating shall be completed according to the procedure established by this Act.

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§ 69. This Act shall enter into force six months after the promulgation thereof in the State Gazette, with the exception of the provisions under § 8, § 22, as amending Paragraph (2) of Article 24, § 39, as adding Paragraphs (5) and (7) in Article 51, § 43, as supplementing Paragraph (3) of Article 55, and § 62, § 63, § 64 and § 68, which shall enter into force on the day of promulgation of this Act in the State Gazette.

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Act to Amend and Supplement the Tourism Act

Promulgated, SG No. 28/2005 (effective 01.04.2005)

SUPPLEMENTARY PROVISION

§ 13. Throughout the Act, the words "the Minister of Economy" and "the Ministry of Economy" shall be replaced, accordingly, by "the Minister of Culture and Tourism" and "the Ministry of Culture and Tourism".

TRANSITIONAL AND FINAL PROVISIONS

§ 14. The statutory instruments of secondary legislation on the application of the Protection and Promotion of Culture Act, the Public Education Act, the People's Chitalishte Act, the Monuments of Culture and Museums Act, the Vocational Education and Training Act and the Film Industry Act, issued by or together with the Minister of Culture prior to the entry of this Act into force, shall continue in effect.

§ 15. (1) The statutory instruments of secondary legislation, issued or endorsed in pursuance of the Tourism Act by or together with the Minister of Economy or by the Council of Ministers on a motion by the Minister of Economy, shall continue in effect.

(2) The registration of any tour operators and travel agents and the categories of any tourism establishments referred to in Items 1, 2 and 3 of Article 3 (3) herein, effected and awarded by the Minister of Economy, shall subsist.

§ 16. (1) In the cases where a procedure for registration or for the issuance of a certificate of registration for tour operation or travel agency has been initiated by the Minister of Economy by the date of entry of this Act into force, any such procedure shall be completed by the Minister of Culture and Tourism.

(2) In the cases where a procedure for rating of tourism establishments referred to in Items 1, 2, 3, 5 and 6 of Article 3 (3) herein has been initiated by the Minister of Economy by the date of entry into force of this Act, any such procedure shall be completed by the Minister of Culture and Tourism.

§ 17. Within one month after the entry of this Act into force, the Minister of Economy shall deliver to the Minister of Culture and Tourism the register referred to in Article 58 (of the Tourism Act) and the entire documentation thereto appertaining.

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Act to Amend and Supplement the Tourism Act

Promulgated, SG No. 94/2005 (effective 25.11.2005)

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SUPPLEMENTARY PROVISION

§ 58. Throughout the Act, the words "the Ministry of Culture and Tourism" shall be replaced by "the State Agency for Tourism", the words "the Minister of Culture and Tourism" shall be replaced by "the Chairperson of the State Agency for Tourism", and the words "the Executive Director of the Tourism Agency" shall be replaced by "the Chairperson of the State Agency for Tourism".

TRANSITIONAL AND FINAL PROVISIONS

§ 59. The powers of the Executive Director of the Tourism Agency shall be terminated as from the date of entry of this Act into force.

§ 60. (1) The Tourism Agency with the Minister of Culture and the National Tourism Policy Directorate of the Ministry of Culture shall be transformed through merger into a State Agency for Tourism.

(2) The assets, liabilities, the archives, as well as the other rights and obligations of the Tourism Agency, shall be assumed by the State Agency for Tourism.

(3) The employment and civil-service relationships with the personnel of the Tourism Agency shall pass to the State

Agency for Tourism according to Article 123 of the Labour Code and Article 87a of the Civil Servants Act.

(4) The employment and civil-service relationships with the personnel of the National Tourism Policy Directorate of the Ministry of Culture shall pass to the State Agency for Tourism according to Article 123 of the Labour Code and Article 87a of the Civil Servants Act.

§ 61. The State Agency for Tourism shall be a legal successor of all rights to the National Tourism Register and the entire documentation therewith.

§ 62. The Council of Ministers shall adopt Rules of Organization of the State Agency for Tourism within one month after the entry of this Act into force.

§ 63. (1) The 2005 budget of the State Agency for Tourism shall be determined on the basis of a bilateral memorandum on transfer of budgetary credits between the Minister of Culture and the Minister of Economy and Energy.

(2) The Minister of Finance shall effect the changes of the relevant budgets ensuing from Paragraph (1).

§ 64. (1) The registration of any tour operators and travel agents and the categories of any tourism establishments referred to in Items 1, 2 and 3 of Article 3 (3) (of the Tourism Act), effected and awarded by the Minister of Culture and Tourism, shall subsist.

(2) The "Three-Star," "Four-Star" and "Five-Star" categories, awarded to any hikers' chalets rated prior to the entry of this Act into force, shall be replaced accordingly by "One-Edelweiss," "Two-Edelweiss" and "Three-Edelweiss." The new category insignia of previously rated hikers' chalets shall be issued proprio motu by the Chairperson of the State Agency for Tourism within three months after the entry of this Act into force.

§ 65. (1) In the cases where any procedure for registration or, respectively, for the issuance of a certificate of registration for tour operation or travel agency has been initiated by the Minister of Culture and Tourism before the date of entry of this Act into force, any such procedure shall be completed by the Chairperson of the State Agency for Tourism.

(2) In the cases where any rating procedure for tourism establishments referred to in Items 1, 2, 3, 5 and 6 of Article 3 (3) (of the Tourism Act) has been initiated by the Minister of Culture and Tourism before the date of entry of this Act into force, any such procedure shall be completed by the Chairperson of the State Agency for Tourism.

(3) In the cases where any rating procedure for tourism establishments referred to in Item 10 of Article 3 (3) (of the Tourism Act) has been initiated by the Minister of Culture and Tourism before the date of entry of this Act into force, any such procedure shall be completed by the Chairperson of the State Agency for Tourism according to the procedure established by this Act.

§ 66. (1) The statutory instruments of secondary legislation, issued or endorsed in pursuance of the Tourism Act by, or jointly with, the Minister of Culture and Tourism or adopted by the Council of Ministers on a motion by the Minister of Culture and Tourism, shall continue in effect and shall apply insofar as they do not come into conflict with this Act.

(2) The Council of Ministers, acting on a motion by the Chairperson of the State Agency for Tourism, shall bring the statutory instruments of secondary legislation referred to in Paragraph (1) into conformity with this Act within one month after the entry of this Act into force.

§ 67. (1) The Council of Ministers shall adopt the ordinances referred to in Article 24 (2) and in Article 63 (of the Tourism Act) within six months after the entry of this Act into force.

(2) The ordinance referred to in Article 51 (9) (of the Tourism Act) shall be adopted within three months after the entry of this Act into force.

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(* Act to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 October 2006" shall be replaced by "1 July 2007"

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Act to Amend and Supplement the Tourism Act

(Promulgated, SG No. 31/2008, effective 21.03.2008)

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FINAL PROVISIONS

§ 3. The Minister of Finance shall amend the relevant budgets in accordance herewith.

§ 4. This Act shall take effect as of the day when it is published in the State Gazette.

Act to Amend and Supplement the Tourism Act

(Promulgated, SG No. 82/2009, effective 16.10.2009)

SUPPLEMENTARY PROVISION

§ 10. In the rest of the texts of the Act, the words "the Chairperson of the State Agency for Tourism" and "the State Agency for Tourism" shall be replaced, respectively, by "the Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism".

TRANSITIONAL AND FINAL PROVISIONS

§ 11. (1) The State Agency for Tourism is hereby closed down.

(2) The Ministry of Economy, Energy and Tourism shall be a successor to the State Agency for Tourism.

(3) The assets, liabilities, archives, as well as the other rights and obligations of the State Agency for Tourism, shall be assumed by the Ministry of Economy, Energy and Tourism.

(4) The employment and civil-service relationships with the personnel of the State Agency for Tourism shall pass to the Ministry of Economy, Energy and Tourism according to Article 123 of the Labour Code and Article 87a of the Civil Servants Act.

(5) The Minister of Finance shall effect the modifications under the relevant budgets arising from Paragraph (2).

(6) Within one month after the entry into force of this Act, the Council of Ministers shall settle the relations in connection with the closure of the Agency under Paragraph (1).

§ 12. The statutory instruments of secondary legislation, issued or adopted in pursuance of the Tourism Act or jointly with the Chairperson of the State Agency for Tourism or by the Council of Ministers on a motion by the Chairperson of the State Agency for Tourism, shall continue in effect.

§ 13. (1) The registration of any tour operators and travel agents and the categories to tourism establishments, covered under Article 52 (2) of the Tourism Act, effected and awarded by the Chairperson of the State Agency for Tourism, shall subsist.

(2) Where a procedure for registration or, respectively, a procedure for the issuance of a certificate of registration for tour operation or travel agency has been initiated by the Chairperson of the State Agency for Tourism by the date of entry of this Act into force, any such procedure shall be completed by the Minister of Economy, Energy and Tourism.

(3) Where a procedure for rating of tourism establishments under Article 52 (2) of the Tourism Act has been initiated by the Chairperson of the State Agency for Tourism by the date of entry into force of this Act, any such procedure shall be completed by the Minister of Economy, Energy and Tourism.