

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



Full name and/or number of the statute (in original language):

Ustawa o usługach turystycznych z 29 sierpnia 1997 r.

Translation of the name:

The Act on Tourist Services of 29 August 1997

Reference in Official Journal (if appropriate):

Date of coming into force:

01.07.1998

Subsequent amendments:

Dziennik Ustaw 2004 no. 223/2268

Text:

Tourist Services Act

dated on the 29th of August 1997

Chapter 1

General provisions

Art. 1. ¹ The Act defines conditions for the provision of tourist services by domestic and foreign entrepreneurs, in the meaning of the Act of the 19th of November 1999 – Law on Commercial Activity (J.O. No. 101, item 1178 and the Act of 2000 – O.J. No. 86, item 958 and No. 114, item 1193), hereinafter referred to as “entrepreneurs”, within the territory of the Republic of Poland, as well as abroad, if the service agreements with clients are concluded within the territory of the Republic of Poland.

¹ In the wording of art.4 paragraph 1 of the Act of the 8th of December 2000 on Amendments of the Act on the System of Higher Education, Act on Higher Professional Education, Act on Railway Transport and Act on Tourist Services and Act - Code of Civil Procedure, Act - Law on the System of Public Courts and Act on Divisions of Government Administration – in connection with the adjustment to the European Union legislation (J.L. No. 122, item 1314), that entered into force as of the 1st of January 2001.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



Art. 2.² Concluding agreements with clients for the performance of tourist services on the territory of the Republic of Poland on behalf of a foreign entrepreneur is admissible, if that entrepreneur conducts his commercial activities on the territory of Republic of Poland on conditions laid down in the Act, as referred to in art.1.

Art.3. The terms used in the Act should be understood thus:

tourist services – the services of a guide , hotel services and all other services performed on behalf of tourists or visitors,

a tourist event – at least two tourist services that constitute a uniform programme and included in a single price, if these services include an overnight stay or last for more than 24 hours or if the programme provides for a change of location,

a tour – a type of tourist event that involves a change of the participants' location,

³organisation of tourist events – preparing, offering , as well as executing tourist events,

a tourism organiser – an entrepreneur organising tourist events,

a tourism intermediary - an entrepreneur, who in the course of his commercial activities performs at a client's request actual and legal actions connected with the conclusion of agreements for the provision of tourist services,

⁴ a tourist agent – an entrepreneur, who in the course of his commercial activities acts as a permanent intermediary in concluding agreements for the provision of tourist services on behalf of tourism organisers in possession of a domestic permit or other service providers with ,company seats in Poland,

7a)⁵ a tourist guide – a person who professionally guides tours in selected areas, places and sites and provides information on them,

7b)⁵ a tour leader – a person who accompanies the participants of a tourist event as a representative of a tourism organiser and is responsible for their well-being and supervision over the level of services provided on their behalf,

⁶hotel services – short-term, generally accessible rental of accommodation such as houses,

² In the wording of art.4 paragraph2 of the Law, as referred to in 1st footnote. The provisions of art.2 shall become null and void with respect to the Member States of the European Union on the basis of art. 16 of the Law, as referred to in the 1st footnote, starting from a day that the Republic of Poland becomes a member of the European Union.

³ In the wording of art. 4 paragraph 3 let. a) of the Law as referred to in the 1st footnote

⁴ In the wording of art. 4 paragraph3 let. b) of the Law as referred to in the 1st footnote

⁵ Added by art.4 paragraph3 let. c) of the Law as referred to in the 1st footnote.

⁶ In the wording of art.1 paragraph1 of the Act of the 10th of April 1999 on change of the Act on Tourist Services (J.L. No. 40, itemitem401), that entered into force on the 21st of May 1999.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



apartments, rooms, beds for the night, as well as sites for pitching tents or parking caravans and performance, in those locations, of all related services,

a tourist – a person who travels to another location, outside his or her permanent place of residence, remains there for a period not exceeding 12 months, does not aim to find permanent employment at that location, and stays there overnight for at least one night,

a visitor – a person who travels to another location, outside his permanent place of residence, does not aim to find permanent employment at that location, and does not stay there overnight,

a client – a person who intends to or has concluded an agreement for the provision of tourist services on his or her own behalf, or on behalf of another person, provided that the conclusion of such an agreement is not part of his or her own commercial activity, nor of the person on whose behalf the agreement has been concluded, nor of the person to whom the right to the tourist services, covered by a previously concluded agreement is transferred,

⁷ deleted,

⁷deleted.

⁷ By art.4 paragraph3 lt. d) of the Law as referred to in the 1st footnote.



Click on the blue text parts in order to retrieve information on the EC law background



Chapter 2⁸

Organisers of Tourism, Intermediaries and Tourist Agents

Art.4.1. A commercial activity involving the organisation of tourist events and acting as an intermediary in concluding tourist services agreements on behalf of the clients requires a permit.

2. Activities of tourist agents involving the provision of permanent intermediary services in the conclusion of tourist services agreements on behalf of tourism organisers in possession of a permit, or on behalf of other service providers with a seat in Poland, do not require a permit.

Art.5.1. A permit, as referred to in art.4 par.1, is granted for an unlimited period of time, provided that the entrepreneur fulfils the following conditions:

ensures that the management of the enterprise, and its organisational units that act as independent legal entities, fulfil the following criteria:

a) posses a relevant degree and experience, as stated in art.6 par.1 and 2,

do not posses a criminal record for crimes that constituted a health or life hazard, credibility of documents, property or business offences,

2) present evidence of making provisions for covering the costs of the client's return journey to the country, in case the tourism organiser fails to fulfil his duty in this respect, and for a refunding of the client's payments in case of failure to fulfil the contractual obligations, in the form of:

an agreement for a bank or an insurance guarantee or,

an insurance policy taken out on behalf of the clients.

2. The obligation of possessing a guarantee or an insurance policy, as referred to in par.1 pt.2, is binding for the entire period of running the business.

3. The contents of a guarantee or an insurance policy, as referred to in par.1 pt.2, will provide for an authorisation made out on behalf of a provincial governor a provincial governor (voivode) or a unit he empowers to execute downpayments for covering the costs of a client's return journey.

⁸ Chapter 2 In the wording of art.1 paragraph2 of the Act as referred to in the 6th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



4.⁹ The provincial governor (voivode) is authorised to act on behalf of a client in case of payments resulting from a bank guarantee, an insurance guarantee or an insurance policy, in accordance with the regulations stipulated therein.

5.⁹ Funds available under the bank guarantee, insurance guarantee or insurance policy will be used first and foremost to cover the costs of the clients return journey, as referred to in par.1 pt.2, are covered. If the remaining guaranteed sum is insufficient to refund all the expenses incurred by the client, the refunds will be made proportionally to the balance that remains.

Art.6. 1. Activities involving the organisation of tourist events and acting as an intermediary in the conclusion of agreements for the provision of tourist services as referred to in art.4 par. 1, can be managed by persons:

possessing 1 year of experience in servicing tourists and who have completed university level education in the fields of tourism and recreation, law, economics, management and marketing,

possessing 2 years' experience in servicing tourists and who have completed secondary school studies in the field of tourist services or have completed university level education in a field not stated in point 1,

possessing 4 years' experience in servicing tourists and who have completed secondary school studies other than stated in point 2,

¹⁰possessing 6 years' experience in servicing tourists, in other cases.

2. Conducting commercial activities involving the organisation of tourist events independently or acting as an intermediary in the conclusion of agreements for the provision of tourist services, managing entities organising tourist events, or employment in a position connected with preparing and concluding agreements for the provision of tourist services, preparing programmes for tourist events independently, as well as performance of tasks of a tourist guide and a tour courier shall be regarded as experience in servicing tourists as referred to in paragraph 1.

3. A certificate of an entry par. in the commercial activity records ¹¹ or a certificate issued by the organisational unit that entrusted the interested party with activities involving the servicing of tourists shall constitute confirmation of the experience referred to in paragraph 2.

Art.7.1. The granting, refusal to grant, withdrawal and restriction of the scope of a permit, as referred to in art.4 par.1 takes place by way of an administrative decision.

⁹ Added by art.4 paragraph 4 of the Law as referred to in the 1st footnote.

¹⁰ Added by art. 4 paragraph5 of the Act as referred to in the 1st footnote.

¹¹ Presently: National Court Register, in compliance with art.86 of the Act of the 20th of August 1997 on National Court Register (J.L. No. 121, itemitem769), that entered into force on the 1st of January 2001.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



2. The appropriate body to grant, refuse to grant, and withdraw or limit a permit, as referred to in art.4 par.1, is the provincial governor (voivode) appropriate for the seat of the entrepreneur.

3. An application for granting of a permit, as referred to in art.4 par.1, should contain:

the designation of the entrepreneur and its seat (his or her place of residence),

a description of the scope and type of activity requiring a permit,

an indication of the place where the activity covered by the permit is to be performed,

documents confirming that the conditions referred to in art.5 have been fulfilled.

4. ¹²The provincial governor (voivode) can refuse to issue a permit or restrict the scope of a permit granted in relation to the application for the permit's issue if the entrepreneur fails to fulfil the requirements essential for its issue.

Art.8. ¹³ 1.The provincial governor (voivode) sends a copy of the permit, referred to in art.4 par.1, and data concerning the means for covering of costs and reimbursement of payments, referred to in art.5 par.1 point2, to the appropriate Minister of tourism.

2. The appropriate Minister of tourism, keeps a central register of permits, hereinafter referred to as the 'register' on the basis of the permits and the data concerning the means for covering of costs and reimbursements of payments referred to in par.1.

Entries in the register are made ex officio on the basis of the permits and data referred to in par.1.

The appropriate Minister of tourism, by way of an ordinance, defines the specific principles and procedures for keeping the central register of permits, and in particular indicating the documents and data necessary for registration, the scope of data collected in the register records and its specimen.

¹⁴The provincial governor (voivode) keeps records of permits issued in the province (voivodship) and the bank and insurance guarantees involved, as referred to in art. 5 par.1 point2, and provides information on the permits issued in accordance with the procedures established for the register.

¹² In the wording of art.4 paragraph 6 of the Law as referred to in 1st footnote.

¹³ In the wording of art.1 paragraph 1 of the Act of 28th April of 2000 on Amendments of the Act on Tourist Services (J.L. No. 43, item 486), that entered into force on the 9th of June 2000.

¹⁴ Added by art. 4 paragraph7 of the Act as referred to in the 1st footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



Art.9. 1.¹⁵ The appropriate Minister of tourism and the provincial governor (voivode) are authorised to examine the entrepreneur's commercial activity as referred to in art.4 par.1, with regard to whether:

- 1) it fulfils the essential requirements to obtain a permit,
- 2) the activity conducted conforms to the permit issued,
- 3) the statutory requirements for performing the commercial activity are being complied with.

1a.¹⁶ The appropriate Minister of tourism and the provincial governor (voivode) are authorised to examine the tourist agents activity with regard to whether:

- 1) the activity conducted conforms to the agency agreements concluded,
- 2) the statutory requirements for performing the commercial activity are being complied with by the entrepreneurs who commission the agents.

2. The provincial governor (voivode) may call upon the entrepreneur to remedy defects that have been established within a stated time upon pain of the permit being withdrawn or limited.

3.¹⁷ In the event that the appropriate Minister of tourism establishes, in the course of an examination, as referred to in par. 1 and 1a, any defects in the manner of conducting commercial activity, he applies to an appropriate provincial governor (voivode) to take action, as referred to in par.2.

Art.10.1. Tourism organisers and tourism intermediaries are obliged to submit to the body granting the permit documents confirming the conclusion of successive guarantee or insurance agreements as referred to in art.5, par.1 point 2, before the expiry of the validity of the previous agreement.

2. The Minister appropriate for public finance, taking into account the scope and type of activities conducted by tourism organisers and tourism intermediaries, defines by way of an ordinance:

¹⁵ In the wording of art. 4 paragraph 8, let. a) of the Law as referred to in the 1st footnote.

¹⁶ Added by art.4 paragraph 8 let. b) of the Law as referred to in the 1st footnote.

¹⁷ Added by art. 4 paragraph 8 let. c) of the Law as referred to in the 1st footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



the minimum level of guarantee , as referred to in art.5, par.1 point 2, letter a),

the minimum level of guarantee entitlement for a single client from an insurance policy, as referred to in art.5,par.1 point 2, letter b.

Art.10a. 1. The provincial governor (voivode) may withdraw a permit or restrict its scope in the following cases:

where a final court judgement exists prohibiting the entrepreneur – natural person from conducting the activity covered by the permit,

where the statutorily defined obligations are infringed upon, when this constitutes a threat to the safety or the clients' rights to their personal intangible assets and where there is a serious threat to the clients' material interests:,

¹⁸the entrepreneur's failure to remedy the established defects when called upon to do so, as referred to in art.9 par.2.

2. An entrepreneur whose permit has been withdrawn as well as an entrepreneur who has been conducting activity without obtaining the required permit, will not be able to obtain any of the permits referred to in art.4,par.1, within a period of 3 years of the date the permit is withdrawn or the date of disclosure of the conducting of activities without a permit.

3. ¹⁹The provision of par. 2 also applies to persons managing the activities of an enterprise on behalf of the entrepreneur, whose permit has been withdrawn or who has conducted this activity without the required permit. These persons cannot also manage the enterprise's or its organisational units' activities within a scope requiring a permit in the period referred to in par. 2.

Art.10b.²⁰ An entrepreneur who represents himself to the clients as a tourist agent is regarded as a tourism organiser in the understanding of the act, if:

the agreements concluded with clients do not clearly specify the actual tourism organiser whom he or she represents, or

he or she operates as an agent for a tourism organiser who is not authorised to conclude agreements with clients on the territory of the Republic of Poland, or,

¹⁸ Added by art. 4 paragraph 9 let. a) of the Law as referred to in the 1st footnote.

¹⁹ Added by art. 4 paragraph 9 let. b) of the Law as referred to in the 1st footnote

²⁰ Added by art. 4 paragraph 10 of the Law as referred to in the 1st footnote

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



he or she operates without a valid agency agreement or exceeds its scope.

Chapter 3

Client Protection

Art. 11.²¹ The provisions of the Civil Code shall apply to agreements concluded with clients by tourism organisers unless the provisions of this act state otherwise.

Art.11a.²²1. A tourism organiser is liable for the lack of or inappropriate fulfilment of an agreement for tourist services, unless this lack of or inappropriate fulfilment is exclusively the result of:

actions or negligence on the part of the client,

actions or negligence on the part of a third party, that is in no way involved in fulfilling the services covered by the agreement, if these actions or negligence could not have been foreseen nor prevented, or

force majeure.

2. The exclusion of liability for the lack of or inappropriate fulfilment of the agreement, in the instances referred to in par.1, does not release the tourism organiser from his or her duty to provide assistance to the victim-client during the tourist event.

Art.11b. 1. The liability defined in art.11a cannot be excluded or limited by an agreement, even if the agreement is governed by a foreign law, with the reservation of par. 2 and par. 3.

2. The liability for damage caused to the client due to the lack of or inappropriate fulfilment of an agreement for the provision of tourist services may be limited solely in cases specified

²¹ In the wording of art. 4 paragraph 11 of the Law as referred to in the 1st footnote.

²² Added by art.4 paragraph 12 of the Law as referred to in the 1st footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



by an international agreement or covenant to which the Republic of Poland is a party.

3. Tourism organisers may limit the liability for damage caused to the client due to the lack of or inappropriate fulfilment of services during a tourist event in their agreements with clients but, for an individual client, only to an amount equal to double the price for the tourist event.

4. The limitation referred to in par. 3, does not apply in case of bodily harm.

Art. 12. 1. A tourism organiser or a tourism intermediary who offers tourist services or tourist events to clients, by providing them with access to the appropriate written information, and in particular brochures, folders and catalogues is obliged, in these materials, to indicate in a precise and comprehensive manner:

the price of the tourist event or the method by which it is established,

the location or route of the tourist event,

the type, class, category or specification of the means of transport,

the location, type and category of the accommodation, according to the regulations of the country of stay ,

the type and number of meals,

the sight-seeing programme and tourist attractions,

the amount or percentage share of a deposit in the price of a tourist event or of a tourist service and the deadline for payment of the full price,

²³the deadline for informing the client of a possible cancellation of a tourist event or of a tourist service due to an insufficient number of applications, if the performance of these services depends on the number of applications,

the legal basis for the agreement and the legal consequences arising from the agreement,

²⁴general information on passport, visa and sanitary regulations in force, and on health requirements concerning participation in the tourist event.

²³ In the wording of art.4 paragraph13 let. a) first bullet of the Law as referred to in the 1st footnote.

²⁴ Added by art. 4 paragraph 13 let. a) second bullet of the Law as referred to in the 1st footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



1a.²⁵ The information referred to in par.1 cannot be misleading to the client.

2. If the agreement with the client does not provide otherwise, then the appropriate indications in the form of written information, as referred to in par.1 points 1 - 8, become parts of the agreement.

Art. 13. 1. A tourism organiser or a tourism intermediary is obliged, prior to the conclusion of an agreement, to supply a client with:

²⁶general information on passport, visa and sanitary regulations in force, and particularly the waiting period for the issuing of passport and visa as well as the health requirements concerning participation in the tourist event,

information on the possibility of conclusion of an insurance agreement covering the cost of relinquishing participation in a tourist event, and as regards insurance against the consequences of unfortunate accidents and coverage of medical costs.

2. A tourism organiser is obliged to inform a client of specific threats to life and health in visited areas and the possibilities of taking out an appropriate insurance against the consequences of unfortunate accidents and coverage of medical costs. The above also concerns threats arising after concluding the agreement.

3.²⁷ A tourism organiser is, prior to the commencement of a tourist event, obliged to give clients the following information:

the surname or (trade) name, as well as the address and telephone number, of the local representative of the tourism organiser (or another institution), to whom the client may turn to in case of any difficulties,

as regards tourist events for children - information on the possibilities for direct contact with a child or the person in charge at the place the child is staying,

the planned duration of travel, the location and duration of stops,

²⁸detailed information concerning travel connections and seats that will be occupied by a

²⁵ Added by art.4 paragraph 13 let. b) of the Law as referred to in the 1st footnote.

²⁶ In the wording of art. 4 paragraph 14 let. a) of the Law as referred to in the 1st footnote.

²⁷ In the wording of art. 4 paragraph 14 let. b) first bullet of the Law as referred to in the 1st footnote

²⁸ Added by art. 4 paragraph 14 let. b) second bullet of the Law as referred to in the 1st footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



client in a means of transport, and particularly a ship's cabin or a sleeping compartment on train.

3a. ²⁹The information referred to in par. 1 – 3 should be supplied to the client in writing.

4. Supplying the information referred to in par. 1- 3, does not release a tourism organiser from the duty of extending care towards the tourists.

Art. 14. 1. An agreement for the provision of tourist services involving the organising of tourist events must be concluded in writing.

2. The agreement should describe:

the tourism organiser and his or her permit number³⁰ and the name and surname of the person who has signed the agreement on the organiser's behalf,

the place of stay or route of a tour,

the duration of a tourist event,

the tourist event programme covering the type, quality and schedule of services offered, including:

the type, characters and category of the means of transport, and the planned date, time and place of departure and ,return,

the location, type and category of a hotel site according to the provisions of the country of stay or a description of the facilities of sites not included in types or categories,

the type of meals and their number,

the sight-seeing programmes and other services included in the price of a tourist event,

the price of the tourist event, together with particulars of all essential payments, taxes and charges, if these are not included in the price, and a clear formulation of the circumstances which could cause the price to be increased in accordance with art. 17,

the method of payment,

²⁹ Added by art. 4 paragraph 14 let. c) of the Law as referred to in the 1st footnote.

³⁰ In the wording of art.1 paragraph 3 of the Act mentioned in the 6th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



³¹ the type and scope of insurance for tourists,

7a)³² the deadline for informing the client of a possible cancellation of a tourist event or of a tourist service due to an insufficient number of applications, if the performance of these services depends on the number of applications,

7b)³² the deadline for informing the client about assigning the rights and assuming the obligations, as referred to in art. 16 par.2,

the method for lodging complaints connected with the provision of services by the tourism organiser or a person co-operating with him or her, together with the time period for lodging such complaints,

special requirements about which the client has notified the tourism organiser or the tourism intermediary to which the parties to the agreement have expressed their consent,

the legal basis of the agreement and the legal consequences arising from it.

2a.³³ A person, who signed the agreement for the provision of tourist services with the client, is obliged to promptly deliver one copy of the agreement to the client.

3. Tourism organisers, organising tourist events abroad, are obliged to conclude insurance agreements against the consequences of unfortunate accidents and medical costs on benefit of the persons participating in such events.

4.³⁴ A tourism organiser is obliged to supply a client, who is paying the total amount due for a tourist event or an advance payment in excess of 10 % of this amount, with:

written confirmation of the possession of a guarantee as referred to in art.5 par.1 point 2, letter a), together with an indication of the way of procuring the payment of resources from such a guarantee in cases described by the act, or

written confirmation of the conclusion of an insurance agreement, as referred to in art. 5 par.1, point 2, letter b), together with an indication of the way of procuring the payment of resources from such an insurance agreement in cases described by the act.

³⁵ An organiser who is forced, for reasons beyond his control, to change significant condi-

³¹ In the wording of art.4 paragraph 15 let. a) first bullet of the Law as referred to in the 1st footnote.

³² Added by art.4 paragraph 15 let. a) second bullet of the Law as referred to in 1st footnote.

³³ Added by art. 4 paragraph 15 let. b) of the Law as referred to in the 1st footnote.

³⁴ In the wording of art. 1 paragraph 4 let. a) of the Act as referred to in the 6th footnote.

³⁵ Added by art.1 paragraph 4 let. b) of the Act as referred to in 6th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



tions of the agreement with the client, with the reservation of art. 17, should inform the client of this forthwith. In such a situation the client should inform the organiser forthwith if:

he or she accepts the proposed change to the agreement or if,

he or she withdraws from the agreement obtaining immediate reimbursement of all contributions made without the obligation to pay a contractual penalty.

If the client withdraws from the agreement in accordance with par. 5, or if the organiser cancels the tourist event for reasons beyond the clients control, the client has the right, to choose whether to:

- 1) participate in an alternative tourist event of the same or of a higher standard, or upon agreeing to participate in an event of a lower standard receiving reimbursement of the difference in price, or to,
- 2) demand immediate reimbursement of all contributions made.

³⁵In the circumstances described in par. 6, the client can seek damages for failure to fulfil the agreement unless the cancellation of the tourist event occurred because:

³⁶less participants enrolled than the minimum number defined in the agreement and the organiser informed the client of this in writing within the agreed term,

of *force majeure*.

Art. 15. ³⁷1. Failure to fulfil the obligations described in art.12 par.1, art. 13, art.14, and art.16a may, in accordance with art.10a par. 1 point 2, be recognised by the provincial governor (voivode) as a basis for the withdrawal or limiting of the scope of a permit. This does not limit the client's possibilities for seeking damages.

2. ³⁸A tourism organiser entrusting the independent execution of the tasks of a tourist guide or tour courier to an unauthorised person or one who does not speak the appropriate language can also provide a basis for the withdrawal or restriction of a permit for a tourism organiser.

³⁶ In the wording of art. 4 paragraph 15 let. c) of the Law as referred to in the 1st footnote.

³⁷ In the wording of art. 1 paragraph 5 let. a) of the Act as referred to in the 6th footnote and by art. 4 paragraph 16 of the Law as referred to in 1st footnote.

³⁸ In the wording of art. 1 paragraph 3 and paragraph 5 let. b) of the Act as referred to in the 6th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



Art. 16.³⁹ 1. The client has the right to indicate a person who will fulfil the conditions of participation in the tourist event, who will assume the obligations arising from the agreement and to whom the client will assign the rights..

2. The transfer of rights and assumption of obligations, as referred to in par. 1, is effective with respect to a tourism organiser, if the client informs him or her of this fact prior to the commencement of the tourist event, within the agreed term.

3. The client and the person to whom he assigns the rights under the agreement will be jointly and severally liable for the unpaid part of the tourist event price and costs borne by the tourism organiser a result of the change of participant of the event.

Art. 16a.⁴⁰ 1. A tourism organiser who fails to perform the services constituting an integral part of the event's programme, as provided for in the agreement, while the tourism event lasts is obliged to provide him or her with an appropriate replacement benefit, free of any additional charge. If the quality of this replacement benefit is inferior to the quality of service described in the tourist event programme, the client may demand a proportional reduction in the event's price.

2. If the replacement benefit, as referred to in par. 1, cannot be provided or the client refuses to accept it for justified reasons and withdraws from the agreement, the tourism organisers obliged to ensure his or her return to the starting point of the tourist event or to any other location agreed upon, free of any additional charge, under conditions no worse than those agreed upon in the agreement.

3. In case of the client's withdrawal from the agreement, as referred to in par.2, the tourism organiser cannot demand any amounts, and contractual penalty in particular, from the client on this account. The client, on the other hand, can seek damages for failure to fulfil the agreement.

4. If the replacement benefit, as referred to in par. 2, cannot be provided the client can seek damages for failure to fulfil the agreement, unless the failure to provide the replacement benefit is caused exclusively by:

acts performed or neglected by third parties, , not participating in the performance of a replacement benefit, if these performed or neglected acts could not have been reasonably foreseen, or

force majeure.

Art. 16b.⁴⁰ 1. If the client perceives any defects in the execution of the agreement while the tourist event lasts, he should inform the contractor and the tourism organiser of this forth-

³⁹ In the wording of art. 4 paragraph 17 of the Law as referred to in the 1st footnote.

⁴⁰ Added by art. 4 paragraph 18 of the Law as referred to in the 1st footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



with in a manner appropriate for this type of service.

2. The agreement should explicitly define the client's obligations in respect of the provisions referred to in par. 1.

Art. 17. 1. The price established in the agreement may not be increased, unless the agreement clearly anticipates the possibility of increasing the price , and the tourism organiser documents the influence on a price increase of one of the following circumstances:

an increase in transport costs,

⁴¹an increase in administrative fees, taxes or charges due for such services as airports, loading or transshipment at sea ports or airports,

an increase in foreign currency exchange rate.

2. During the 20 days prior to the departure date the price established in the agreement cannot be increased.

Art. 18. (deleted)⁴².

Art. 19. 1. Provisions of agreements concluded with clients by tourism organisers which are less advantageous for clients than the provisions of this act are invalid.

2. The provisions of this act are binding in place of provisions of agreements which are less advantageous for clients.

Art. 19a.⁴³ The regulations contained in the present chapter apply respectively to the entrepreneur acting under the circumstances described in art. 10b.

Chapter 4

⁴¹ In the wording of art. 4 paragraph 19 of the Law as referred to in the 1st footnote.

⁴² By art. 4 paragraph 20 of the Law as referred to in the 1st footnote.

⁴³ Added by art. 4 paragraph 21 of the Law as referred to in the 1st footnote.



Click on the blue text parts in order to retrieve information on the EC law background



Tourist guides and tour leaders

Art.20.1 A person who possesses rights described by the act may be a tourist guide or a tour leader.

2. Among the tasks of a tourist guide are the leading tours, the professional provision of information to their participants concerning the country, the locations visited, the areas and sites as well as taking care of the tour participants.

3. The tasks of a tour leader include: on the tourism organiser's behalf, taking care of the participants in a tourist event within the essential scope arising from the nature of the event, and exercising diligence in the way services are performed on the participants' benefit during an event, as well as representing the tourism organiser before contracting parties who provide services in the course of the duration of the event.

Art. 21. 1. Tourist guides receive authorisations of the following types:

mountain guides for defined mountain areas,

town (city) guides for specific towns (cities),

area guides for specific provinces (voivodships) or regions.

2. Authorisations for mountain guides are divided into three classes depending on the level of difficulty of the routes and tours.

3. ⁴⁴The authorisation for area guides also includes towns and cities lying within the province (voivodship) or region.

4. ⁴⁵The Minister in charge of tourism, by way of an ordinance, may define towns (cities), taking into consideration the particular tourist values of those towns, for which an authorisation for a town (city) guide is required.

Art. 22. An authorisation to act as a tourist guide or a tour leader is obtained by a person who:

⁴⁴ In the wording of art. 1 paragraph 1 of the Act of 23rd July 1998 on Amendments to the Act on Tourist Services (J.L. No. 113, item 714), that entered into force on the 31st of August 1998, and by art. 1 paragraph 2 let. a) of the Act as referred to in the 13th footnote.

⁴⁵ Added by art. 1 paragraph 2 let. b) of the Act as referred to in the 13th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



-
- 1) is over 18 years old,
 - 2) has graduated from a secondary school,
 - 3) is in a health condition which enables him or her to carry out the tasks of a tourist guide or a tour leader,
 - 4) has not been punished for wilful offences or other offences committed in connection with the performance of the tasks of a tourist guide or a tourist leader,
 - 5) has undergone training and an apprenticeship and has passed an examination for a tourist guide or a tour leader.

Art. 23. A person seeking authorisation to act as a tourist guide or a tour leader submits to an initial medical examination, and a person possessing such an authorisation - to periodic examinations, by the means and within the scope specified in the provisions on medical examinations of employees.

Art. 24. 1. The training, referred to in art. 22 point 5, can be conducted by organisational units or persons, authorised on the basis of an administrative decision of a provincial governor (voivode), that:

have at their disposal training personnel who have completed university level education and have practical experience of the issues covered by the programme,

ensure conditions which enable the training to take place, also including practical training together with the appropriate office services including the archiving of training documentation and providing access to the same.

2. The authorisation referred to in par. 1, is issued for performance of a single training course or permanently. Permanent authorisation may be withdrawn if the authorised organisational unit or person ceases to fulfil the conditions described in par.1 or when the training is not conducted in accordance with the binding programme.

Art. 25. 1. An examination is conducted by an examination board appointed by the provincial governor (voivode) appropriate as regards:

the area of the authorisation – for tourist guides,

the location where the course is organised – for tour leaders.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



2. Representatives of associations uniting tourist guides and tour leaders and those of travel agents' organisations are included among the members of the examination boards.

3. A provincial governor (voivode), referred to in par.1, point.1, may refuse to allow a person who does not fulfil the conditions described in art.22 to take an examination. Such a refusal takes place by way of an administrative decision.

Art. 26. 1. The authorisation of a tourist guide or a tour leader may be suspended for repeated defaults in the performance of tasks by, or in the behaviour of, a tourist guide or a tour leader:

- 1) if persons authorised to carry out inspections find such defaults,
- 2) if complaints are confirmed as justified.

2. The authorisation of a tourist guide or a tour leader may be suspended for a period of up to 12 months. The provincial governor (voivode) may make the reinstatement of such authorisation conditional upon the passing of a verification examination, encompassing part of all of the capabilities required of a tourist guide or a tour leader.

3. The verification examination is conducted by an examination board, as referred to in art. 25, par. 1.

Art. 27. The authorisation of a tourist guide or a tour leader may be withdrawn if the tourist guide or tour leader:

- ceases to fulfil the conditions referred to in art.22, points 3 and 4,
- has not passed a verification examination, as referred to in art.26, par.2.

Art.28. 1. The authorisation for tourist guides and tour leaders are issued, refused, suspended, reinstated and withdrawn by provincial governors (voivodes), appropriate for the place of domicile of the tourist guide or the tour by way of an administrative decision.

2. A register of authorisations issued to tourist guides and tour leaders is maintained by the provincial governor (voivode).

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



Art. 29.1. Persons carrying out the tasks of a tourist guide or a tour leader are a subject to inspection. Inspection covers:

- the possession of authorisations as regards their area and validity,
- the proper performance of tasks of a tourist guide or a tour leader.

2. The ensuring by tourism organisers of the care of a tourist guide or tour leader over the participants in a tourist event, as provided for in art. 30 and 31 is also subject to inspection.

3. ⁴⁶Inspection, as referred to in par. 1 and 2 is carried out by named persons authorised by the Minister in charge of tourism and by provincial governors (voivodes).

4. Persons carrying out inspections inform the appropriate provincial governor (voivode) as regards location of the inspection of any infringements discovered.

The provincial governor (voivode), referred to in par. 4, passes the results of the inspection respectively to:

- 1) the provincial governor (voivode) who granted authorisation to the tourist guide or the tour leader,
- 2)⁴⁷ the Minister in charge of tourism on matters concerning the activities of a tourism organiser.

Art. 30. 1. ⁴⁸Tourism organisers who are subject to an obligation of obtaining a permit, described in art.4, par. 1, who organise tours within the country and abroad in which at least 10 persons participate in a common programme, are obliged, unless the agreement states otherwise, to ensure the participants the care of persons possessing the authorisation of:

- 1) a tourist guide – for domestic tours,
- 2) a tour leader – for domestic tours, excluding those that require the participation of a tourist guide in accordance with art. 34, par. 2, point 4 of the act, and for excursions abroad.

2. Entrepreneurs, as referred to in par. 1, are obliged to issue tourist guides and tour leaders a written commission, describing in this, the location (area) in which, and period during which, the services of a guide or leader are to be provided, together with the authorisation to

⁴⁶ In the wording of art. 1 paragraph 3 let. a) of the Act as referred to in the 13th footnote.

⁴⁷ In the wording of art. 1 paragraph 3 let. b) of the Act as referred to in the 13th footnote.

⁴⁸ In the wording of art. 1 paragraph 6 of the Act as referred to in the 6th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



act in the name of the organiser within the scope essential to conduct the tourist event.

Art.31.1. A tourism organiser organising tours abroad is obliged to ensure the care of a leader, who has a knowledge of the language universally known in the country visited or a language agreed with the foreign contracting party.

2. A tourism organiser organising tours for tourists from abroad is obliged to ensure the care of a tourist guide and a tour leader who have the knowledge of a language facilitating easy contact with the participants or a language agreed with the foreign contracting party.

Art. 32. 1. The knowledge of a foreign language is documented by a diploma received upon completion of philological studies or a teachers' college of foreign languages or with a certificate demonstrating the completion of schooling abroad where the language used in lectures was a foreign language.

2. Persons who cannot submit the documents referred to in par. 1, may take an examination before an examination board for foreign languages, as referred to in par. 3.

3. ⁴⁹Examination boards for foreign languages are appointed by provincial governors (voivodes) from among persons found on the list of the Minister in charge of tourism published in the form of an announcement in the Official Journal of the office of the Minister in charge of tourism.

4. ⁵⁰The Minister of Education⁵¹ may, regard as documented the knowledge of a foreign language when confirmed by a certificate issued by an institution other than those mentioned in par. 1.

Art.33.1. Tourist guides may, after training, conduct the tours they service around museums, exhibitions and heritage sites, when these tasks are not carried out by an authorised permanent employee.

2. When training tourist guides a knowledge of museums lying in the area where their authorisations are valid is taken into account.

3. ⁵²The Minister of Culture and National Heritage Protection describes, by way of an ordinance, the principles for training tourist guides and for the performance of their functions in

⁴⁹ In the wording of art. 1 paragraph 4 of the Act as referred to in the 13th footnote.

⁵⁰ In the wording of art. 1 paragraph 2 of the Act first as referred to in the 44th footnote.

⁵¹ According to art. 4 par.1, art. 5 paragraph 15 and art. 94 of the Act of the 4th of September 1997 on Sections of Government Administration (J.L. of 1999, No. 82, item 928), that entered into force on the 1st of April 1999.

⁵² In the wording of art. 1 paragraph 2 of the Act first as referred to in the 44th footnote, and by art. 1 paragraph 5 of the Act as referred to in the 13th footnote.



Click on the blue text parts in order to retrieve information on the EC law background



museums and on heritage sites.

Art.33a.⁵³ Charges will be collected for checking the qualifications of persons applying for the authorisation of a tourist guide and tour leader, as well as for checking their knowledge of foreign languages by a tourist guide and tour leader.

Art. 34. 1.⁵⁴ Minister for Interior Affairs and Administration describes, by way of an ordinance, the territorial jurisdiction of the bodies appointing examination boards for mountain guides.

2.⁵⁵ The Minister in charge of tourism, by way of an ordinance, describes:

the conditions with which an application for the granting of authorisation as a tourist guide or a tour leader should comply,

the conditions with which an application for an authorisation, as referred to in art. 24, par. 1, should comply,

the level of charges for checking the qualifications of persons applying for authorisation as tourist guides or tour leaders, for checking tourist guides' and tour leaders' knowledge of foreign languages, and the amount of remuneration for examiners,

the towns (cities) and areas where tourism organisers are obliged to ensure the participation of a tourist guide,

the training programme and principles for examining candidates for tourist guides or tour leaders,

the conditions for obtaining individual classifications for mountain guides, the scope of territorial authorisation for mountain guides, and the level of difficulty of routes and tours conducted by mountain guides with authorisations of the appropriate class,

the composition, method of appointment and dismissal of examination board members, as referred to in art. 25,

the composition of examination boards for foreign languages, as referred to in art. 32, par. 3, and the specimens certificates issued by these commissions,

⁵³ Added by art. 4 paragraph 22 of the Act as referred to in the 1st footnote.

⁵⁴ In the wording of art. 1 paragraph 2 of the Act first as referred to in the 44th footnote and by art. 1 paragraph 6 let. a) of the Act mentioned in the 13th footnote.

⁵⁵ In the wording of art. 1 paragraph 1 of the Act first as referred to in the 44th footnote and by art. 1 paragraph 6 let. b) of the Act as referred to in the 13th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



specimens of documents confirming the possession of a tourist guide's or tour leader's authorisation.

Chapter 5

Hotel services

Art. 35.1. Hotel services may be provided in hotel facilities which fulfil:

requirements as to the size of the facilities, its fittings, the qualifications of the personnel and the scope of services provided, established for the type and category in which the site has been ranked,

sanitary requirements, fire precautions and others described in separate provisions.

2. Hotel services can also be provided in other facilities if these facilities fulfil the minimum requirements as to fittings, referred to in art. 45, point 4, and the requirements described in par. 1, point 2.

Art. 36. The following types of hotel facilities have been defined:

hotels – sites possessing at least 10 rooms, of which the majority of places are in single- and double-rooms, which provide a wide range of services associated with a client's stay,

motels – hotels lying at roadsides, ensuring the possibility of benefiting from motor services and having a parking lot at their disposal,

pensions (guest houses) – sites possessing no less than 7 rooms, providing full board for their guests,

camping sites – sites with security, allowing for overnight stays in tents and automobile trailers (caravans), holiday cabins or other permanent sites, and allowing for the preparation of meals and the parking of motor vehicles,

tourist hostels – sites possessing at least 30 beds, adapted for self-service by clients and providing a minimum scope of services connected with a clients' stay,

youth hostels – sites dedicated to young people for individual and a group adapted for self-service by clients,

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



shelters – sites located outside populated areas, next to tourist trails, providing a minimum scope of services connected with a client's stay,

bivouac grounds – sites with no security, permitting overnight camping.

Art.37. It is established that:

there are five categories of hotels, motels and pensions designated by stars,

there are four categories of camping sites designated by stars,

there are three categories of tourist hostels and youth hostels designated by roman numerals.

Art. 38. 1. The ranking of hotel site into individual types, the awarding of categories and documentation of such is performed by the appropriate provincial governor (voivode) as regards the location of the hotel site, with the reservation of par. 2.

2. The documentation of bivouac grounds is carried out by the appropriate commune head (wójt), mayor, or president, as regards the location of the site.

3. The appropriate commune head (wójt), mayor or president, as regards the location of the sites, as referred to in art. 35, par.2, maintains the documentation thereof.

4. Prior to issuing a decision as regards the type and category of a hotel site the bodies, referred to in par. 2, may seek the opinion of specialised associations.

5. The tasks described in par. 2 and 3 are tasks allocated from within the scope of government administration.

6. The tasks, described in the act, which are allocated to communes, are financed from resources at the disposal of the relevant provincial governor (voivode) who transfers them to the communes.

Art.39. 1. Prior to commencing the provision of hotel services at a hotel site, as referred to in art. 35, par. 1, an entrepreneur is obliged to obtain a ranking for such hotel facilities as regards its appropriate type and category.

2. Prior to commencing the provision of hotel services at a hotel site, as referred to in art. 35, par. 2, an entrepreneur is obliged to submit such facilities to documentation as referred to in art.38 par. 3.

3. Entrepreneurs providing hotel services in sites, as referred to in art. 35, are obliged to in-

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



form the appropriate body of the circumstances causing a change in the type or category of the hotel site or of the termination of the provision of hotel services.

Art. 40. 1. Deleted.⁵⁶

2. Deleted.⁵⁶

3. The bodies referred to in art.38 are authorised to inspect within their local jurisdictions the adherence to the requirements, described in art. 35, in relation to all hotel sites and other sites where hotel services are supplied. If a site, which is not in the records of the inspecting body, fails to fulfil the requirements set for the type and category in which it has been ranked, or the minimum requirements for other sites providing hotel services, the inspecting body informs the body which maintains the documentation of the site.

4.⁵⁷ The bodies, referred to in art. 38 can carry out the following inspections:

inspect the entire premises and all the equipment comprising the site inspected,

demand written and verbal information on matters which are the subject of the inspection from the site director and from all the persons employed there,

demand to be shown documents confirming that the site fulfils the requirements as referred to in art. 35, par.1 point 2.

5.⁵⁸ The Minister in charge of tourism is authorised carry out inspections aimed at ensuring that the hotel site fulfil the requirements set for the type and category in which it has been ranked, paragraphs 3 and 4 apply respectively to the inspection carried out by the appropriate Minister in charge of tourism.

⁵⁸In case it is found that the hotel site fails to fulfil the requirements set for the type and category in which it has been ranked, the appropriate Minister in charge of tourism will apply to the appropriate body for a change of the site's type or category.

Art.41. 1. If a hotel site has ceased to fulfil the requirements defined for the type and category, as referred to in art.35 par. 1, point 1, the appropriate body will by virtue of its official function change the type or category of the site or will reverse the decision ranking the site as of a defined type.

⁵⁶ By art. 1 paragraph 7 let. a) of the Act as referred to in the 13th footnote.

⁵⁷ In the wording of art. 1 paragraph 7 let. b) of the Act as referred to in the 13th footnote.

⁵⁸ Added by art. 4 paragraph 23 of the Law as referred to in the 1st footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



2. If the site where hotel services are provided does not fulfil the requirements described in art. 35, par. 1 point 2 or in art. 35 par. 2, the body which maintains the documentation of the site may order that the provision of hotel services ceases until the time that the defects found are remedied.

3. The provision of par. 2 does not infringe the rights of other bodies arising from separate provisions.

Art. 42. Ranking, a refusal award a ranking or a change in the ranking of a hotel site of a particular type, the award, refusal to award a category or its change, and also an order to desist from providing hotel services take place by way of an administrative decision.

Art. 43. 1. The names of types and designations of categories of hotel sites, as referred to in art. 36 and 37, are subject to legal protection and can be used exclusively in relation to hotel sites as understood herein.

2. The provisions of par. 1 do not apply to names of types used in a context from which it appears unequivocally that the sites are not hotel sites as understood herein.

3. Entrepreneurs providing hotel services may use other names, next to the names of types defined in the act, to designate hotel sites.

Art. 44. 1. At hotel sites the following should be placed in a prominent place:

the trade name and seat, or the name and surname, together with the address of the entrepreneur providing hotel services at the site,

a notice-board describing the type and category of the site,

information on the scope of services provided, together with basic prices,

information on the adaptation of the site to provide services for people with disabilities.

2. The information, referred to in par. 1, points 2 and 4, should also be displayed outside the hotel premises.

3. Entrepreneurs providing hotel services at hotel sites may issue regulations binding to all persons staying on the premises for the purpose of ensuring order and safety of the clients and their property.

4. A list of requirements for hotel sites, appropriate to the type and category of the site and

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



also a full price list for services should be made available to clients, upon demand.

Art. 44a.⁵⁹ 1. Charges are collected for the evaluation of the hotel site's fulfilment of requirements necessary for classifying it to a specific type and category.

2. The appropriate Minister in charge of tourism determines, by way of an ordinance, the level of charges collected with regard to the evaluation referred to in par. 1 and the proper procedure for collecting these charges.

Art. 45.⁶⁰ The appropriate Minister in charge of tourism describes, by way of an ordinance:

the requirements for specific types and categories of hotel sites as regards fittings, personnel qualifications and the scope of services provided, including catering services and conditions which allow desisting from such requirements,

specific principles for and the means whereby hotel sites are allocated to a specific type or category,

the means by which the fulfilling of requirements as referred to in art.35, par. 1, point 2 is documented,

the minimum requirements as regards the fittings at sites providing hotel services, as referred to in art. 35, par. 2,

the means of supervising at specific sites the adherence to requirements concerning fittings and the provision of services, which are appropriate to the type and category of the site as referred to in art. 40,

the means of maintaining documentation of hotel sites and other sites at which hotel services are provided.

Chapter 6

Amendments to provisions in force and interim and concluding provisions

⁵⁹ Added by art. 4 paragraph 24 of the Law as referred to in the 1st footnote.

⁶⁰ In the wording of art. 1 paragraph 1 of the Act first as referred to in the 44th footnote, and by art. 1 paragraph 8 of the Act as referred to in the 13th footnote.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



Art. 46. (omitted).⁶¹

Art. 47. (omitted).⁶¹

Art. 48. (omitted).⁶¹

Art. 49. 1. Persons who prior to the act coming into force:

possessed authorisations as tourist guides or domestic tour leaders, granted to them by territorial government administration bodies,

have passed a tourist guide examination with the Polish Tourist and Hiking Association or with another training organiser within the scope required by the Polish Tourist and Hiking Association (PTTK),

possessed authorisations as foreign tour leaders, granted to them by the central government body for tourism or from an institution empowered by this body,

become respectively tourist guides or tour leaders as understood under the act, with the reservation of par. 2.

2. Persons referred to in par. 1 are obliged, upon pain of losing hitherto held authorisations to submit within two years of the day the act comes into force an application for the confirmation of hitherto held authorisations and for their documentation.

3. The appropriate Minister in charge of tourism describes, by way of an ordinance, the manner and means for granting the authorisations referred to in par. 1, to the scope of the authorisations for tourist guides and tour leaders established by the act.

4. An administrative decision is issued on matters as referred to in par.2.

Art. 50. 1. The ranking of hotel sites according to specific types and categories on the basis of existing provisions retains its validity as long as the type and category of the site corresponds to the requirements established in the act.

2. If a hotel has not been ranked as being of a specific type or category, by the date the act

⁶¹ Published in the proclamation.

EU Consumer Law Acquis Compendium

Legislation

Poland (PL) Nr. 4 EN



Click on the blue text parts in order to retrieve information on the EC law background



comes into force, or if the existing type and category of the site does not correspond to the requirements established in the act, the entrepreneur providing hotel services at this site, according to the new provisions, within six months of the day the executive instruments of the act, as referred to in art.45, come into force.

Art. 51.1. Entries into commercial activity records concerning of the organisation of tourist events or acting as an intermediary in concluding agreements for the provision of tourist services retain their validity:

⁶²until the 31st of December 1998,

until the time a decision is issued concerning an application for the granting of a permit, submitted within the term as referred to in pt. 1, no later however than 12 months after the day the act comes into force.

2. ⁶³The body issuing permits will inform the appropriate record keeping body when a decision, as referred to in par.1, pt.2, becomes final.

3. Entrepreneurs who are not subjects to an entry in commercial activity records, but who are conducting activities involving the organisation of tourist events or acting as intermediaries in the conclusion of agreements for the provision of tourist services, the day the act comes into force are obliged to apply for the issue of the appropriate permit within 6 months of the day the act into force.

4. Entrepreneurs, as referred to in par.3, have the right to act according to existing principles until the time a permit is granted or refused.

Art. 51a. ⁶⁴1. The provincial governors (voivodes) establish special funds, hereinafter referred to as "special funds", earmarked for the financing of tasks connected with the verification of candidates for tourist guides or tour leaders, verification of their knowledge of foreign languages by tourist guides and tour couriers, and an assessment of whether the hotel sites fulfil the requirements, according to the type and category in which they have been ranked.

2. The charges, referred to in art. 34, par. 2, pt.3 and in art. 44a, par.2, constitute an income of the special funds account.

⁶² In the wording of art. 1 paragraph 1 of the Act of 4th of December 1997 on Amendments to the Act on Tourist Services (J.L. No. 158, item 1043), that entered into force on the 24th of December 1997.

⁶³ In the wording of art. 1 paragraph 7 of the Act as referred to in the 6th footnote.

⁶⁴ Added by art. 4 paragraph 25 of the Act as referred to in the 1st footnote.



Click on the blue text parts in order to retrieve information on the EC law background



3. The following expenses may be financed from special funds:

remuneration of the members of the examination board for tourist guides and tour couriers, and the examination boards for the foreign languages, as well as the team members responsible for the assessment of hotel sites,

business trips made by members of the examination board for tourist guides and tour leaders and the examination boards for foreign languages, as well as the team members responsible for the assessment of hotel sites,

material expenses, especially as regards the issuing of membership cards to tourist guides and tour leaders.

4. The provincial governor (voivode) has the right to dispose of the special funds.

5. An annually financial budget is prepared with regard to the special funds, including the following forecasts:

income,

remuneration expenses (salaries),

travel expenses,

material expenses.

Art. 52.⁶⁵ The act comes into force on the 1st July 1998.

⁶⁵ In the wording of art. 1 paragraph 2 of the Act as referred to in the 62nd footnote.