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# Tourism Act

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RT I 2000, 95, 607  
Entry into force 01.03.2001

Amended by the following acts

| Passed     | Published          | Entry into force  |
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| 19.06.2002 | RT I 2002, 63, 387 | 01.09.2002  |
| 17.12.2003 | RT I 2003, 88, 594 | 08.01.2004  |
| 10.03.2004 | RT I 2004, 18, 131 | 15.04.2004  |
| 13.04.2005 | RT I 2005, 24, 181 | 01.11.2005  |
| 17.05.2006 | RT I 2006, 26, 191 | 01.08.2006  |
| 31.01.2008 | RT I 2008, 8, 58   | 01.09.2008  |
| 30.09.2009 | RT I 2009, 49, 331 | 01.01.2010  |
| 26.11.2009 | RT I 2009, 62, 405 | 01.01.2010  |
| 15.04.2010 | RT I 2010, 18, 98  | 16.05.2010, partially 1.01.2011, enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision No. 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26). |
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## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

This Act provides the general requirements for offering and providing tourist services and for tourist information centres, the liability for violation of this Act and the procedure for exercise of supervision.  
[RT I 2005, 24, 181 - entry into force 01.11.2005]

## **§ 2. Tourist service**

(1) Tourist service may be offered and provided by an undertaking, an agency, a foundation and a non-profit association (hereinafter *undertaking*).

(2) Tourist services are:

- 1) the provision of travel services by a travel undertaking;
- 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.

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

## **§ 3. Travel service**

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

- 1) the provision of passenger transport services, except for the taxi service;
- 2) the intermediation of passenger transport services;
- 3) the provision and intermediation of visa services;
- 4) the intermediation of travel-related insurance services;
- 5) the intermediation of accommodation services;
- 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 recreational services;
- 12) the provision or intermediation of transport vehicle rental services.

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

## **§ 4. National Development Plan for Tourism**

Undertakings which offer and provide tourist 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 Riigikogu.

# **Chapter 2**

## **TRAVEL UNDERTAKING, TOUR GUIDE AND GUIDE-INTERPRETER**

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

## **§ 5. Travel undertaking**

(1) For the purposes of this Act, travel undertaking means an undertaking which offers for sale or sells packages organised by the travel undertaking itself or by another travel undertaking, 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 another travel undertaking.

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

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

## **§ 6. Classification of areas of activity of travel undertaking**

(1) The areas of activity of a travel undertaking 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) organisation, offer for sale and sale of packages which include travel services provided outside of Estonia and charter flights or scheduled flights;
- 4) organisation, offer for sale and sale of packages which include travel services provided outside of Estonia, with the exception of charter flights and scheduled flights;
- 5) offer for sale and sale of packages organised by a travel undertaking from a state outside of the European Economic Area, which include travel services provided outside of Estonia;
- 6) offer for sale and sale of packages organised by a travel undertaking from another state within the European Economic Area, which include travel services provided outside of Estonia;
- 7) offer for sale and sale of packages organised by another travel undertaking, which include travel services provided outside of Estonia.

(2) Upon operation 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.  
[RT I 2010, 18, 98 - entry into force 16.05.2010]

## **§ 7. Package**

(1) Package means the pre-arranged combination of no fewer than two of the following travel services when offered by a tour operator at an inclusive price and when the service covers a period of more than 24 hours:

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

(2) Package also means a combination of travel services provided over a period of less than 24 hours but including accommodation services.

(3) A combination of travel services is deemed to be pre-arranged if it is determined as such on the initiative of a travel undertaking or offered by a travel undertaking 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 contract.

(4) The following are not deemed to be a package:

- 1) accommodation service and catering service offered simultaneously with passenger transport 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 a package organised by another travel undertaking, the travel undertaking shall provide a consumer with information concerning the travel undertaking who organised the package, which shall include at least the name of the travel undertaking, the number of registration in the register of economic activities, the address and other contact details. Upon offer for sale and sale of a package organised by a travel undertaking from a state outside of the European Economic Area or from another state within the European Economic Area, the travel undertaking shall replace the number of registration in the register of economic activities by a relevant designation of the country of location 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 a consumer shall comply with the requirements provided by the Law of Obligations Act.

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

## **§ 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 *the register*) and a requisite security provided for in section 15 of this Act.  
[RT I 2004, 18, 131 - entry into force 15.04.2004]

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

## **§ 10. Registration application of travel undertaking**

(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 contact 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 section 6 of this Act;
- 4) the amount and term of validity of a security conforming to the requirements provided for in section 15 of this Act and the name, registry code, address and other contact details of the undertaking who 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 contact 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 contact details. Upon offer for sale and sale of packages organised

by a travel undertaking from a state outside of the European Economic Area or from another state within the European Economic Area, the number of registration in the register shall be replaced by a relevant designation of the country of location of the travel undertaking (the registry code and the name of the corresponding register);

- 7) the date of submission of the registration application and the signature of the signatory;
- 8) the name, official title and contact details of the person who signed the registration application;
- 9) other information provided by law.

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

## **§ 11. Registration procedure and registry data**

(1) The provisions of the Register of Economic Activities Act apply to the registration procedure with the specifications arising from this Act.

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

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

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

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

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

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

## **§ 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 transport service;
- 2) accommodation of the travellers until the return to the place of departure;
- 3) reimbursement for the price of the package to the consumer upon cancellation of the package or payment of compensation for the part of the package which is cancelled;
- 4) reimbursement for the price of unused package gift certificates to the consumer.

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

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

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

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

- 1) at least 3 per cent of the total annual sales of packages planned by a travel undertaking but no less than 1300 euros for the area of activity specified in clause 6(1)2);
- 2) at least 7 per cent of the total annual sales of packages planned by a travel undertaking but no less than 32 000 euros for the areas of activity specified in clauses 6(1)3) and 5);
- 3) at least 7 per cent of the total annual sales of packages planned by a travel undertaking but no less than 13 000 euros for the areas of activity specified in clause 6(1)4);
- 4) at least 3 per cent of the total annual sales of packages planned by a travel undertaking but no less than 13 000 euros for the areas of activity specified in clause 6(1)6);
- 5) at least 1 per cent of the total annual sales of packages planned by a travel undertaking but no less than 13 000 euros for the areas of activity specified in clause 6(1)7).

[RT I 2010, 18, 98 – enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union]

(4) A security is not required upon operation in the 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 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 20<sup>th</sup> 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.

(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 a consumer on the basis of a package contract, including the amount received as advance payments and 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 period of time for the submission of claims, which shall not be less than 14 calendar days;  
2) check the existence of those persons in respect of whom the security needs to be used, and gather their claims;  
3) organise satisfaction of the claims arising from subsection (1) of this section and designate a period of time 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.

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

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

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

(2) Guide-interpreter means a natural person who introduces sights of interest on the basis of a pre-arranged programme, route and time schedule, and 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 timely and quality provision of services which are a part of the package.

# **Chapter 3 ACCOMMODATION ESTABLISHMENTS**

## **§ 17. Accommodation establishment**

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

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

(3) Accommodation service is not deemed to be:

1) accommodation provided by an undertaking to persons who are in an employment or service relationship with the undertaking, on account of the assets of the undertaking;  
2) accommodation for which a residential lease contract is entered into, except in the cases specified in clause 272(4)1) of the Law of Obligations Act;  
3) accommodation, by an educational institution, of persons enrolled or employed at the educational institution;  
4) accommodation in a means of transport used for the provision of transport services for passengers;  
5) accommodation in extraordinary conditions in order to gain an experience (in the wild, in a hut, on a raft, etc.).

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

## **§ 18. Types of accommodation establishments**

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

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

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

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

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

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

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

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

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

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

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

## **§ 19. Provision of accommodation service**

(1) An undertaking may provide accommodation services only through an accommodation establishment registered in the register.

(2) An accommodation establishment shall comply with the requirements established for the accommodation establishment 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.

(4) The requirements for accommodation services shall be established by the Minister of Economic Affairs and Communications.  
[RT I 2005, 24, 181 - entry into force 01.11.2005]

## **§ 20. Application for registration of accommodation establishment**

(1) An undertaking who wishes to provide an accommodation service 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 contact 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 is required, the number of the decision of approval, the date of making of the decision, the name of the authority which made the decision and the field of handling activities;
- 7) information on the retail sale of alcoholic beverages if alcoholic beverages are wished to be sold in a guestroom or reception room of the accommodation establishment;
- 8) the name, official title and contact 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 an accommodation service changes, a new registration shall be applied for.  
[RT I 2005, 24, 181 - entry into force 01.11.2005]

## **§ 20<sup>1</sup>. Registration procedure and registration information**

(1) The provisions of the Register of Economic Activities Act apply to the registration procedure together with the specifications arising from this Chapter. As regards the information specified in clause 20(2)7) of this Act, the provision of the Alcohol Act 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 the provisions of 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 contact 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 sale of alcoholic beverages if alcoholic beverages are wished to be sold in a guestroom or reception room of the accommodation establishment.

(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 refuse 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 section 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 the accommodation establishment are repeatedly or substantially violated and a competent official of an authority exercising supervision specified in section 30 of this Act has submitted a corresponding application to the rural municipality or city government.

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

## **§ 21. Category of accommodation establishment**

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

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

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

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

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

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

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

## **§ 23. Designation of accommodation establishment**

(1) A designation of an accommodation establishment which sets out the name and type or another specification characterising the type of the accommodation establishment shall be located on the building

of the accommodation establishment or on the side of the driveway leading thereto. 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.

(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.

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

#### **§ 24. Registration of user of accommodation service**

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

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

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

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

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

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

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

## **Chapter 4 TOURIST INFORMATION**

#### **§ 25. Tourist information**

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

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

#### **§ 26. Tourist information centre**

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

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

(3) A tourist information centre shall be designated by a sign which consists of a white letter “i” depicted on a green background (hereinafter *i-sign*).  
[RT I 2008, 8, 58 - entry into force 01.09.2008]



(3<sup>1</sup>) 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.  
[RT I 2008, 8, 58 - entry into force 01.09.2008]

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

- 1) booking of accommodation;
- 2) intermediation of sightseeing services;
- 3) rental of equipment for sightseeing;
- 4) intermediation of passenger transport 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 tourist services and sights of interest;
- 9) sale of souvenirs and photography supplies;
- 10) sale of tickets to events.

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

(5) The Government of the Republic shall designate a person to whom a tourist information centre shall forward impartial and adequate information, compiled and organised by the tourist information centre, on tourist services and provision thereof and on sights of interest within the administrative territory of the county of location of the tourist information centre.  
[RT I 2005, 24, 181 - entry into force 01.11.2005]

## **§ 27. Mandatory requirements for tourist information centre and assessment of compliance therewith**

(1) The mandatory requirements for a tourist information centre, including the tourist information provided and access to the information, also for the designation of a tourist information centre 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 (3<sup>1</sup>) 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 (hereinafter *operation as tourist information centre*) 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 period of time 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 the grant of the right to operate as a tourist information centre:

- 1) the name and address of the tourist information centre;
- 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 in 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.  
[RT I 2008, 8, 58 - entry into force 01.09.2008]

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

**§ 29. Tourist information point**

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

## **Chapter 5 SUPERVISION**

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

**§ 30. Authorities exercising supervision**

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

- 1) rural municipality or city governments;  
[RT I 2005, 24, 181 - entry into force 01.11.2005]
- 2) the Rescue Board;
- 3) the Consumer Protection Board;
- 4) the Health Board.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(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.

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

(3) Supervision over the performance of the obligations of the grantor of the right specified in subsection 27(3) of this Act shall be exercised by the Ministry of Economic Affairs and Communications.

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

**§ 30<sup>1</sup>. Rights and obligations of official exercising supervision**

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

- 1) verify compliance with this Act without hindrance and without giving prior notice;
- 2) enter for inspection, without hindrance, the territory or building used within the framework of the economic or professional activity of a provider of accommodation services, travel undertaking or tourist information centre;
- 3) receive from a state authority, rural municipality or city government, undertaking under inspection and the employees thereof information necessary for the exercise of supervision;
- 4) examine on site documents relating to the provision of accommodation services or travel services or operation as a tourist information centre and obtain copies 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 buildings;
- 6) verify whether the activities of a travel undertaking comply with the established requirements;
- 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 requirement to register is provided by law;
- 9) issue precepts.

(2) In the performance of his or her duties, an official exercising supervision shall present identification.

(3) An official exercising supervision is required to ensure the confidentiality of business and technical information which has come to his or her knowledge in the course of exercise of supervision, unless the disclosure of such information is prescribed by law.

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

**§ 31. Precept of official exercising supervision**

(1) In order to terminate a violation of the 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) requires 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 coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 640 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **Chapter 5<sup>1</sup>**

### **LIABILITY**

[RT I 2002, 63, 387 - entry into force 01.09.2002]

#### **§ 31<sup>1</sup>. Violation of requirements established for travel undertaking**

(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 proper report on the sale of packages 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.  
[RT I 2010, 18, 98 - entry into force 16.05.2010]

(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 6400 euros.

[RT I 2010, 18, 98 – enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union]

(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 3200 euros.

[RT I 2010, 18, 98 – enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union]

#### **§ 31<sup>2</sup>. Violation of requirements established for accommodation establishment**

(1) Violation of the requirements established for an accommodation establishment 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 3200 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

#### **§ 31<sup>3</sup>. Violation of obligation to register user of accommodation services and violation of requirement to preserve visitor's card**

(1) Violation of the obligation to register a user of accommodation services or violation of the requirement to preserve a visitor's card 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 2000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

#### **§ 31<sup>4</sup>. Violation of requirements set for tourist information centre**

(1) Unlawful use of the sign prescribed for a tourist information centre or violation of the mandatory requirements set for a tourist information centre 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 2000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 31<sup>5</sup>. Proceedings**

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in sections 31<sup>1</sup>–31<sup>4</sup> of this Act.

(2) The body conducting extra-judicial proceedings in matters of misdemeanours provided for in sections 31<sup>1</sup> and 31<sup>4</sup> of this Act is the Consumer Protection Board.  
[RT I 2005, 24, 181 - entry into force 01.11.2005]

(3) The body conducting extra-judicial proceedings in matters of misdemeanours provided for in section 31<sup>2</sup> of this Act is:

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

1) the Consumer Protection Board;

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

2) a rural municipality or city government;

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

3) the Rescue Board;

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

4) the Health Board.

[RT I 2009, 49, 331 - entry into force 01.01.2010]

(4) The body conducting extra-judicial proceedings in matters of misdemeanours provided for in section 31<sup>3</sup> of this Act is a police authority.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

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

## **Chapter 6 FINAL PROVISIONS**

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

**§ 35.** [Omitted from this text]

### **§ 36. Transitional provisions**

(1) An undertaking who has been issued, prior to the entry into force of this Act, an activity licence for provision of tourist services by the Minister of Economic Affairs and Communications the period 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 no longer than until 1 July 2001.

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

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

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

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

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

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

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

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

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

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

(9) Legislation which was established on the basis of subsection 21(2) of this Act in force until 1 November 2005 is valid until it is repealed but no longer than until 1 May 2006. A certificate of category issued by the Minister 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 on the certificate changes.

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

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

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

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

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

(12) Upon continuation of activities, travel undertakings registered in the register of economic activities before 1 June 2010, who have granted the right to offer for sale and sell packages organised thereby also to another travel undertaking or other travel undertakings, are required to enter, no 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 contact details.

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

(13) Upon continuation of activities, travel undertakings registered in the register of economic activities before 1 June 2010, who offer for sale and sell packages organised by another travel undertaking, are required to enter, no 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 contact details. Upon offer for sale and sale of packages organised by a travel undertaking from a state outside of the European Economic Area or from another state within the European Economic Area, the number of registration in the register shall be replaced by a relevant designation of the country of location of the travel undertaking (the registry code and the name of the corresponding register).

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

### **§ 37. Entry into force of Act**

This Act enters into force on 1 March 2001.

<sup>1</sup>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). [RT I 2010, 18, 98 – entry into force 16.05.2010]