

EU Consumer Law Acquis Compendium

Legislation

Estonia (EE) Nr. 4 EN



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

Turismiseadus

Translation of the name:

Turismiseadus

Reference in Official Journal (if appropriate):

Riigi Teataja 2000, No. 95, p. 607

Date of coming into force:

Riigi Teataja 2000, No. 95, p. 607

Subsequent amendments:

Riigi Teataja 2000, No. 95, p. 607; Riigi Teataja I, 2010, 18, 98. Amendments came into force 16.05.2010

Text:

Tourism Act

Passed 15 November 2000

(RT² I 2000, 95, 607),

entered into force 1 March 2001,

Chapter 1

General Provisions

§ 1. Scope of application of Act

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This Act provides the general requirements for the offering and provision of tourism services and for tourist information centres, liability for the violation of this Act and the procedure for the exercise of supervision.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 2. Tourism services

(1) Tourism services may be offered and provided by undertakings, agencies, foundations and non-profit associations (hereinafter undertaking).

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(2) The following are tourism services:

1) the provision of travel services by travel undertakings;

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

2) the provision of accommodation and catering services;

3) the provision of accommodation services;

4) the provision of conference services;

5) the provision of accommodation and medical rehabilitation services;

6) the provision of tour-guide services and services of guide-interpreters and tour escorts.

§ 3. Travel services

For the purposes of this Act, "travel service" means the following as provided by a travel undertaking:

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

1) the provision of passenger services, except the taxi service;

2) the intermediation of passenger services;

3) the provision and intermediation of visa services;

4) the intermediation of travel-related insurance services;

5) the intermediation of accommodation services;

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- 6) the intermediation of catering services;
 - 7) the intermediation of accommodation and catering services;
 - 8) the intermediation of accommodation and medical rehabilitation services;
 - 9) the intermediation of conference services;
 - 10) the intermediation of tour-guide services and services of guide-interpreters and tour escorts;
 - 11) the intermediation of leisure services;
 - 12) the provision or intermediation of transport vehicle rental services.

§ 4. National Development Plan for Tourism

Undertakings which offer and provide tourism services and other relevant persons shall be involved in the preparation of the National Development Plan for Tourism. The National Development Plan for Tourism shall be approved by the Riigikogu³.

Chapter 2

Travel undertakings, Tour-Guides and Guide-Interpreters

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 5. Travel undertaking

(1) For the purposes of this Act, "travel undertaking" means an undertaking which offers for sale of sells packages organised by the travel undertaking itself or by other travel undertakings, and individual travel services.

(2) "Tour operator" means a travel undertaking which organises packages, and offers packages for sale or sells packages itself or through other travel undertakings.

(3) "Travel agency" means a travel undertaking which offers for sale or sells packages organised by a tour operator.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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§ 6. Classification of areas of activity of travel undertakings

(1) The areas of activity of travel undertakings are classified as follows:

- 1) offer for sale and sale, outside of Estonia, of packages which include travel services provided in Estonia;
- 2) offer for sale and sale of packages which include travel services provided in Estonia;
- 3) organising, offer for sale and sale of packages which include travel services provided outside of Estonia and charter flights or scheduled services;
- 4) organising, offer for sale and sale of packages which include travel services provided outside of Estonia, with the exception of charter flights and scheduled services;
- 5) offer for sale and sale of packages organised by travel undertakings outside of the European Economic Area Agreement, which include travel services provided outside of Estonia;
- 6) offer for sale and sale of packages organised by travel undertakings from other Contracting Parties to the European Economic Area Agreement, which include travel services provided outside of Estonia;
- 7) offer for sale and sale of packages organised by other travel undertakings, which include travel services provided outside of Estonia.

(2) Upon operating in areas of activity provided for in subsection (1) of this section, a travel undertaking may offer for sale and sell also individual travel services.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

§ 7. Package

(1) "Package" means the pre-arranged combination of not fewer than two of the following travel services when offered at an inclusive price and when the service covers a period of more than twenty-four hours:

- 1) passenger service;
- 2) accommodation service;
- 3) other travel services not ancillary to passenger service or accommodation service and accounting for a significant proportion of the whole package of travel services.

(2) "Package" also means a combination of travel services when the service covers a period of less than twenty-four hours but includes accommodation service.

(3) A combination of travel services is deemed to be pre-arranged if it is determined as such

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on the initiative of a travel undertaking or offered as a combination on the basis of the corresponding request of a traveller, and which has been agreed upon by the parties in the course of entry into the contract.

(4) The following are not deemed to be packages:

1) accommodation service and catering service offered simultaneously with passenger service in a means of transport providing regular carriage of passengers;

2) a combination of travel services which has been put together from single travel services chosen by a traveller, which are separately offered for sale or sold by a travel undertaking, including cases where electronic sales systems or other possibilities offered by the travel undertaking have been used for putting together the service.

(5) If a travel undertaking offers for sale and sells packages organised by another travel undertaking, the travel undertaking shall provide a customer with information concerning the travel undertaking who organised the package, which shall at least include the name of the travel undertaking, the number of registration in the register of economic activities, the address and other details. Upon offer for sale and sale of packages organised by a travel undertaking outside of the European Economic Area Agreement or from another Contracting Party to the European Economic Area Agreement, the travel undertaking shall replace the number of registration in the register of economic activities by a relevant designation of the country of the seat of the travel undertaking (the registry code and the name of the corresponding register).

(6) The description of a package and other terms and conditions of a contract communicated to the consumer shall comply with the requirements provided by the Law of Obligations Act.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

§ 8. Operation as travel undertaking

An undertaking may operate as a travel undertaking upon the existence of a registration in the register of economic activities (hereinafter register) and a sufficient security provided for in § 15 of this Act.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 9. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 10. Registration application of travel undertaking

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(1) An undertaking who wishes to operate as a travel undertaking shall submit a registration application to the register.

(2) A registration application shall set out the following:

- 1) the name, registry code, address and other details of the undertaking;
- 2) the address of the place of business or addresses of places of business and other contact details;
- 3) the area of activity or areas of activity of the travel undertaking pursuant to the provisions of § 6 of this Act;
- 4) the amount and term of validity of the security conforming to the requirements provided for in § 15 of this Act and the name, registry code, address and other details of the undertaking which issued the document certifying the existence of the security, if a security is required;
- 5) if a travel undertaking has granted the right to offer for sale and sell packages organised thereby also to another travel undertaking or other travel undertakings, information concerning the travel undertaking or travel undertakings who have received the specified right, including the name, number of registration in the register, address and other details;
- 6) if a travel undertaking offers for sale and sells packages organised by another travel undertaking, information concerning the travel undertaking who organised the package, including the name, number of registration in the register, address and other details. Upon offer for sale and sale of packages organised by a travel undertaking outside of the European Economic Area Agreement or from another Contracting Party to the European Economic Area Agreement, the number of registration in the register shall be replaced by a relevant designation of the country of the seat of the travel undertaking (the registry code and the name of the corresponding register);
- 7) the date of submission of the registration application and the signature of the signatory;
- 8) the name, official title and details of the person who signed the registration application;
- 9) other information provided by law.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

§ 11. Registration procedure and registry data

(1) The provisions of the Register of Economic Activities Act (RT I 2004, 12, 79) apply to the registration procedure with the specifications arising from this Act.

(2) In addition to the information prescribed by the Register of Economic Activities Act, the following data shall be entered in the register:

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- 1) the trade mark used by the travel undertaking if the travel undertaking uses a trade mark;
- 2) the address of the place of business or addresses of places of business and other contact details;
- 3) area of activity of the travel undertaking;
- 4) the amount and term of validity of the security provided for in § 15 of this Act and the name, registry code, address and other details of the undertaking which issued the document certifying the existence of the security.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

- 5) the information provided for in clauses 10 (2) 5) and 6) of this Act.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

§ 12. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 13. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 14. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 15. Security

(1) A travel undertaking is required to certify the existence of a security by financial resources which are sufficient for:

- 1) return of the travellers to the place of departure, if the package contract includes passenger service;
- 2) accommodation services provided to the travellers during the return of the travellers to the place of departure;
- 3) return of the price of the package to the consumer upon cancellation of the package or payment of compensation for a part of the package which is cancelled;
- 4) return of the price of the unused package gift certificates to the consumer.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

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(2) A security may also be the obligation, assumed by an insurance company or credit institution located in Estonia or another Contracting Party to the European Economic Area Agreement, to guarantee the existence of financial resources for fulfilment of the claims of travellers listed in subsection (1) of this section against a travel undertaking if the undertaking is unable to perform the obligations arising from a packet contract.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

(3) The security of a travel undertaking shall be sufficient to perform the obligations specified in subsection (1) of this section. Arising from the area of activity provided for in § 6 of this Act, the security shall be:

- 1) not less than 3 % of the total annual sales of packages planned by a travel undertaking but not less than 20 000 kroons for areas of activity specified in clause 6 (1) 2);
- 2) not less than 7 % of the total annual sales of packages planned by a travel undertaking but not less than 500 000 kroons for areas of activity specified in clauses 6 (1) 3) and 5);
- 3) not less than 7 % of the total annual sales of packages planned by a travel undertaking but not less than 200 000 kroons for areas of activity specified in clause 6 (1) 4);
- 4) not less than 3 % of the total annual sales of packages planned by a travel undertaking but not less than 200 000 kroons for areas of activity specified in clause 6 (1) 6);
- 5) not less than 1 % of the total annual sales of packages planned by a travel undertaking but not less than 200 000 kroons for areas of activity specified in clause 6 (1) 7).

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

(4) A security is not required upon operation in an area of activity specified in clause 6 (1) 1) of this Act.

(5) If a travel undertaking operates in several areas of activity where a security is required, the security shall not be smaller than the amount required in the area of activity for which the largest amount of security is prescribed.

(6) A travel undertaking is required to assess the size of the security and, if necessary, increase the size of the security.

(7) A travel undertaking shall submit the following to the Consumer Protection Board:

- 1) a report on the total sales of packages and the updated total sales of packages planned for the following quarter, once a quarter by the twentieth day of the month following the accounting quarter;
- 2) the planned annual total sales of packages which is the basis for the calculation of a security, including the sale of packages every quarter, upon commencement of activities and henceforward every year together with the report on the total sales of packages of the IV quarter of the previous year.

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(8) For the purposes of this Act, “the total sales of packages” means the gross amount of all payments made to a travel undertaking by consumers on the basis of package travel contracts, including the amounts received as advance payments and the unused package gift certificates.

(9) The use of a security shall be decided upon by the Consumer Protection Board.

(10) In order to use a security, the Consumer Protection Board shall:

1) designate a term for the submission of claims, which shall not be less than fourteen calendar days;

2) check the existence of persons in respect of whom the security needs to be used, and collect their claims;

3) organise fulfilment of the claims arising from subsection (1) of this section and designate a term for the making of payments out of the security.

(11) The Minister of Economic Affairs and Communications may establish by a regulation:

1) the standard format for a report on the total sales of packages;

2) the procedure for the use of a security.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

§ 16. Tour-guides, guide-interpreters and tour escorts

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

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

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

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

Chapter 3

Accommodation Establishments



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§ 17. Accommodation establishment

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

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

(3) The following are deemed not to be accommodation services:

1) accommodation provided by an undertaking to persons who are in an employment or service relationship with the undertaking, on account of the assets of the undertaking;

2) accommodation for which a residential lease contract is entered into, except in the cases specified in clause 272 (4) 1) of the Law of Obligations Act;

3) the accommodation of persons enrolled or employed at an educational institution by the educational institution;

4) accommodation in a means of transport used for the provision of transport services for passengers;

5) accommodation in extraordinary conditions in order to gain experience (in the wild, in a hut, on a raft etc).

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 18. Types of accommodation establishments

(1) The type of accommodation establishments characterises the accommodation establishments and the accommodation services offered through such establishments. Accommodation establishments are hotels, motels, guest houses, hostels, holiday villages and camps, holiday homes, visitor’s apartments and bed-and-breakfasts.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

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

(4) “Guest house” means an accommodation establishment with no less than five guest-

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rooms which offers catering services.

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

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

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

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

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

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

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(11) If an accommodation establishment does not correspond to the description of and does not comply with the requirements established for any type of accommodation establishment, other appropriate definition may be used by the establishment.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 19. Provision of accommodation service

(1) An undertaking may provide accommodation services only through a registered accommodation establishment.

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

(3) Upon offer for sale and sale of goods or services supplementary to sleeping accommodation, an undertaking providing accommodation services need not have a corresponding separate registration within the meaning of the Trading Act (RT I 2004, 12, 78).

(4) The Minister of Economic Affairs and Communications shall establish the requirements for accommodation services.

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(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 20. Application for registration of accommodation establishment

(1) An undertaking which wishes to provide accommodation services shall submit an application for the registration of an accommodation establishment to the rural municipality or city government of the location of the accommodation establishment.

(2) A registration application shall set out:

1) the name, address and other contact details of the undertaking, and the registry code or personal identification code or, in the absence of the latter, date of birth;

2) the name and type or another specification characterising the type of the accommodation establishment;

3) the address and other details of the accommodation establishment;

4) the number of guestrooms and places of accommodation;

5) the period of accommodation (in months, throughout the year etc);

6) if approval within the meaning of the Food Act (RT I 1999, 30, 415; 58, 608; 2001, 93, 566; 2002, 61, 375; 63, 387; 102, 603; 2004, 27, 177; 34, 236) is required, the number of the decision of approval, the date of making the decision, the name of the agency which made the decision and the sector of handling;

7) information on the retail trade in alcoholic beverages if the guestrooms or reception rooms of the accommodation establishment wish to sell alcoholic beverages;

8) the name, official title and details of the person who signed the registration application;

9) the date of submission of the registration application;

10) other information provided by law.

(3) If the address of an accommodation establishment which is set out in the registration changes or the undertaking providing accommodation services changes, a new registration shall be applied for.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 20¹. Registration proceedings and registration information

(1) The provisions of the Register of Economic Activities Act apply to the registration proce-

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dure together with the specifications arising from this Chapter. As regards information specified in clause 20 (2) 7) of this Act, the provision of the Alcohol Act (RT I 2002, 3, 7; 63, 387; 2003, 2, 17; 88, 591; 2004, 13, 86; 18, 131; 45, 317; 88, 600) and the Trading Act additionally apply to the registration procedure.

(2) If an accommodation establishment does not correspond to any type specified in subsection 18 (1) of this Act, the accommodation establishment may be registered with another specification characterising type or without determining the type thereof, provided that the accommodation establishment complies with the basic requirements set for accommodation establishments.

(3) Information shall be entered in the register by the rural municipality or city government of the location of the accommodation establishment.

(4) In addition to that provided for in the Register of Economic Activities Act, a registration shall set out:

1) the name and type or another specification characterising the type of the accommodation establishment;

2) the address and other details of the accommodation establishment;

3) the number of guestrooms and places of accommodation;

4) the period of accommodation (in months, throughout the year etc);

5) a notation regarding the retail trade in alcoholic beverages if the guestrooms or reception rooms of the accommodation establishment wish to sell alcoholic beverages.

(5) In addition to the provisions of the Register of Economic Activities Act, a rural municipality or city government of the location of an accommodation establishment may decide to refuse to register or to amend a registration or to delete a registration in part or in full if:

1) a competent official of an authority exercising supervision specified in § 30 of this Act has issued a precept to the provider of accommodation services to suspend the operation of the accommodation establishment in part or in full;

2) the requirements established for accommodation establishments are repeatedly or materially violated and a competent official of an authority exercising supervision specified in § 30 of this Act has submitted a corresponding application to the rural municipality or city government.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 21. Category of accommodation establishment

(1) The category of an accommodation establishment (hereinafter category) characterises

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the standard of the accommodation establishment and the services offered by the accommodation establishment.

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

(3) The Minister of Economic Affairs and Communications shall grant the right to operate as a person responsible for the assignment and revocation of categories (hereinafter assigner of categories). The right to operate as an assigner of categories shall be granted to only one person as regards each type of accommodation establishments.

(4) The Minister of Economic Affairs and Communications shall establish the procedure and conditions for grant of the right to operate as an assigner of categories and the requirements for operation as an assigner of categories.

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

(6) In order to cover the costs related to the evaluation of accommodation establishments and the assignment of categories to them, a person which has been granted the right to operate as an assigner of categories pursuant to the procedure provided for in subsection (4) of this section may charge a fee.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 22. (Repealed - 13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 23. Designation of accommodation establishments

(1) A designation of an accommodation establishment which sets out the name and type or another specification characterising the type of the accommodation establishment shall be located on the building of the accommodation establishment or the side of the driveway leading thereto. If the accommodation establishment has been assigned a category, the designation of category which corresponds to the category may be used in the designation of the accommodation establishment.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

(2) Only the name of the type or another specification characterising the type of accommodation establishment indicated in the registration of an accommodation establishment may be used in the name of the accommodation establishment. If the accommodation establishment has been assigned a category, the designation of category which corresponds to the category may be used in the name of the accommodation establishment.

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(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

(3) The word “*turismitalu*” [tourism farm] may be used in the names of guest houses, hostels, holiday villages and camps, holiday homes and bed-and-breakfasts located in rural areas.

§ 24. Registration of users of accommodation services

(1) Users of accommodation services of accommodation establishments are registered in the accommodation establishments on the basis of a visitor's card. Users of accommodation services confirm by their signature that the information provided is correct.

(2) If a user of accommodation services is a citizen of Estonia, another Contracting Party to the European Economic Area Agreement or Switzerland or an alien residing in Estonia on the basis of a residence permit or right of residence, at least the following information shall be entered on a visitor's card concerning him or her:

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

1) the name, date of birth, citizenship and address;

2) the name, date of birth and citizenship of the spouse or a minor accommodated together with him or her;

3) the period of provision of accommodation services.

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

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

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

(6) Visitor's cards are preserved in accommodation establishments for two years as of the date of completion thereof.

(17.05.2006 entered into force 01.08.2006 - RT I 2006, 26, 191)



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Chapter 4

Tourist Information

§ 25. Tourist information

(1) "Tourist information" means collected and organised information on tourism services and the provision thereof and sights of interest.

(2) Tourist information centres and points provide persons interested in tourist information with impartial and competent tourist information free of charge.

§ 26. Tourist information centres

(1) A tourist information centre collects and organises impartial and competent information on tourism services and the provision thereof and sights of interest in the administrative territory of the county of the location of the tourist information centre and forwards such information to persons interested in tourist information and other tourist information centres and persons designated by the Government of the Republic.

(2) A person designated by the Government of the Republic shall publish on a web site information relating to accommodation establishments and tourist information centres and information on tour-guides and guide-interpreters and tourist information forwarded by tourist information centres.

(3) Tourist information centres are designated by a sign which consists of a white letter "i" depicted on a green background (hereinafter i-sign).

(31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

(3¹) In addition to the designation specified in subsection (3) of this section, the word "*külastuskeskus*" [visitor centre] may be used upon designation of a tourist information centre pursuant to the conditions and procedure established on the basis of subsection 27 (1) of this Act.

(31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

(4) Tourist information centres may provide the following services or sell the following goods for a charge:

- 1) booking of accommodation;
- 2) intermediation of sightseeing services;
- 3) rental of equipment for sightseeing services;

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- 4) intermediation of passenger services within Estonia;
 - 5) permitting the use of the Internet and a fax machine;
 - 6) sale of stationery, including sale of writing paper, writing instruments, envelopes, stamps and postcards;
 - 7) sale of periodicals;
 - 8) sale of publications introducing tourism services and sights of interest;
 - 9) sale of souvenirs and photography supplies;
 - 10) sale of tickets to events.

(31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

(5) The Government of the Republic shall designate a person to whom a tourist information centre forwards impartial and competent information, collected and organised by the tourist information centre, on tourism services and the provision thereof and sights of interest within the administrative territory of the county of location of the tourist information centre.

§ 27. Mandatory requirements for tourist information centres and assessment of compliance therewith

(1) The mandatory requirements for tourist information centres, including the tourist information provided and access to the information, for the designation of tourist information centres, and the procedure for the assessment of compliance with these requirements shall be established by the Minister of Economic Affairs and Communications.

(2) The compliance of a tourist information centre with the mandatory requirements shall be certified by its designation pursuant to the provisions of subsections 26 (3) and (3¹) of this Act

(3) The compliance of a tourist information centre with the mandatory requirements shall be assessed, the right to operate as a tourist information centre and to designate a tourist information centre with the i-sign shall be granted and revoked by the Enterprise Estonia (hereinafter grantor of the right).

(4) The right to operate as a tourist information centre shall be granted for a specified or for an unspecified term free of charge.

(5) In addition to the information provided for in the Register of Economic Activities Act, the grantor of the right shall enter the following information in the register of economic activities within five working days as of grant of the right to operate as a tourist information centre:

- 1) the name and address of the tourist information centre;

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- 2) the time of grant of the right to operate as a tourist information centre;
 - 3) the period of operation as a tourist information centre;
 - 4) the services provided and the goods sold pursuant to the provisions of subsection 26 (4) of this Act.
 - (6) Upon changes to the information specified in subsection (5) of this section, the grantor of the right shall ensure that the information is updated in the register of economic activities within five working days.
 - (7) The grantor of the right shall revoke the right to operate as a tourist information centre if the tourist information centre no longer complies with the mandatory requirements.
 - (8) The grantor of the right shall delete the registry entry regarding a tourist information centre from the register of economic activities within two working days as of the date of revocation of the right to operate as a tourist information centre.

(31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

§ 28. (Repealed - 31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

§ 29. Tourist information points

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

Chapter 5

Supervision

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 30. Authorities exercising supervision

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

(1) The following agencies exercise, within the limits of their competence, state supervision over adherence to the requirements of this Act and legislation established on the basis thereof:

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- 1) rural municipality or city governments;
 - 2) the Rescue Board;
 - 3) the Consumer Protection Board;
 - 4) the Health Board.

(30.09.2009 entered into force 01.01.2010 - RT I 2009, 49, 331)

(2) The Consumer Protection Board verifies the correctness of registry data as regards travel undertakings and rural municipality or city governments verify the correctness of registry data as regards accommodation establishments.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

(3) The Ministry of Economic Affairs and Communications shall exercise supervision over performance of the obligations of the grantor of the right specified in subsection 27 (3) of this Act.

(31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

§ 30¹. Rights and obligations of officials exercising supervision

(1) An official exercising supervision has, within the limits of his or her competence, the right to:

- 1) monitor compliance with this Act without hindrance and without giving prior notice;
- 2) enter for inspection, without hindrance, the territory or premises used within the framework of the economic or professional activity of a provider of accommodation services, travel undertaking or tourist information centre;
- 3) receive information necessary for the exercise of supervision from state agencies, rural municipality or city governments, controlled undertakings and their employees;
- 4) examine documents relating to the provision of accommodation services or travel services or operation as a tourist information centre on site and obtain transcripts of the documents;
- 5) verify whether an accommodation establishment, the provided accommodation services and related services comply with the established requirements, including health protection requirements and safety requirements for premises;
- 6) verify whether the activities of a travel undertaking comply with the established requirements;

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- 7) verify whether a tourist information centre complies with the established requirements;
 - 8) verify the existence of a registration and the correctness of registry data if the requirements to register is provided by law;
 - 9) issue precepts.
- (2) In the performance of their duties, officials exercising supervision shall present identification.
- (3) Officials exercising supervision are required to ensure the confidentiality of business and technical information which becomes known to them in the course of exercise of supervision, unless the disclosure of such information is prescribed by law.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 31. Precepts of officials exercising supervision

(1) In order to terminate the violation of requirements of this Act or legislation established on the basis thereof, an official exercising supervision shall issue a precept in which he or she:

- 1) calls attention to the offence,
- 2) demands that acts necessary for the lawful continuation of activities be performed,
- 3) where necessary, demands that activities related to the offence be suspended in part or in full.

(2) Authorities exercising supervision specified in subsection 30 (1) of this Act shall enter information concerning a precept issued to a provider of accommodation services or a travel undertaking in the register in accordance with the provisions of the Register of Economic Activities Act.

(3) In the case of failure to comply with a precept provided for in subsection (1) of this section, the official exercising supervision may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 10 000 kroons.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

Chapter 5¹

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Liability

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(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 31¹. Violation of requirements established for travel undertakings

(1) Offer for sale or sale of packages without a requisite security is punishable by a fine of up to 300 fine units.

(2) Failure to submit a report on the sale of packages which conforms to the requirements is punishable by a fine of up to 200 fine units.

(3) Failure to submit information to the register is punishable by a fine of up to 200 fine units.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

(4) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 100 000 kroons.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

(5) An act provided for in subsection (2) or (3) of this section, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

§ 31². Violation of requirements established regarding accommodation establishments

(1) Violation of the requirements established regarding accommodation establishments is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

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

(1) Violation of the obligation to register users of accommodation services or violation of the requirement to preserve visitor's cards is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

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(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 31⁴. Violation of requirements for tourist information centres

(1) Unlawful use of the sign prescribed for tourist information centres or violation of the mandatory requirements for tourist information centres is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 31⁵. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) and the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 593) apply to the misdemeanours provided for in §§ 31¹–31⁴ of this Act.

(2) The Consumer Protection Board shall conduct extra-judicial proceedings in matters of misdemeanours provided for in §§ 31¹ and 31⁴ of this Act.

(3) The following extra-judicial bodies shall conduct proceedings in the matters of the misdemeanours provided for in § 31² of this Act:

- 1) the Consumer Protection Board;
- 2) rural municipality or city governments;
- 3) the Rescue Board;
- 4) the Health Board.

(30.09.2009 entered into force 01.01.2010 - RT I 2009, 49, 331)

(4) A police authority is the extra-judicial body conducting proceedings in the matters of the misdemeanours provided for in § 31³ of this Act.

(26.11.2009 entered into force 01.01.2010 - RT I 2009, 62, 405)

§ 32. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)



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§ 33. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Chapter 6

Final Provisions

§ 34. (Repealed - 13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

§ 35. Amendment of State Fees Act

Section 183 of the State Fees Act (RT I 1997, 80, 1344; 2001, 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 9, 45; 13, 78; 79; 81; 18, 97; 23, 131; 24, 135; 27, 151; 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377) is amended by adding subsections (3¹⁶)-(3¹⁸) worded as follows:

«(3¹⁶) A state fee of 100 kroons is charged for the issue of the certificate of an accommodation establishment.

(3¹⁷) In the case of accommodation establishments with up to fifty rooms, a state fee is charged in the following amounts for the issue of a certificate of category:

- 1) 300 kroons upon application for the category of a one star hotel;
- 2) 400 kroons upon application for the category of a two star hotel;
- 3) 700 kroons upon application for the category of a three star hotel;
- 4) 900 kroons upon application for the category of a four star hotel;
- 5) 1000 kroons upon application for the category of a five star hotel.

(3¹⁸) In the case of accommodation establishments with more than fifty rooms, a state fee is charged in the following amounts for the issue of a certificate of category:

- 1) 500 kroons upon application for the category of a one star hotel;
- 2) 600 kroons upon application for the category of a two star hotel;
- 3) 900 kroons upon application for the category of a three star hotel;
- 4) 1100 kroons upon application for the category of a four star hotel;



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5) 1300 kroons upon application for the category of a five star hotel.»

§ 36. Transitional provisions

(1) Undertakings which are issued, prior to the entry into force of this Act, activity licences for provision of tourism services by the Minister of Economic Affairs and Communications the term of validity of which expires after 1 March 2001 may offer and provide travel services until the due date indicated on the activity licence but not longer than until 1 July 2001.

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

(2) Certificates of accommodation establishments issued pursuant to legislation in force prior to the entry into force of this Act shall be valid until the due date indicated on the certificate but not longer than 1 January 2002.

(3) Certificates of categories assigned to hotels issued pursuant to legislation in force prior to the entry into force of this Act and the term of validity of which expires after 1 March 2001 shall be valid until the due date indicated on the certificate but not longer than until 1 January 2002.

(4) Undertakings which are issued activity licences specified in subsection (1) of this section are not required to hold a security provided for in § 15 of this Act during the term of validity of such activity licence.

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

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(6) Certificates of accommodation establishments issued before 1 November 2005 shall be valid until the due date indicated on the certificate or until information set out thereon is changed but not longer than until 31 October 2006.

(7) The bases for the deletion of registrations apply to the revocation of certificates of accommodation establishments until 31 October 2006.

(8) Certificate of category issued before 1 November 2005 shall be valid until the due date indicated on the certificate or until information set out thereon is changed.

(9) Legislation which was established on the basis of subsection 21 (2) of this Act and was in force until 1 November 2005 is valid until it is repealed but not longer than until 1 May 2006. A certificate of category issued by the Minister of Economic Affairs and Communications pursuant to this subsection shall be valid until the due date indicated on the certificate or until information set out thereon is changed.

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(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

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

(31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

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

(31.01.2008 entered into force 01.09.2008 - RT I 2008, 8, 58)

(12) Upon continuation of activities, travel undertakings registered in the register of economic activities before 1 June 2010, who have granted the right to offer for sale and sell packages organised thereby also to another travel undertaking or travel undertakings are required to enter, not later than by 1 August 2010, in the register of economic activities information concerning the travel undertaking or travel undertakings who have received the specified right, including the name, number of registration in the register, address and other details.

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

(13) Upon continuation of activities, travel undertakings registered in the register of economic activities before 1 June 2010, who offer for sale and sell packages organised by another travel undertaking are required to enter, not later than by 1 August 2010, in the register of economic activities information concerning the travel undertaking or travel undertakings who organised the packages, including the name, registration number, address and other details. Upon offer for sale and sale of packages organised by a travel undertaking outside of the European Economic Area Agreement or from another Contracting Party to the European Economic Area Agreement, the number of registration in the register shall be replaced by a relevant designation of the country of the seat of the travel undertaking (the registry code and the name of the corresponding register).

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

§ 37. Entry into force of Act

This Act enters into force on 1 March 2001.

¹ Council Directive 90/314/EEC on package travel, package holidays and package tours (OJ L 158, 23.6.1990, p. 59–64), Council Directive 95/57/EC on the collection of statistical information in the field of tourism (OJ L 291, 6.12.1995, p. 32–39).

(15.04.2010 entered into force 16.05.2010 - RT I 2010, 18, 98)

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² RT = *Riigi Teataja* = State Gazette

³ Riigikogu = the parliament of Estonia