

Law on Catering and Tourism Activity

(Published in "Official Gazette of the Republic of Macedonia" No. 23/95)

I. GENERAL PROVISIONS

Article 1

This Law shall define the terms and manner for performing catering and tourism activity.

Article 2

Catering activity, with regard to this Law, shall be considered: preparing and serving food, alcoholic and non-alcoholic beverages, hot and cold drinks and carrying out accommodation services.

Article 3

Tourism activity, with regard to this Law, shall be considered: organizing and carrying out trips, outings, excursions and other travel arrangements in the country and abroad; providing travel information; sale and mediation during sale of catering and other tourist services; renting houses, apartments and rooms for tourists and carrying out services with tourist guides.

In addition to the services referred to in paragraph 1 of this Article, the performers of tourism activity can also provide other services, such as: sale of train tickets and insurance of travelers and tourists; tourist propaganda; promotion and presentation of tourist offer, organization of cultural and sports events; foreign exchange operations; renting vehicles and vessels; selling souvenirs, tourism literature and other goods usually sold in tourism trade, as well as selling tickets for cultural, sports and other events, lottery tickets and playing lottery and sports pools.

Article 4

Catering and tourism activity may be carried out by enterprises and other legal entities, stores not acting as legal entities and citizen associations (hereinafter: performers of catering, i.e. tourism activity).

Citizens can rent their apartments and rooms for accommodation, i.e. lodging and food.

Article 5

Stipulated minimal-technical requirements and the conditions for categorization of facilities in the tourist offer must be met in order catering and tourism activity to be carried out.

Conditions referred to in paragraph 1 of this Article shall be stipulated by the Minister of Economy.

In addition to the conditions referred to in paragraph 1 of this Article, the performer of catering and tourism activity shall provide proof for technical examination and acquired license for using the facility, i.e. he shall meet hygienic-sanitary requirements stipulated by the Law on Investment Construction, protection at work, environment protection and promotion, fire prevention and protection against noise.

Article 6

Performers of catering and tourism activity shall not begin the activity unless they meet the conditions referred to in Article 5 of this Law. If the competent inspection finds certain deficiencies during performing the activity, the performer of catering and tourism activity shall not carry out the activity until those deficiencies are eliminated.

Article 7

Categorization of catering facilities is performed by Commission of three members, who have their deputies. Minister of Economy shall form the Commission and it shall comprise of representatives of the ministries competent for matters of catering and tourism, health care, labour and social policy.

The member of the Commission, referred to in paragraph 1 of this Article, from the Ministry of Economy shall also be the president of the Commission.

The Commission shall make a decision for the performed categorization.

Article 8

A complaint can be lodged against the decision referred to in paragraph 3 of Article 7 of this Law to the Minister of Economy in a period of 15 days from the day of reception of the decision.

Article 9

The performer of catering and tourism activity shall inform the Commission for categorization of catering facilities about every change in the categorization of catering facility in a period of 30 days from the day when changes occurred.

Article 10

Catering facilities for accommodation and catering facilities for food, travel information bureaus and services may be open every working day, weekends and holidays.

Schedule, opening and closing time in catering and tourism shall be managed according to the type of facilities and the character of the activity in the following manner:

1. Catering facilities for accommodation (hotels, motels, boarding houses, tourist village, bed and breakfast, and campsites) and information bureaus and services shall be open non-stop.
2. Catering facilities for food, regardless of the type of the facility, shall be open from 7am to 11pm, except:
 - 2.1 Premises for food and entertainment, which are part of the catering facilities for accommodation, may be open non-stop;
 - 2.2 Catering facilities for food, regardless of the type of the facility, in lake and mountain areas during the tourist season (summer from 15 May to 15 September) and (winter from 15 December to 15 March) may be open from 7am to 2am;
 - 2.3 Catering facilities for food, regardless of the type of the facility, on Friday, Saturday, day before holidays and holidays shall be open from 7am to 12am;
 - 2.4 Catering facilities - night club, cabaret and disco club, which are not a part of the catering facilities for accommodation, may be open: night club and cabaret from 8pm to 3am, disco club from 6pm to 1am;

2.5 Catering facilities, regardless of the type, located at border crossings, airports, railway stations and international bus stations may be open non-stop.

The performer of catering and tourism activity defines the working hours of the facility himself, in accordance with his business interests, area characteristics and needs of service users.

Working hours referred to in the previous paragraph shall be posted on visible place at the entrance of the facility, and shall be within working hours stipulated by items 1 and 2 of this Article.

Article 11

The Provisions of this Law shall not refer to rendering services for food and accommodation within enterprises that organize food and accommodation for their employees, educational, educational-reformatory, social, health care and other facilities, as well as facilities for food and accommodation of the Army of the Republic of Macedonia and facilities of the Ministry of Defence and other units of defence.

Article 12

Catering and tourism activities, their development and promotion, tourist offer, general tourist propaganda and informational activity shall be performed by the Department for Tourism as a comprising body of the Ministry of Economy.

Department of Tourism acts as a legal entity.

II. CATERING ACTIVITY

Article 13

Performers of catering activity shall:

- 1) Perform the catering activity, in addition to the terms and manner stipulated by this Law, in accordance with the business customs in catering;
- 2) Present the prices of services in a manner accessible to the guests;
- 3) Issue a receipt from the cash register, or bill with a registry number for each rendered service.
- 4) Establish norms for using certain kinds of meals, beverages and drinks and provide them in quality and quantity in accordance with those norms.
- 5) Post the type, name and category of the catering facility.

Provisions of this Law shall not refer to rendering catering services in facilities for rest and recreation of youth and children.

Article 14

Catering activity shall be performed during the whole year or only in a certain period of time (seasonal).

Catering activity shall be performed seasonally, providing catering facilities are open continuously five months of the year at the most.

Article 15

Catering activity shall be performed in offices and business premises intended and equipped for providing catering services (catering facilities).

Catering activity may be performed in premises and places outside the catering facilities in which other activity is carried out, providing stipulated conditions for performing catering activity, according to the provisions of this Law, are fulfilled.

Article 16

The name of the catering facility shall be defined according to the type of catering services generally provided in that facility.

Catering facilities, according to the type of catering services, shall have the name: hotel, motel, boarding house, tourist village, bed and breakfast, resort, campsite, restaurant, self-service restaurant, express restaurant, pastry shop, garden restaurant, open terrace restaurant, soup kitchen, kebab house, inn, tavern, night club, cabaret, snack-bar, café-bar, brewery house, pizzeria, confectionary, canteen, tea house, stand, disco club and movable catering facility.

Catering facility referred to in paragraph 2 of this Article may have only one name.

According to the types of catering services, catering facilities may have another name other than the names defined in paragraph 2 of this Article.

Article 17

Catering facilities shall be grouped in:

- 1) catering facilities for accommodation, and
- 2) catering facilities for food.

Article 18

Catering facilities for accommodation shall be grouped in:

- 1) basic catering facilities, including hotels, tourist apartments and residences, boarding houses and other facilities, and
- 2) complementary facilities, including resorts, children and youth resorts, houses, apartments, rooms and other complementary facilities.

Article 19

Catering facilities for food shall be grouped in:

- 1) restaurants and other service facilities, and
- 2) other catering facilities. Restaurants and other service facilities, regardless their name, are those facilities where the personnel serves the guests at the table.

Other catering facilities, regardless their name, are those catering facilities where there is a self-service.

Article 20

In catering facilities, serving alcoholic beverages from 6am to 10am shall be prohibited.

Article 21

In catering facilities, serving alcoholic beverages to minors under 18 shall be prohibited.

Article 22

In catering and tourism facilities, selling and offering sale, as well as using substances or preparations defined as narcotic drugs or psychotropic substances shall be prohibited.

Article 23

Performers of catering activity shall also carry out other activities, with which they complement carrying out the catering activity and contribute to greater usage of catering capacities and realization of bigger turnover, providing they fulfill stipulated conditions for carrying out such activities.

CARRYING OUT SERVICES FOR ACCOMMODATION AND FOOD IN HOUSES, APARTMENTS AND ROOMS FOR RENT

Article 24

Citizens shall rent their houses, apartments and rooms for carrying out services for accommodation, i.e. lodging and food for travelers and tourists, as well as for other persons, under the terms of this Law.

Services for accommodation and food in facilities referred to in paragraph 1 of this Article shall be carried out on the basis of approval.

Article 25

Citizens are obliged, in the premises where the service is carried out, to post the category and prices of services for lodging and food at the apparent place.

Article 26

The request for approval for carrying out services for accommodation, i.e. lodging and food, in houses, apartments and rooms shall be submitted to the Ministry of Economy.

In the request for issuing an approval, referred to in paragraph 1 of this Article, the citizens shall indicate the category of the house, apartments and rooms and a proof that they do not have any infectious diseases.

The Ministry of Economy is obliged to present its opinion in a period of eight days from the reception of the request referred to in paragraph 1 of this Article.

Providing the Ministry of Economy does not present its opinion within the period referred to in paragraph 3 of this Article, it shall be considered that the citizen has been entitled to carrying out services referred to in paragraph 1 of this Article.

CAMPING

Article 27

Camping, with regard to this Law, shall be considered staying of persons for rest and entertainment in tents, camp-houses, trailers and other similar facilities.

Article 28

Campsite shall have established house rules.

At the entrance of the campsite or at another appropriate place, plan (map) of the camp, pricelist for usage of the campsite, campsite category, as well as other services provided by the campsite shall be posted.

PROVIDING CATERING SERVICES TO NUDISTS

Article 29

Catering services for nudists may be provided in catering facilities and campsites.

At the entrance of the campsite, i.e. campsite in which services to nudists are provided, in addition to the name of the facility, a sign that in this facility services to nudists are provided shall also be posted.

III. Tourism activity

Article 30

Performers of tourism activity shall perform mediation in tourist trade, for their account and on their behalf, on their behalf and for the account of a third party and to represent other companies in carrying out mediation in tourist trade.

Article 31

Performers of tourist services, when mediating in tourist trade, shall:

- 1) announce the type and price of every separate service in a manner accessible for tourists, travelers and other persons;
- 2) provide services in accordance with agreed terms and prices, and
- 3) issue receipt to the user for every performed tourist service.

Article 32

Organizing and providing tourist services - journeys and outings shall be performed following a certain program.

The program particularly includes: direction and periods of traveling and lodging; manner of travel; type and category of means of transportation; lodging services; category of accommodation facilities; border formalities; currency exchange; tourist guide services; minimal number of travelers; price of services and other services of importance for the required travel.

The program referred to in paragraph 2 of this Article must be signed and verified by the competent person of the tourist service provider.

Article 33

For rendering tourist services according to the program, a contract shall be concluded between the performers and users of the service.

TOURIST GUIDE

Article 34

A tourist guide, with regard to this Law, shall be a person who professionally describes natural beauties, rarities, cultural-historical monuments, works of art, ethnographic and other

landmarks, as well as social structure and economic success of the country to the domestic and foreign tourists.

Article 35

A tourist guide shall not be considered an expert person who performs museum, archive, library activity and activity for conservation of cultural monuments and natural rarities, when the activity is performed within the frames of his work tasks, as well as the person who accompanies a group of tourists.

Article 36

A tourist guide shall meet the following conditions:

- 1) be a citizen of the Republic of Macedonia
- 2) have a residence on the territory of the Republic of Macedonia.
- 3) carrying out the activity of a tourist guide shall not be prohibited to him/her with legally binding court decision or offence decision, and
- 4) not be sentenced for criminal offence unauthorized production and circulation of narcotic drugs, mediating in prostitution and production and distribution of pornographic materials.

Article 37

A tourist guide shall have completed at least high school and passed professional exam for a tourist guide.

Article 38

A professional exam for a tourist guide shall be taken in front of board of examiners.

Board of examiners for taking a professional exam for a tourist guide shall be formed by the higher-educational institution for tourism and catering or other associations within the area of tourism and catering.

Professional exam for a tourist guide shall be taken in accordance with prescribed program.

The program for taking a professional exam for a tourist guide is adopted by the university-educational institution for tourism and catering following the previous opinion of the Ministry of Education and Physical Culture. The program referred to in paragraph 3 of this Article is published in "Official Gazette of the Republic of Macedonia".

Article 39

Expenses for taking professional exam for tourist guide shall be covered by the candidate.

Expenses referred to in paragraph 1 of this Article may be covered by tourism and catering enterprises, as well as other institutions and organizations interested in services provided by tourist guides.

Article 40

A certificate shall be issued to the candidate who has passed the professional exam for a tourist guide.

The form of certificate referred to in paragraph 1 of this Article shall be stipulated by university-educational institution for tourism and catering.

Article 41

The title tourist guide shall be proved by a special identification card.

The form of the identification card referred to in paragraph 1 of this Article shall be stipulated by the Minister of Economy.

The identification card referred to in paragraph 1 of this Article shall be issued by university-educational institution for tourism and catering or associations within the area of tourism and catering where the candidate has passed the exam for a tourist guide.

IV. SUPERVISION AND ADMINISTRATIVE MEASURES

Article 42

Supervision of performing the provisions of this Law shall be carried out by: bodies of market, sanitary and health, and labour inspection, bodies competent for noise control and bodies of the Ministry for Internal Affairs.

Article 43

If offices, premises, land and equipment used for carrying out catering and tourism activity do not meet stipulated minimal-technical requirements and conditions for categorization of tourist offer, the state market inspector shall make a decision in which he will order elimination of confirmed deficiencies, specifying the period in which they shall be eliminated.

If deficiencies referred to in paragraph 1 of this Article are not eliminated in the defined period, the state market inspector shall prohibit carrying out that activity, until deficiencies are eliminated.

If deficiencies related to health-hygienic requirements can generate difficult consequences for the health or life of the service user, the sanitary and health inspection shall immediately make a decision for prohibition of use of premises and equipment for carrying out that activity, i.e. carrying out services, until these deficiencies are eliminated.

V. PENALTY PROVISIONS

Article 44

For the activities referred to in Article 22 of this Law, in addition to the punishment stipulated by the Criminal Code of the Republic of Macedonia, protective measure prohibition of carrying out catering and tourism activity in a period of three to ten years shall be declared.

Article 45

The enterprise or other legal entity shall be fined with six to 18 salaries for offence, if:

- 1) stipulated minimal-technical requirements and conditions for categorization of the facilities in the tourist offer are not met in carrying out the catering and tourism activity (Article 5, paragraphs 1 and 3);
- 2) he fails to report the change of category of the catering facility (Article 9);
- 3) he carries out catering activity not in compliance with the provisions of this Law and business customs in catering (Article 13, paragraph 1, item 1);
- 4) alcoholic beverages are served in the catering facilities in the period from 6am to 10am (Article 20) and

- 5) alcoholic beverages are served in the catering facilities to minors under 18 (Article 21).

For activities referred to in paragraph 1, items 4 and 5 of this Article, in addition to the fine, protective measure prohibition of carrying out catering and tourism activity in a period of six months to one year shall be declared.

For offence referred to in paragraph 1 of this Article, the manager of the enterprise shall be fined with one-third to three salaries.

For activities referred to in paragraph 1, items 4 and 5 of this Article, in addition to the fine, protective measure prohibition of carrying out responsible duties and work tasks in a period of six months to one year shall be declared to the manager.

Article 46

The enterprise or other legal entity shall be fined with four to 12 salaries for offence, if:

- 1) he fails to post the prices of services in a manner accessible to the guests (Article 13, paragraph 1, item 2);
- 2) he fails to issue a receipt from the cash register or bill with a registry number for each performed service (Article 13, paragraph 1, item 3);
- 3) he fails to establish norms for using certain kinds of meals, beverages and drinks and fails to provide them in quality and quantity in accordance with those norms (Article 13, paragraph 1, item 4);
- 4) he fails to post the type, name and category of the catering facility (Article 13, paragraph 1, item 5).
- 5) he fails to conform to the schedule, opening and closing time defined in Article 10 of this Law;
- 6) he fails to establish house rules in the campsite (Article 28, paragraph 1);
- 7) he fails to post plan (map) of the camp, pricelist for usage of the campsite, campsite category, as well as other services provided by the campsite at the entrance of the campsite or at another appropriate place (article 28, paragraph 2);
- 8) he fails to post, in addition to the name of the facility, a sign that in this facility services to nudists are provided at the entrance of the campsite, i.e. campsite in which services to nudists are provided (Article 29, paragraph 2);
- 9) he fails to announce the type and price of every separate service in a manner accessible for tourists, travelers and other persons (Article 31, paragraph 1, item 1);
- 10) he fails to issue a receipt to the user for every performed tourist service (Article 31, paragraph 3);
- 11) the program does not include data referred to in Article 31, paragraph 2 of this Law, and
- 12) the program is not verified and signed by the competent person of tourist service provider (Article 32, paragraph 3).

For offence referred to in paragraph 1 of this Article, the manager of the enterprise shall be fined with one-fifth to two and a half salaries.

For activities referred to in paragraph 1, items 3, 9, 11 and 12 of this Article, in addition to the fine referred to in paragraph 2, protective measure prohibition of carrying out responsible duties and work tasks in a period of three months to one year shall be declared to the manager.

For activities referred to in items 1, 2, 4, 6, 7, 8, and 10, the market inspector may charge a fine sentence on the premises, as follows:

- 1) for legal entity, two salaries;
- 2) for manager, one half of the salary, and
- 3) for citizen, up to one-fifth of the salary.

Article 47

The performer of catering and tourism activity not acting as a legal entity shall be fined from one-fifth to three salaries for the activities referred to in Articles 45 and 46 of this Law.

For activities referred to in items 1, 2, 4, 6, 8, and 10 of Article 46 of this Law, the market inspector may charge a fine on the premises to the performer of catering and tourism activity not acting as a legal entity in amount of half a salary.

Article 48

Physical person shall be fined with one-fifth to half a salary, if:

- 1) houses, apartments and rooms for rent to citizens referred to in Article 24 of this Law, do not meet the stipulated minimal-technical requirements and the conditions for categorization of the facilities in the tourist offer (Article 5, paragraph 1);
- 2) accommodation and food services are carried out without approval (Article 24, paragraph 2);
- 3) he fails to post the category, prices of accommodation and food services on the apparent place in the premises where the services are carried out (Article 25);
- 4) he carries out tourist guide services, not in accordance with the provisions referred to in Article 35 of this Law, and
- 5) he carries out tourist guide services without passed professional exam (Article 37).

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 49

Unsolved requirements, submitted before coming into force of this Law, shall be solved according to the provisions of this Law.

Article 50

Performers of catering and tourism activity are obliged to harmonize their activity in accordance with the provisions of this Law in a period of two years from the day of coming into force of this Law.

Article 51

Regulations for minimal-technical requirements and conditions for categorization of facilities in the tourist offer referred to in Article 5 of this Law shall be adopted in a period of three months from the day of coming into force of this Law.

Article 52

The program for taking a professional exam for a tourist guide referred to in Article 38, paragraph 4 of this Law, the form of the certificate for passed professional exam for a tourist guide referred to in Article 40, paragraph 2 and the form of the identification card for a tourist guide referred to in Article 41, paragraph 2 shall be adopted in a period of three months from the day of coming into force of this Law.

Article 53

Until defining regulations, in accordance with the provisions of this Law, regulations that were valid until the day of coming into force of this Law shall be applied.

Article 54

With coming into force of this Law, the Law on Catering and Tourism Activity ("Official Gazette of SRM" No. 24/83, 21/84, 29/86, 30/87, 36/88, 29/89, 46/89, 23/90 and "Official Gazette of the Republic of Macedonia" No. 12/93) shall cease to be valid.

Article 55

This Law shall come into force on the eighth day from the day it is published in "Official Gazette of the Republic of Macedonia"