

# TOURISM ACT

Promulgated in the State Gazette (SG) Nos 30 of 26 March 2013, in force as from 26 March 2013; amended in SG No 68 of 2 August 2013, in force as from 2 August 2013; supplemented in SG No 109 of 20 December 2013; amended in SG Nos 40 of 13 May 2014 and 9 of 3 February 2015, in force as from 3 February 2015; supplemented in SG No 14 of 20 February 2015; amended in SG Nos 79 of 13 October 2015, in force as from 1 August 2016; 20 of 15 March 2016, in force as from 15 March 2016; 43 of 7 June 2016; 59 of 29 July 2016, in force as from 1 August 2016; 75 of 27 September 2016; 58 of 18 July 2017, in force as from 18 July 2017; 85 of 24 October 2017; 96 of 1 December 2017, in force as from 1 January 2017; and 37 of 4 May 2018; in force as from 4 May 2018

## Chapter One GENERAL PROVISIONS

**Article 1** This Act governs social relations pertaining to:

1. the management, regulation and control of the activities, services and facilities in the tourism industry.
2. the division of the country into tourism areas, the tourism areas and the establishment, structure, organisation and activities of the organisations responsible for their management;
3. the powers of central government bodies and their local departments, tourist area management organisations and tourism associations in the matter of making and implementing sustainable tourism development policy.

**Article 2** This Act aims to:

1. assure conditions for the sustainable development of tourism and a competitive national tourism product;
2. create conditions for the development of specialist types of tourism, such as cultural, health, SPA and wellness, rural, wine, eco-, conference, child and youth, adventure, sports, hunting, golf and other types of tourism;
3. put in place uniform criteria for tourism activities performed and the provision of tourism services;
4. ensure the protection of the users of tourism services.

**Article 3(1)** Tourism activities shall be:

1. the activities performed by tour operators and travel agents;
2. hotel management;
3. restaurant management;

4. the provision of thematic ancillary services in the area of seaside, ski, cultural, hydrotherapy, SPA, wellness, rural, wine, eco, conference, child and youth, adventure, sports, hunting, golf and other types of tourism ;

5. the provision of tour guide services, guiding tourists in mountains and other natural settings and the provision of sport services.

(2) Tourist facilities shall be as follows:

1. accommodation facilities:

(a) Class A — hotels, motels, aparthotel compounds, guest house complexes, tourist complexes and guest houses;

(b) Class B — family-owned hotels, hostels, boarding houses, vacation properties owned by employers for the use of their workers and employees, guest apartments, cabanas and camping sites;

2. catering and entertainment establishments (stand-alone and annexed to accommodation facilities) — restaurants, fast-food restaurants, drinking establishments, cake shops and cafeterias, bars;

3. tourist chalets, tourist learning centres and tourist dormitories and the catering establishments annexed to them — self-service tourist canteens, cold snack outlets and serviced tourist canteens;

4. ski runs — pistes for downhill skiing and snowboarding, cross-country skiing tracks, ski runs for children and snow and ice amusement parks;

5. stand-alone hot water treatment (medical SPA) centres, SPA and wellness centres, and thelassotherapy centres and those annexed to accommodation facilities;

6. beaches — the beaches situated along natural and artificial water bodies;

7. the offices of tour operators and travel agents;

8. tourist information centres;

9. the visitor centres used to present and exhibit items from local natural and cultural heritage;

10. museums, public and private collections of cultural artefacts and art galleries;

11. art and craft centres and temporary art exhibitions organised for tourists;
12. tourist routes/tracks and cycling trails;
13. climbing, paragliding and 'via ferrata' routes;
14. amateur horse riding centres and equestrian routes;
15. aqua parks, water amusement and entertainment parks;
16. amusement and theme parks;
17. golf courses;
18. wild bird and animal watching points;
19. hunting estates within the meaning of the Hunting and Game Conservation Act;
20. wineries;

21. the fixed cultural assets under the Cultural Heritage Act, the cultural institutes under the Protection and Development of Culture Act, the protected areas under the Protected Areas Act, when they have been integrated into social infrastructure and are suited to receiving visiting tourists and providing services to them according to the respective conservation regimes and the internal rules of the organisations responsible for their management.

(3) The tourist establishments referred to in paragraph 2 shall be publicly accessible, except where otherwise provided by law.

(4) Tourist establishments may not refuse to provide tourist services on their premises or provide services of a lower standard or at more unfavourable conditions on the grounds specified in Article 4(1) of the Anti-Discrimination Act.

**Article 4(1)** The persons providing services at tourist establishments shall publish a single pricelist applicable to all tourists and no difference in treatment or a treatment that places certain categories of tourists at a disadvantage as compared to others on the grounds specified in Article 4(1) of the Anti-Discrimination Act shall be allowed.

(2) The requirements stipulated in paragraph 1 shall also apply when the prices of tourist services are published online, in promotional and sales brochures and catalogues, and when they are advertised on radio and television programmes.

## Chapter Two

# GOVERNMENT POLICY AND MANAGEMENT OF TOURISM

**Article 5** (1) The government policy on tourism shall be determined by the Council of Ministers.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The Council of Ministers, acting on a proposal from the Minister for Tourism, shall approve the National Strategy for Sustainable Development of Tourism and strategies for the development of various types of tourism.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) Public policy on the sustainable development of tourism shall be integrated into sectoral policies and implemented by the Minister of Tourism with the involvement of other central government bodies acting within their remit of competence.

(4) The strategies referred to in paragraph 2 shall be approved on the condition that a positive opinion on a conducted environmental assessment subject to coordination or a decision that conducting such an assessment is not required has been issued in accordance with the procedure stipulated in Chapter Six, Section II of the Environmental Protection Act (ZOO), which has become effective.

**Article 6** (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall implement the public policy on tourism by:

1. developing and monitoring the implementation of the National strategy on sustainable development of tourism and the strategies for the development of different types of tourism, as well as the short-term plans and programmes for their implementation;

2. developing and implementing a national marketing strategy in line with the strategies referred to in sub-paragraph 1;

3. approving and implementing the annual programme for advertising Bulgaria as a tourist destination;

4. developing and approving a concept for Bulgaria's regionalisation for the purpose of tourism;

5. developing jointly with other government bodies and proposing to the Council of Ministers draft legislation on the status and management of national resorts;

6. ensuring coordination and cooperation with tourist area management organisations in the implementation of the national marketing strategy and the development of marketing strategies for each tourist area;

7. conducting marketing surveys in existing or new high-potential markets for Bulgaria's tourism, along with tourism advertising surveys and efficiency analyses;

8. organising Bulgaria's participation in international tourism exhibitions, fairs and events;

9. organising familiarisation trips for journalists and visits of international tour operators and travel agents to Bulgaria;
10. developing and disseminating advertising and promotional materials and souvenirs;
11. collecting, processing and analysing statistical data about the trends in demand in key international markets for Bulgarian tourism;
12. maintaining, updating and promoting the national tourism web portal;
13. developing and conducting communication campaigns on the domestic and international markets;
14. creating conditions that enable the functioning of the National Tourist Information Centre;
15. cooperating with the competent government agencies and local departments of the central government, organising and coordinating joint activities in the implementation of the national policy on tourism, financing and implementing the strategies referred to in sub-paragraphs 1, 2 and 3 and the concept paper referred to in sub-paragraph 4;
16. cooperating with tourist area management organisations and supervising the implementation of their activities under Article 18(1);
17. cooperating with tourism associations entered into the National Tourism Register in the implementation of their activities in the tourism industry;
18. (amended in SG No 9/2015 of 3 February 2015) facilitating the implementation of initiatives of the tourism associations entered into the National Tourism Register, when aligned with the goals and priorities in tourism of the Ministry of Tourism for the respective year;
19. issuing, consulting and proposing to the Council of Ministers draft legislation in the area of tourism and monitoring its implementation;
20. organising and coordinating the controls performed on the quality of the tourist product;
21. supporting the activities of the competent authorities responsible for the implementation of the government policy on the training and qualification of tourism industry staff;
22. supporting initiatives aiming to attract investment and facilitating the implementation of projects for sustainable and balanced development of tourism at national, provincial and local level, including through the construction and development of tourist infrastructure;

23. representing Bulgaria before international bodies and organisations in the area of tourism and fulfilling and coordinating the fulfilment of Bulgaria's obligations arising from its membership of such bodies and organisations;

24. developing projects and participating in the development, assessment, monitoring and control of the implementation of programmes and projects in the area of tourism financed by the European Union and international organisations;

25. making proposals on establishing tourism representation offices of the Republic of Bulgaria in other countries;

26. making arrangements for the maintenance of the Single Tourist Information System;

27. keeping, updating and maintaining the National Tourism Register referred to in Article 166(1);

28. (amended in SG No 96/2017, in force as from 1 January 2018) setting up a national network of tourist information centres functioning on the basis of a set of uniform standards;

29. developing and facilitating the adoption of voluntary systems for the certification of quality and sustainable development of tourism;

30. governing the affairs of the National Tourism Council;

31. registering tour operators and travel agents;

32. rating and assigning categories to tourist establishments in the cases envisaged in this Act;

33. certifying tourist establishments in the cases envisaged in this Act;

34. (new in SG No 20/2016, in force as from 15 March 2016) implementing the government policy on beach concessions;

35. (new in SG No 20/2016, in force as from 15 March 2016; amended in SG No 96/2017, in force as from 1 January 2018) exercising the powers of a concession granting authority for beaches and organising and implementing activities relating to the leases granted in respect of non-concessioned beaches;

36. (ex paragraph 34; amended in SG No 20/2016, in force as from 15 March 2016) imposing coercive administrative measures, levying fines and pecuniary sanctions in the cases envisaged in this Act and in the Black Sea Coast Development Act.

**Article 7** (1) (amended in SG No 9/2015, in force as from 3 February 2015) For the purpose of cooperation and coordination in the area of tourism, a National Tourism Council (NST), a consultative body under the jurisdiction of the Minister of Tourism, shall be established.

(2) The following parties shall be represented on the NST:

1. (amended in SG Nos 68/2013, in force as from 2 August 2013; and 9/2015; in force as from 3 February 2015; supplemented in SG No 14/2015; amended in SG No 58/2017, in force as from 18 July 2017) a deputy minister for the economy, a deputy minister for finance, a deputy minister for regional development and public works, a deputy minister for foreign affairs, a deputy minister for culture, a deputy minister for health, a deputy minister for the environment and water, a deputy minister for agriculture, food and forests, a deputy minister for transport, information technologies and communications, a deputy minister for education and science, a deputy minister for labour and social policy, a deputy minister for internal affairs and a deputy minister for youth and sport, designated by the respective competent ministers;

2. the Head of the Consumer Protection Commission;

3. the Head of the Bulgarian Food Safety Agency;

4. the Head of the National Revenue Agency;

5. one representative of each tourist area management organisation;

6. one representative of each sectoral tourism association entered into the National Tourism Register;

7. one representative of the local, product and professional tourism associations entered into the National Tourism Register;

8. one representative of national resorts;

9. one representative of air, rail, road and waterway transport associations;

10. one representative of each consumer association and employer organisation in Bulgaria represented at national level;

11. a representative of the National Association of Municipalities in the Republic of Bulgaria.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) The NST shall be chaired by the Minister for Tourism, a Deputy Minister or another official designated by the Minister for Tourism;

(4) The rules and procedure for designation of representatives of the associations, organisation and resorts referred to in paragraph 2(6) to (10) shall be stipulated in the Rules referred to in paragraph 6.

(5) (amended in SG No 9/2015, in force as from 3 February 2015) Organisational and technical support of the work of the NST shall be provided by the administration of the Ministry of Tourism.

(6) (amended in SG No 9/2015, in force as from 3 February 2015) The operating rules of the NST shall be stipulated in a Regulation adopted by the Minister for Tourism. The Regulation shall be published on the webpage of the Ministry of Tourism.

(7) (amended in SG No 9/2015, in force as from 3 February 2015) The list of individuals sitting on the NST shall be approved by the Minister for Tourism.

(8) The NST members referred to in paragraph 2(1) to (4) and (10), when unable to attend a meeting of the Council for justifiable reasons, may be represented by another party duly authorised by an express power of attorney granted for each meeting.

**Article 8** (1) The National Tourism Board shall:

1. (amended in SG No 9/2015, in force as from 3 February 2015) assist the Minister for Tourism in the development and implementation of government policy on tourism;

2. support the coordination of the national policy on tourism;

3. discuss concept papers and programmes for the sustainable development of tourism and give opinions on them;

4. (amended in SG No 9/2015, in force as from 3 February 2015) submits proposals to the Minister for Tourism on the development, amendment, supplementation or revocation of legislation relating to the development of tourism;

5. reviews issues relating to spatial development, the construction and maintenance of tourist infrastructure and attracting foreign investment in the tourism sector;

6. discusses the preparation for and analyses of the results of tourist seasons;

7. discusses the results of the controls performed by the bodies exercising control functions in the tourism sector and on tourism-related activities and gives recommendations for the improvement of their work;

8. discusses issues relating to consumer protection and gives recommendations for improvement of tourist services offered to customers;

9. reviews other matters relevant to the development of tourism;

(2) (supplemented in SG No 20/2016, in force as from 15 March 2016) The National Tourism Board shall give opinions and make proposals on matters relating to the development of tourism — territorial development, the construction and maintenance of tourist infrastructure, the maintenance and management of beaches, the use and conservation of tourism resources, the taxation of tourist services, the application of visa regulations, etc.

(3) The National Tourism Board shall give opinions and make proposals on matters relating to the marketing and advertising of Bulgaria as a tourist destination, including on:

1. The annual programme for advertising Bulgaria as a tourist destination;
2. marketing research and tourist flow surveys and analyses and forecasts of the development of tourism;
3. The activities relating to the branding and advertisement of Bulgaria as a tourist destination;
4. The Single National Tourist Information System and the national tourism web portal;
5. the activities of the National Network of Tourist Information Centres;
6. the implementation of projects and programmes of the European Union in the area of tourism marketing;
7. the provision of information services and support enabling the participation of Bulgarian companies in exhibitions and events relating to tourism;

(4) The National Tourism Council may set up expert groups on specific issues within its remit of competence comprising representatives of:

1. research organisations, institutes and higher education institutions in the area of tourism.
2. other institutions and organisations interested in the development of tourism.

**Article 9** (1) (amended in SG No 9/2015, in force as from 3 February 2015) An Expert committee on the registration of tour operators and travel agents (EKRTTA) and an Expert committee on the categorisation and certification of tourist facilities (EKKSTO) under the jurisdiction of the Minister of Tourism shall be established.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The chairperson of the committees referred to in paragraph 1 shall act under delegated authority granted by the Minister for Tourism, a deputy minister or another official.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) The EKRTTA shall be composed of representatives of the Ministry of Tourism, on the one hand, and of the sectoral associations of tour operators and travel agents, on the other hand, each group having an equal number of votes.

(4) The expert committee on the categorisation and certification of tourist facilities shall meet in two formats, depending on the type of establishment subject to categorisation and certification as referred to in paragraphs 5 and 6.

(5) (amended in SG No 9/2015, in force as from 3 February 2015) The EKKSTO, in the format responsible for the categorisation of tourist facilities referred to in Article 3(2)(1) to (3), shall be composed of representatives of the Ministry of Tourism, on the one hand, and representatives of the sectoral associations of hotel and restaurant managers and product associations, on the other hand, each group having the same number of votes.

(6) (amended in SG No 9/2015, in force as from 3 February 2015) The EKKSTO, in the format responsible for the categorisation of tourist facilities referred to in Article 3(2)(5), shall be composed of representatives of the Ministry of Tourism and the Ministry of Health, on the one hand, and representatives of the sectoral product and other professional tourism associations, on the other hand, each group having the same number of votes.

(7) The rules and procedure for determining the representatives of the associations and not-for-profit legal entities referred to in paragraphs 3, 5 and 6 and their number shall be stipulated in the Regulations referred to paragraph 9.

(8) (amended in SG No 9/2015, in force as from 3 February 2015) The composition, including the names of the members, of the committees referred to in paragraph 1 shall be determined by an order issued by the Minister for Tourism, acting on proposals received from the Heads of the respective institutions, tourism association and not-for-profit legal persons, referred to in paragraphs 3, 5 and 6.

(9) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall issue regulations on the organisation and activities of the committees referred to in paragraph 1.

**Article 10** The provincial governor shall implement the government policy on tourism in the respective province by:

1. elaborating the provincial strategy and participating in the elaboration of programmes for the development of tourism in the province and coordinating their implementation. The strategy and programmes are integrated into the provincial development strategy and developed in line with the national priorities for the development of tourism, the marketing strategy for the tourist area and local and provincial tourist resources and needs;

2. (amended in SG No 9/2015, in force as from 3 February 2015) assisting the Minister for Tourism in the implementation of the activities referred to in Article 6 in the respective province;

3. cooperating and supporting the implementation of initiatives of government bodies, the tourist area management organisation and tourism associations for the development of tourism in the province in line with the national policy on tourism;

4. (repealed in SG No 40/2014);

5. exercising control functions in the cases envisaged in this Act.

**Article 11** (1) The municipal council shall adopt a programme for the development of tourism in the municipality in line with the priorities set out in the respective provincial strategy, the marketing strategy for the tourist area and local tourism resources and needs.

(2) The Tourism Development Programme shall include activities relating to the:

1. construction and maintenance of service infrastructure for the tourism industry in the municipality, including local roads to tourist attractions;

2. construction and operation of tourist information centres and making organisational arrangements for the provision of information services to tourists;

3. construction and maintenance of tourist facilities either owned or operated and managed by municipalities under delegated rights;

4. organisation of events of local and national importance, which contribute to the development of tourism;

5. conducting studies and analyses and making forecasts for the development of tourism in the municipality;

6. advertising the tourist product of the municipality, including by participating in tourism exchanges and fairs;

7. municipal cooperation and membership of tourism associations and the local tourism area management organisation;

8. improving the quality of services available from municipal tourist establishments.

**Article 12** The mayors of municipalities shall:

1. develop the programmes referred to in Article 11(1), draw up reports on their implementation and submit them to the municipal council for adoption following their approval by the consultative council referred to in Article 13(1).

2. establish and chair the consultative council referred to in Article 13(1);

3. establish a Municipal expert committee on the categorisation of tourist establishments (OEKKTO);

4. rate and assign a category to tourist establishments on a proposal from the OEKKTO in the cases envisaged in this Act;

5. create and maintain, as an element of the National Tourism Register, a municipal register of the tourist establishments within the municipality, which have been rated in accordance with paragraph 4.

6. submit proposals to the municipal council on the tourist fees to be charged following the receipt of a written opinion from the consultative council referred to in Article 13(1);

7. (amended in SG No 9/2015, in force as from 3 February 2015) submit to the Minister for Tourism, either in electronic form or by e-mail, monthly reports containing the information entered into the register referred to in sub-paragraph 5;

8. collect statistical data and create and maintain a municipal tourism database in accordance with Article 165(2) of this Act;

9. develop and implement programmes and projects in the area of tourism financed by the European Union and international organisations;

10. cooperate and support the implementation of initiatives of government bodies, the tourist area management organisation and tourism associations for the development of tourism in the municipality in line with the national policy on tourism;

11. draw up annual reports on the disbursement of tourist fees collected in the municipality and publish them on the webpage of the respective municipality;

12. exercise control functions in the cases envisaged by law.

**Article 13** (1) The mayor of municipalities in which tourist accommodation facilities operate shall establish consultative councils on tourism.

(2) The consultative council on tourism shall be chaired by the mayor of the municipality or by an authorised official designated by the mayor.

(3) The consultative council on tourism shall be composed of representatives of the local administration and national, local or municipal museums, on the one hand, and representatives of the tourism associations entered into the National Tourism Register and other natural and legal persons concerned in the development of tourism, each group having an equal number of votes.

(4) The rules and procedure for the designation of representatives of museums and of the natural and legal persons sitting on the council referred to in paragraph 3 shall be stipulated in the regulation referred to in paragraph 7.

(5) The mayor of the municipality shall issue an order containing a list of the members of the consultative council on tourism, including their number and names, in compliance with the requirements laid down in paragraph 3.

(6) The consultative council on tourism shall:

1. discuss and approve the programme referred to in Article 11(1) and the report on its implementation;

2. submit proposals to the mayor of the municipality and give opinions on matters relating to the development of tourism in the municipality, including the tourist fees charged and the membership of the municipality in the respective tourist area management organisation.

(7) The mayor of the municipality shall approve the rules of procedure of the consultative council of tourism by a dedicated order.

**Article 14** (1) A municipal expert committee on the categorisation of tourist establishments referred to in Article 128, which reports to the mayor of the municipality, shall be established.

(2) The committee referred to in paragraph 1 shall be chaired by an official authorised by the mayor of the municipality.

(3) The OEKKTO shall be composed of representatives of the local administration, on the one hand, and representatives of the local, provincial and sectoral tourism associations entered into the National Tourism Register, on the other hand, each group having an equal number of votes.

(4) The rules and procedure for designation of the representatives referred to in paragraph 3 shall be stipulated in the regulation referred to in paragraph 6.

(5) The mayor of the municipality shall issue an order setting out a list of the members of the OEKKTO, including their number and names, on a proposal of the respective heads of the associations referred to in paragraph 3.

(6) The mayor of the municipality shall approve the rules on the organisation and activity of the OEKKTO by a dedicated order.

## **Chapter Three**

### **TOURIST REGIONALISATION**

#### **Section I**

#### **Tourist Areas**

**Article 15** (1) Bulgaria's territory shall be divided into tourist areas with a view to creating distinct local tourist products and enabling their marketing and advertising.

(2) Tourist areas shall cover the entire territory of Bulgaria and their boundaries shall correspond to those of the respective municipalities. A single municipality may not be divided into two tourist areas nor may it belong to two tourist areas at the same time.

(3) Each tourist area shall have a name, logo and slogan.

**Article 16** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The concept paper on the designation of tourist areas approved by the Minister for Tourism shall set out an analysis and proposal on the number of tourist areas and their names and geographical boundaries.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Prior to the approval of the concept paper referred to in paragraph 1 the draft shall be published on the webpage of the Ministry of Tourism, allowing a public consultation period of at least 14 days for the submission of proposals and opinions by stakeholders.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) The number, names and geographical boundaries of tourist areas shall be set out in an order issued by the Minister for Tourism. The order shall be published in the State Gazette.

(4) The order referred to in paragraph 3 shall also specify the head offices of the tourist area management organisations.

## **Section II**

### **Management of Tourist Areas. Objects, establishment and structure of tourist area management organisations**

**Article 17** (1) A tourist area shall be managed by a dedicated tourist area management organisation (OUTR).

(2) Tourist area management organisations shall be voluntary organisations that cooperate and collaborate in the interest of their members and for the public good in performing activities relating to the development of regional tourist products and regional marketing and advertising for the designated tourist area.

(3) Membership of the OUTF shall be open to tourism associations entered in the National Tourism Register, municipal and provincial administrations, scientific organisations, institutes and schools in the area of tourism, consumer associations and other institutions and organisations with their head office or place of business in the relevant tourist area, national and local museums, and national and nature parks situated in the tourist area.

(4) Tourist area management organisations shall be legal persons established and registered pursuant to this Act.

**Article 18** (1) Tourist area management organisations shall have the following objects:

1. development and implementation of a marketing strategy for the tourist area in line with the national marketing strategy;

2. creating a logo and slogan for the tourist area;
3. organising and conducting marketing surveys and tourist flow studies for the tourist area and analyses and forecasts of tourist development;
4. performing activities relating to brand building, public relations and tourist area advertising;
5. organising and supporting the activity of tourist information centres in the area;
6. developing and implementing a tourism development strategy, product strategies and annual tourism development plans in the tourist area in line with the National strategy for sustainable development of tourism;
7. supporting the work of provincial governors and mayors in the implementation of strategies and programmes for the development of tourism by drawing up positions and proposals;
8. supporting the mayors of municipalities in the fulfilment of their obligations under this Act;
9. implementing projects and programmes financed by the European Union;
10. creating and maintaining a local tourism database — an element of the Single Tourism Information System;
11. exchanging information, standards and good practices;
12. conducting training events and activities intended to raise the quality of tourist services;
13. supporting the development, introduction and implementation of voluntary systems for assessing the quality of tourist services and the sustainable development of the tourist area.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Tourism management organisations shall perform their activity in line with the national policy on tourism implemented by the Ministry of Tourism.

(3) Provincial governors and mayors of municipalities shall assist the relevant OUTR in the performance of its functions.

**Article 19** (1) Tourist area management organisations may perform other economic activities that support, complement or are ancillary to their principal activity.

(2) Tourist area management organisations may be beneficiaries of assistance from the Cohesion Fund and the Structural Funds of the European Union and programmes implemented at national and EU level.

**Article 20** (1) Tourist area management organisations shall be supported by the government.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The activities performed by tourist area management organisations shall be supervised by the government. The functions of a control body shall be exercised by the Minister for Tourism.

**Article 21** (1) Tourist area management organisations shall be established for perpetuity.

(2) Only one management organisation may operate in a single tourist area.

(3) The name of the tourist area management organisation shall include the wording 'tourist area'. The wording 'tourist area' may solely be used to designate the organisations established in accordance with this Act.

**Article 22** (1) (amended in SG No 37/2018, in force as from 4 May 2018) A tourist management organisation shall be established by at least:

1. two tourism associations entered into the National Tourism Register with head offices within the respective tourist area;

2. four municipalities within the tourist area of which one is the main administrative centre of the tourist area;

3. one provincial administration within the tourist area.

(2) The founders may also be the persons referred to in Article 17(3).

**Article 23** (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall open a procedure for the establishment of an OUTR by issuing a dedicated order:

1. (amended in SG No 37/2018, in force as from 4 May 2018) on the basis of an application/declaration received from the constitutive committee referred to in Article 24(2);

2. by making a public announcement in accordance with Article 25(1).

**Article 24** (1) The constitutive committee must include representatives of the groups referred to in Article 22. The members of the constitutive committee may authorise a person to represent the committee in the procedure for the establishment of the association.

(2) (amended in SG No 37/2018, in force as from 4 May 2018) The application/declaration in respect of the opening of a procedure must contain at least the following particulars:

1. the name of the organisation (written in Bulgarian, using Cyrillic characters, and in Roman characters) and an address and a telephone/fax and email, if available. Where these particulars are not available, the names of the authorised representative and his/her telephone, fax and e-mail must be provided;

2. the circumstances detailed in Article 22;

3. number and date of the decision of the municipal council to participate in the OUTR;

4. the number and date of the decision of the managing board or general assembly on the participation of the tourist association in the OUTR;

5. the circumstances relevant to the objects and goals of the OUTR;

6. the tourist area in respect of which the OUTR is established.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) The application/declaration shall be signed by all members of the constitutive committee and the following shall be annexed thereto:

1. a list with the names of the founders from each group referred to in Article 22;

2. the original of the minutes from the meeting of the constitute committee held.

(4) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) Where deficiencies are found in the documents submitted and/or at the request of the Minister for Tourism for additional information and documents relating to the circumstances referred to in paragraphs 2 and 3, the applicant shall be notified in writing and a 14-day period shall commence in which the deficiencies found must be rectified and additional information and documents must be submitted.

(5) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) The Minister for Tourism shall adopt a decision on the application/declaration within 30 days from its receipt.

(6) (amended in SG No 37/2018, in force as from 4 May 2018) In the cases referred to in paragraph 4 the time period for adopting the decision under paragraph 5 shall commence from the day on which the deficiencies are rectified and/or the additional information and documents requested are submitted.

(7) The order on the launch of the procedure shall be published in the State Gazette, and in a national and local newspaper, respectively.

(8) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) The Minister for Tourism shall decline to open a procedure for the establishment of an OUTR when:

1. the objects of the OUTR do not satisfy the requirements laid down in Article 18;
2. the founding committee members do not satisfy the requirement laid down in paragraph 1;
3. the documents referred to in paragraphs 2 and 3 are incomplete and the information and documents referred to in paragraph 4 fail to be presented within the time period specified;

(9) (supplemented in SG No 37/2018, in force as from 4 May 2018) The refusal to launch a procedure for the establishment of an OUTR shall be subject to appeal in accordance with the procedure established in the Administrative Procedure Code before the Supreme Administrative Court within 14 days as from the date of the notification sent to the founding committee or its authorised representative.

**Article 25.** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) When a new application/declaration is received within the time period specified in Article 24(5) requesting the opening of a procedure for the same tourist area, the Minister for Tourism shall conduct consultations with the respective applicants to explore the possibility for the submission of a single application and advise the applicants that if an agreement fails to be reached, a procedure will be launched in respect of the application submitted by a greater number of applicants, and when that number is the same, in respect of the application seeking the establishment of a management organisation for a tourist area comprising a greater number of municipalities.

(2) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) The Minister for Tourism shall request that opinions be submitted by the applicants referred to in paragraph 1, which must be presented within 14 days from the receipt of the new application. A failure to submit an opinion shall be construed as an opinion without reservations for the purpose of coordination.

(3) The time period for conducting a coordination procedure may not exceed 30 days.

(4) (amended in SG No 37/2018, in force as from 4 May 2018) In the cases referred to in paragraph 1, the time period under Article 24(5) shall commence from the date on which the procedure referred to in paragraph 3 is completed.

**Article 26** (1) The founding committee shall:

1. drawn up the act of incorporation of the OUTR and other documents necessary for the constitutive assembly;
2. organise and conduct the constitutive assembly.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The work of the founding committee to establish a tourist area management organisation shall be assisted by the Minister for Tourism.

(3) The founding committee shall publish in the State Gazette and one newspaper with national and local coverage, respectively, an invitation to attend the constitutive assembly of the OUTR, which must indicate the date and place where the assembly will take place, its agenda, a proposal for the election of members of the managing and control board, the venue where the draft act of incorporation and other constitutive documents are available and the times during which they can be consulted.

(4) The constitutive documents shall be made available one month after the notice referred to in paragraph 3 is published at the latest.

(5) The constitutive assembly shall be scheduled for a date at least 45 days after that on which the notice referred to in paragraph 3 is published.

(6) (amended in SG Nos 9/2015, in force as from 3 February 2015) The constitutive assembly shall be attended by a representative of the Minister for Tourism.

**Article 27** (1) The constitutive assembly shall be regularly convened, if attended by the founding members set out in the list referred to in Article 24(3).

(2) If there is no quorum another meeting of the constitutive assembly shall be scheduled to take place not earlier than 20 days, and not later than 30 days, from the date of the original meeting. The date of the new meeting shall be indicated in the invitation referred to in Article 26(3).

(3) (amended in SG No 9/2015, in force as from 3 February 2015) Not more than 2 meetings of the constitutive assembly may be scheduled in accordance with the procedure set out in paragraph 2. Where no quorum is present at the second meeting, the procedure for the establishment of a tourist area management organisation shall be terminated by an order of the Minister for Tourism.

**Article 28** (1) The constitutive assembly shall adopt a decision on the establishment of the OUTR and approve its articles of association.

(2) The articles of association of the OUTR shall set out its objects and the provisions governing its management, the conditions for the admission of members and termination of membership, the rights and obligations of members and other matters relating to the activity of the organisation.

(3) The articles of association of each OUTR shall be published on its website.

**Article 29** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The tourist area management organisation shall be considered to be in existence from the date of its entry into the dedicated register kept by the Ministry of Tourism. The register shall be public and shall be an element of the National Tourism Register.

(2) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) The entry of the OUTR in the register referred to in paragraph 1 shall be effected on the basis of an order of the Minister for Tourism issued on an application to which the following must be annexed:

1. (amended in SG No 37/2018, in force as from 4 May 2018) a copy of the minutes from the constitutive assembly;

2. (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) a copy of the articles of association signed by the founding members and approved by the Minister for Tourism;

3. notarised specimens of the signatures of the authorised representatives of the organisation and a sample of the organisation's stamp;

4. affidavits from the members of the managing and control bodies that they are not related by marriage and by affinity up to two times removed and that they are not blood relatives in the direct line of descent without limitations and in the collateral line of descent up to two times removed.

(3) (supplemented in SG No 37/2018, in force as from 4 May 2018) The register referred to in paragraph 1 shall contain at least the following particulars: the name, head office and registered address of the organisation, the tourist area, a note indicating that the organisation has been established as a legal person pursuant to this Act and the arrangements for its management and representation.

(4) (New in SG No 37/2018, in force as from 4 May 2018) The Minister for Tourism or a duly authorised official acting on their behalf shall enter the OUTR in the National Tourism Register and issue a certificate detailing the particulars entered within 14 days as from the date of issue of the order referred to in paragraph 2.

**Article 30** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The changes to the articles of association adopted by the general assembly shall be subject to approval by the Minister for Tourism within 14 days as from the date of their receipt from the Executive Director of the organisation.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or a duly authorised representative thereof shall enter the circumstances referred to in Article 29(3) into the register referred to in Article 29(1) within 14 days as from the date of their approval by the Minister for Tourism. The circumstances shall become effective as from the date of their entry into the register.

**Article 31** The employment relations, the health and social insurance contributions of the staff employed by OUTR shall be governed by applicable legislation in force.

**Article 32 The Tourist Area Management Organisation** shall have the following bodies:

1. the general assembly;
2. the managing board;
3. the control board;
4. (new in SG No 37/2018, in force as from 4 May 2018) the Executive Director.

**Article 33** (1) The general assembly shall be the supreme body of the OUTR and comprises all of its members.

(2) The tourist association shall participate in the proceedings of the general assembly through its representative or through an expressly authorised attorney.

(3) The municipalities shall be represented in the general assembly by the mayor of the municipality or a duly authorised representative thereof.

**Article 34(1)** The General Assembly shall:

1. amend and supplement the articles of association of the organisation;
2. determine the membership fees;
3. elect and discharge the chair and members of the managing board and two of the members of the control board of the organisation;
4. adopt the strategic documents of the tourist area, including its marketing strategy;
5. adopt an annual work plan of the OUTR and a report on its implementation;
6. adopts the budget and a report on its implementation;
7. adopts other decisions envisaged in the articles of association.

(2) The general assembly shall comprise all members of the organisation. The rules and procedure for designation of representatives shall be stipulated in the articles of association.

(3) Each member shall have one vote in the general assembly.

**Article 35** (1) General assemblies shall be regular and extraordinary. A regular meeting of the general assembly shall be held annually at the head office of the OUTR.

(2) Regular meetings of the general assembly shall be convened by the managing board.

(3) Extraordinary meetings of the generally assembly shall be convened by a decision of the managing board or at the written request of one-third of the members of the general assembly.

(4) In the cases referred to in paragraph 3, the managing board shall convene a general assembly within 14 days as from the date of receipt of the request. If the managing board fails to convene an extraordinary meeting of the general assembly within the specified time period, a meeting shall be called by the control board.

(5) The invitation to a regular or extraordinary meeting of the general assembly shall detail the agenda, date, time and place of the meeting, and the party on whose initiative the meeting has been called.

(6) The invitation shall be published on the webpage of the organisation at least one month before the scheduled date of the meeting.

**Article 36** (1) The general assembly shall be lawfully convened, if attended by more than half of all members. If it is established that there is no quorum, the meeting shall be postponed by an hour and shall proceed at the same venue and with the same agenda, regardless of the number of members in attendance.

(2) The general assembly shall adopt decisions with an ordinary majority of the votes of members in attendance, unless otherwise provided for in the articles of association.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) The decisions referred to in Article 34(1) shall be adopted with a qualified majority of two-thirds of all members of the general assembly.

**Article 37** (1) (amended in SG No 37/2018, in force as from 4 May 2018) The managing board shall consist of at least five members, including the chair, and shall be elected for a period of three years.

(2) The term of a member of the managing board shall be terminated early in the following cases:

1. death;
2. resignation filed by a member;
3. a situation in which a member is unable to perform their duties for a period of more than 6 months;
4. absence of a member to attend more than two consecutive meetings of the managing board without a justifiable reason;
5. deletion of the organisation, which the member represents, from the National Tourism Register.

(3) Where the term of a member of the managing board is terminated early, the general assembly shall appoint another member from the same quota who shall sit on the board until the expiry of the term of the previous board member.

(4) (New in SG No 37/2018, in force as from 4 May 2018) A member of the managing board may be represented on the managing board by a deputy authorised by a dedicated power of attorney.

**Article 38** (1) The Managing Board shall:

1. convene the General Assembly;
2. propose changes to the Statute of the organisation to the General Assembly;
3. admit and expel members of the organisation;
4. approve the logo and the slogan of the tourist area;
5. elect and discharge the Executive Director and determine his/her remuneration;
6. organise the work and approve the structure of the organisation;

7. propose strategic documents of the tourist area for adoption by the general assembly;
8. propose the annual work plan of the organisation and the report on its implementation for adoption by the general assembly;
9. propose that the general assembly adopts the draft budget and the report on its implementation;
10. adopt decisions on disposition of the property of the organisation in accordance with the articles of association;
11. adopt other decisions on membership and termination of the membership of other organisations;
12. elect the representative of the organisation on the National Tourism Board;
13. perform other functions envisaged in the Statute or approved by a decision of the General Assembly.

(2) The rules for convening meetings and the rules of procedure and decision-making rules of the Managing Board shall be governed by the Statute.

**Article 39** The chairperson of the Managing Board shall:

1. represent the OUTR;
2. make arrangements for the implementation of the decisions adopted by the General Assembly and the Managing Board;
3. convene and chair the meetings of the Managing Board and propose the agenda for each meeting;
4. conclude a management agreement with the Executive Director;
5. designate a member of the Managing Board who chairs the board meetings in the absence of the Chair;
6. adopt decisions on other matters envisaged in the Statute.

**Article 40** The Executive Director shall:

1. organise, manage and guide the daily business of the organisation in accordance with the articles of association and the decisions adopted by the general assembly and the managing board.
2. (amended in SG No 9/2015, in force as from 3 February 2015) make arrangements for cooperates with the Ministry of Tourism and other bodies and organisations;

3. draw up monthly and annual reference documents and reports on matters within the remit of competence of the organisation;

4. dispose of the property of the organisation;

5. conclude and terminate employment contracts with staff;

6. draw up and submit to the managing board the documents referred to in Article 38(1)(5) and (9);

7. submit to the managing board reports on budget execution, following their approval by the control board;

8. adopt decisions on other matters envisaged in the articles of association.

**Article 41** (1) The control board shall be tasked with the supervision of the financial affairs of the OUTR.

(2) The control board shall have three members. The members of the control board may not concurrently sit on the managing board or be employed by the organisation.

(3) The members of the control board shall be as follows:

1. two representatives elected by the general assembly;

2. (amended in SG No 9/2015, in force as from 3 February 2015) a representative of the Ministry of Tourism designated by the Minister for Tourism.

**Article 42** (1) The control board shall:

1. supervise the implementation of the budget;

2. (amended in SG No 9/2015, in force as from 3 February 2015) monitor the legality of incurred expenditure and, where infringements are found, notify them to the managing board and the Minister for Tourism;

3. conducts checks on the work of the managing board and reports on the results to the general assembly;

4. give opinions on the budget and the report on its execution;

5. convene the general assembly in the cases envisaged in Article 35(4), second sentence;

6. adopt decisions on other matters envisaged in the Statute.

(2) The rules for convening meetings, the requisite quorum and for the adoption of decisions by the control board shall be articles of association.

## **Section III Budget**

**Article 43** (1) The revenue of the OUTR shall originate from:

1. membership fees;
2. income from business activities and the provision of paid services;
3. funds from EU, international and donor programmes;
4. donations from natural and legal persons;
5. other sources.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Tourist area management organisations may receive subsidies from the budget of the Ministry of Tourism on such terms and conditions as the Minister for Tourism may decide.

## **Section IV Dissolution and winding up of tourist area management organisations**

**Article 44** (1) The tourist management organisation may discontinue its operations pursuant to a decision adopted by two-thirds of the votes of all members of the general assembly.

(2) The general assembly shall be convened at the request of at least two-fifths of its members within a period of one month from the date of receipt of the request. Where the managing board fails to act the request may be referred to the supervisory body responsible for convening meetings of the general assembly or delegates powers to the members to convene a meeting.

(3) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) The tourist area management organisation shall be discontinued by an order issued by the Minister for Tourism in the following cases:

1. a decision adopted by the general assembly has been submitted;
2. the organisation performs an activity that contravenes the law.

(4) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) The order referred to in paragraph 3 shall be issued at the request of any interested party in the cases referred to in paragraph 3(1) or by the Minister for Tourism, on an ex officio basis, in the cases referred to in paragraph 3(2), when violations have been found on the basis of the controls carried out in accordance with Article 46.

**Article 45** (1) (amended in SG No 9/2015, in force as from 3 February 2015) At the time of adoption of the decision on dissolution of the OUTR the general assembly shall adopt one or several liquidators. Where the general assembly does not appoint a liquidator, one shall be appointed by the Minister for Tourism.

(2) The liquidators must be approved by the supervisory body and entered into the National Tourism Register on the date of adoption of the decision on dissolution of the OUTR.

(3) The property of the OUTR that remains after all creditors' claims have been satisfied shall be distributed pursuant to a decision adopted by an ordinary majority of the votes of all members of the OUTR, unless otherwise provided herein. If a decision has not been made prior to the dissolution, it shall be made by the liquidator.

(4) The liquidators shall wind up the current transactions of the OUTR and take the necessary factual and legal actions to wind up the organisation and ensure that it has been struck off from the National Tourism Register.

(5) Any matter not expressly envisaged herein shall be governed by the applicable provisions of the Not-for-Profit Legal Persons Act.

## **Section V**

### **Control**

**Article 46** (amended in SG No 9/2015, in force as from 3 February 2015) The Minister of Tourism shall monitor the activities of OUTRs by:

1. providing the assistance envisaged by law for the establishment of the OUTR;
2. approving the articles of association of the OUTR, respectively subsequent amendments thereto;
3. requiring verbal or written reports, correspondence and other documents relating to the work of the OUTR;
4. delegating authority for the performance of on-the-spot controls;
5. appointing, where necessary, auditors for the purpose of conducting an annual review of the financial records of the OUTR;
6. instructing the managing board to convene a general assembly, where the activity of the OUTR is found to contravene the law;
7. convening a general assembly, where the managing board refuses to comply with the instructions referred to in paragraph 6;
8. informing the general assembly of the results of conducted checks and financial audits;

9. removing members of the managing board from office on evidence of breach of duty and convening a general assembly for the purpose of election of a new managing board;

10. performing other activities envisaged herein.

## **Chapter Four**

### **TOURISM ASSOCIATIONS**

**Article 47** (1) Tourism associations within the meaning of this Act shall be established, registered, managed, restructured and dissolved in accordance with the procedure laid down in the Not-for-Profit Legal Persons Act.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Tourism associations shall be entered into a dedicated register kept by the Ministry of Tourism. The register shall be public and shall be part of the National Tourism Register.

(3) The objects of tourism associations shall include coordination activities relating to the creation and marking of tourist products and the information services provided to tourists, the development and implementation of initiatives and projects in the area of tourism, activities designed to protect the interests and representation of members in the cases envisaged in this Act, and other activities promoting the development of tourism.

**Article 48** Tourism associations may be:

1. provincial or local;
2. sectoral;
3. product;
4. professional.

**Article 49** Tourism associations may be members of the OTR in the area where the association has its head office.

**Article 50** Tourism associations, in line with their respective articles of association, shall:

1. represent and protect the interests of their members before the competent bodies of the central government and relevant OTR;

2. (amended in SG No 9/2015, in force as from 3 February 2015) participate in the working groups of the Ministry of Tourism in the development of draft legislation on tourism;

3. draft analyses, expert opinions and other documents, participate in the development of national, local or municipal strategies for the development of tourism and support their implementation;

4. maintain databases of the members of the association;
5. assist their members in the development of their activity through service delivery, business introductions, and promotion of the opportunities, products, services, etc. available from them;
6. support the activity of their members by gathering and making relevant information available to them;
7. assist in the organisation of professional training events and events designed to improve the skills and enable the staff of their members to acquire new skills relevant to tourism.
8. mediate the voluntary settlement of disputes between their members;
9. facilitate the marketing and advertising of the tourist product of the relevant area;
10. assist the establishment and functioning of tourist information centres or establish such centres;
11. participate, if they wish to do so, in OEKKTO, NST and the consultative councils on the development of tourism under the jurisdiction of the mayors of municipalities;
12. develop codes of ethics governing rules for professional conduct in the industry and preventing unlawful competition between and targeting their members;
13. notify the competent bodies of violations of applicable legislation and codes of ethics;
14. cooperate with similar organisations in Bulgaria and other countries and participate in the activities of European Union and other international bodies and organisations;
15. participate in local, national and international projects and programmes;
16. perform other activities envisaged in the articles of association that do not contravene applicable law.

**Article 51** (1) The bodies of the central government, including their local departments, shall assist tourism associations in the achievement of their goals.

(2) Municipalities may become members of tourist associations pursuant to a decision adopted by the municipal council.

**Article 52** (amended in SG Nos 9/2015; in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) (1) Entry in the National Tourism Register shall be effected pursuant to an order issued by the Minister for Tourism on the basis of a submitted model application/declaration. The application/declaration shall be submitted by a party authorised to represent the association or by its authorised representative.

(2) The application/declaration shall contain at least the following particulars:

1. the name of the organisation (in Bulgarian and Roman characters) and an address and telephone/fax and email, if available. Where these particulars are not available, the names of the authorised representative and his/her telephone, fax and e-mail must be provided;

2. the type of the association pursuant to the Non- Profit Legal Persons Act;

3. circumstances relating to the objects and goals of the organisation referred to in Article 47(3) and the requirements laid down in Article 50;

4. the type of association pursuant to Article 48.

(3) The following shall be annexed to the application/declaration:

1. a list of all members of the association — collective and/or individual, along with information about the membership fees paid for the previous year, if applicable, signed by the representative of the association;

2. an express power of attorney in the original, when the application/declaration is filed by an attorney.

(4) Copies of the court ruling on registration, information about the good standing of the applicant and the articles of association of the organisation shall be obtained through official channels.

(5) The Minister for Tourism or a duly authorised representative thereof shall issue an order on the entry of the association, cause an entry to be made in the National Tourism Register and issue a certificate detailing the circumstances entered within 14 days as from the date of submission of the application/declaration and the documents referred to in paragraph 3.

(6) Where deficiencies are found in the documents submitted and/or at the request of the Minister for Tourism for additional information and documents relating to the circumstances referred to in paragraphs 2 and 3, the applicant shall be notified in writing and a 14-day period shall commence in which the deficiencies found are to be rectified and additional information and documents submitted.

(7) In the cases referred to in paragraph 6 the time period for adopting the decision under paragraph 5 shall commence from the day on which the deficiencies are rectified and/or the additional information and documents requested are submitted.

(8) Where the applicant fails to rectify the deficiencies found and/or submit the additional information and documents requested within the time period under paragraph 6, the Minister for Tourism or an authorised representative thereof shall issue an order refusing to enter the association in the National Tourism Register. The refusal shall be notified to the interested party within a period of three days.

(9) Not later than 31 May each year the representative of the association or a duly authorised representative thereof shall file with the Ministry of Tourism a declaration based on a model approved by the Minister for Tourism, which contains a list of the actual number of members, the membership fees paid by those members for the previous year and evidence of the affairs conducted in the ordinary course of business of the association in accordance with its articles of association.

**Article 53** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or an authorised representative thereof shall cause the tourist association to be deleted from the National Tourism Register and invalidate the certificate issued by a dedicated order in the following cases:

1. (amended in SG No 37/2018, in force as from 4 May 2018) the declaration referred to in Article 52(9) and/or evidence of the affairs of the association being conducted in the ordinary course of its business failing to be submitted within the time period specified;

2. a change in the objects of the association to activities that are beyond the scope of those covered by Article 47(3);

3. discontinuation of the activity of the association;

4. (amended in SG No 37/2018, in force as from 4 May 2018) upon the submission of a written application/declaration by the representative of the tourist association.

(2) The order referred to in paragraph (1)(1) and (2) shall be subject to appeal under the Administrative Procedure Code.

(3) A new entry of an association deleted from the National Tourism Register shall be permissible after a period of one year from the effective date of the order on its deletion has elapsed.

**Article 54** (1) Sectoral tourism associations may be created in the following sectors:

1. accommodation and food service activities;

2. tour operator and travel agency activities;

(2) The name of the sectoral tourism association must clearly indicate its purpose as an association of parties operating on a sectoral basis and must not be misleading and contrary to accepted principles of morality.

**Article 55** (1) A sectoral tourism association in the accommodation and food services industry may be established by persons engaged in the operation of the tourist establishments referred to in Article 3(2)(1) to (3) to which a category has been assigned.

(2) A sectoral tourism association in the tour operator and travel agency industry may be established by persons registered in accordance with this Act for the purpose of providing tour operator and/or travel agency services.

**Article 56** During the course of development of statutory acts laying down rules on the administrative regulation and control of the activities performed in the tourist industry, the competent government bodies shall require opinions from the relevant sectoral tourism associations. A sectoral tourism association that does not respond to a request for an opinion within a period of 14 days shall be considered to be in agreement with the draft without reservation.

## **Chapter Five**

### **TOURIST INFORMATION CENTRES. NATIONAL NETWORK OF TOURIST INFORMATION CENTRES**

**Article 57** (1) A tourist information centre is the place where the activity referred to in paragraph 2 is performed.

(2) Tourist information centres shall be established for the purpose of providing information services to tourists and advertising and promoting tourism within the respective area.

**Article 58** (1) Tourist information centres shall be integrated into a national network functioning on the basis of uniform standards.

(2) The inclusion of tourist information centres in the national network referred to in paragraph 1 shall be voluntary and shall be governed by the procedure laid down in the Regulation referred to in paragraph 4, regardless of the legal form and structure of the persons performing the activity referred to in Article 57(2) at tourist information centres.

(3) Only centres that are part of the national network referred to in paragraph 1 may bear the designation ‘tourist information centre’.

(4) (amended in SG No 9/2015, in force as from 3 February 2015) The single standards referred to in paragraph 1 and the organisation of the work of the national network shall be governed by a Regulation issued by the Minister of Tourism.

(5) (amended in SG No 9/2015, in force as from 3 February 2015) Information about the tourist information centres included in the national network shall be published in a dedicated register kept by the Ministry of Tourism. The register shall be public and shall be part of the National Tourism Register.

## **Chapter Six**

# **FINANCIAL SUPPORT FOR THE DEVELOPMENT OF TOURISM**

**Article 59** (1) The government shall support the sustainable development of tourism by funding:

1. the marketing and advertising of national tourism;
2. the maintenance of the single tourist information system;
3. the activities of OUTRs;
4. studies and analyses of the development of tourism;
5. the strategic and product positioning of tourism at national level;
6. the controls performed to ensure the quality of the activities and services provided in the tourist industry;
7. participation in projects implemented under international programmes;
8. the construction and maintenance of government-owned infrastructure enabling the provision of tourist services;
9. improving energy efficiency and introducing environmentally-friendly technologies in tourism;
10. the construction and maintenance of tourist attractions based on cultural property pursuant to the Cultural Heritage Act, the cultural institutions under the Protection and Development of Culture Act, and protected area under the Protected Areas Act.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The following revenue shall be administered as part of the budget of the Ministry of Tourism:

1. (amended in SG No 43/2016) a subsidy from the central government in an amount determined in the State Budget Act for the respective year;
2. fees for the registration of tourist activities and the categorisation and certification of tourist establishments;
3. income from fines and property sanctions imposed under this Act, except for the income from fines and property sanctions imposed by the mayors of municipalities;
4. interest;

5. funds under international programmes and agreements;

6. donations and other assistance;

7. other sources as determined by law.

(3) The funds under paragraph 1(10) shall be provided annually from the budget of the Ministry of Culture and municipal budgets for of the cultural properties and cultural institutions under their management.

**Article 60** (1) The funds for tourism development in municipalities shall be raised from the following sources:

1. funds made available for the implementation of target programmes and projects;

2. collected tourist fees;

3. donations and assistance received under international programmes and agreements not intended to be paid into and disbursed from the central government budget.

(2) The funds referred to in paragraph 1(2) shall solely be disbursed on the activities referred to in Article 11(2).

## **Chapter Seven**

### **TOUR OPERATOR AND TRAVEL AGENCY ACTIVITIES**

#### **Section I**

#### **Requirements and procedure for tour operator and travel agency activities**

**Article 61** (1) Tour operator and travel agency activities shall be subject to government control with a view to ensuring the protection, safety and rights of the consumers of travel services and prevent the possibility of State and public interests in tourism being harmed.

(2) Tour operator and/or travel agency activities carried out in Bulgaria shall be performed by persons registered pursuant to this Act, except in the cases referred to in Article 62 concerning the following categories of persons:

1. (amended in SG No 37/2018, in force as from 4 May 2018) traders within the meaning of the Commercial Act or legal persons entitled to carry out economic activities pursuant to another Act, including the legislation of another Member State of the European Union or that of a Member State of the European Economic Area or the Confederation of Switzerland, or

2. (amended in SG No 37/2018, in force as from 4 May 2018) persons entitled to carry out such activities pursuant to the legislation of another Member State of the European Union or that of a Member State of the European Economic Area or the Confederation of Switzerland, and

3. (amended in SG No 37/2018, in force as from 4 May 2018) persons operating from premises and/or using an online platform to perform the activity, provided that they employ staff that satisfies the relevant education, qualification and language proficiency requirements and managerial staff that satisfies applicable length of service requirements;

4. persons having valid insurance that covers of the liability for damages sustained as a result of non-payment of contractors, including insolvency and bankruptcy;

5. (amended in SG No 37/2018, in force as from 4 May 2018) persons not declared insolvent or subject to insolvency or liquidation proceedings.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) The natural persons, in the capacity as owners, respectively the members of the managing and control bodies of tour operator and/or travel agents, and the persons performing functions relating to the management of tour operator and/or travel agency activities must satisfy the following requirements:

1. not have prior convictions for premeditated actionable offences, unless fully rehabilitated;

2. not have been deprived of the right to hold a fiduciary office;

3. in the three-year period preceding the insolvency date determined by the court, not to have been members of the managing or control body or to have been unlimited liability partners in an undertaking against which insolvency proceedings have been instituted or an undertaking dissolved due to insolvency, if unsatisfied creditors remain.

(4) (amended in SG No 9/2015, in force as from 3 February 2015; ex paragraph 3 in SG No 37/2018, in force as from 4 May 2018) The registration of the persons referred to in paragraph 2 shall be effected by the Minister for Tourism or an official duly authorised by the Minister for Tourism through an entry into the Register of tour operator and travel agents — an element of the National Tourism Register. The register shall be open to the public for inspection.

(5) (amended in SG No 9/2015, in force as from 3 February 2015; ex paragraph 4 in SG No 37/2018, in force as from 4 May 2018) A certificate of registration shall be issued to the persons entered into the register referred to in paragraph 4 by the Minister for Tourism or an official duly authorised by the Minister for Tourism.

(6) (ex paragraph 5, amended in SG No 37/2018 , in force as from 4 May 2018) The registration certificate referred to in paragraph 5 shall be issued in respect of the following activities:

1. tour operator activities;

2. travel agency activities;

3. tour operator and travel agency activities.

**Article 62** (1) (amended in SG No 9/2015, in force as from 3 February 2015) Tour operators or travel agents engaged in the free provision of services in Bulgaria shall be subject to a requirement for notifying the Minister for Tourism in advance in accordance with the procedure stipulated in this Section.

(2) When the services referred to in paragraph 1 are freely provided in Bulgaria, the notification shall be made within three months prior to the commencement of service delivery.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) The information about the persons referred to in paragraph 1 and the time period of service delivery shall be entered into the Register of tour operators and travel agents.

**Article 63** (1) (amended in SG Nos 9/2015; in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) In order to be entered into the Register of tour operators and travel agents, the persons referred to in Article 61(2)(1) shall file an application/declaration with the Minister for Tourism in respect of the tour operator activity to be performed, including when services are to be provided solely by electronic means. The application/declaration must satisfy the following criteria:

1. The application/declaration shall contain at least the following particulars:

a) the name of the organisation (written in Bulgarian, using Cyrillic characters, and in Roman characters) and an address and telephone/fax and email, if available. Where these particulars are not available, the names of the authorised representative and his/her telephone, fax and e-mail must be provided;

b) the company (EIK) number of the applicant or the grounds on the basis of which the applicant is entitled to pursue economic activity in accordance with a special law, including the legislation of another Member State of the European Union, the European Economic Area or the Swiss Confederation;

c) the number and location of the offices, their suitability and type equipment available to carry out the activity, except where the person wishes to provide services solely by electronic means;

d) the education, language proficiency and professional experience of the staff engaged in the activity to be performed;

e) a statement attesting to the absence of any affiliation to a trader that has been struck off the Register of tour operators and/or travel agents, except when the deletion was effected upon the request of the registered trader;

f) a statement attesting to the trader not being subject to ongoing insolvency or liquidation proceedings;

g) absence of the circumstances referred to in Article 61(3) to be ascertained, in the case of Bulgarian nationals, by a check conducted on an ex officio basis;

h) the circumstances relevant to the ownership of the premises on which the activity is to be performed or details set out in the rental agreement or another document on the basis of which the applicant is entitled to use the premises in order to pursue the activity and/or a document ascertaining ownership of the respective domain name;

2. the following shall be annexed to the application/declaration:

a) a document ascertaining the absence of the circumstances referred to in Article 61(3) for the nationals of countries other than Bulgaria;

b) copies of the documents ascertaining completed education, the length of service and language skills of the person performing managerial functions;

c) a copy of a preliminary contract concluded in respect of the insurance referred to in Article 97(1);

d) an express power of attorney in the original, when the application/declaration is filed by an attorney.

e) a copy of a document ascertaining that the applicant is entitled to perform the respective tourist activity pursuant to the legislation of a Member State of the European Union, the European Economic Area or the Swiss Confederation.

(2) In order to be entered into the Register of tour operators and travel agents, the persons referred to in Article 61(2)(1) shall file an application/declaration with the Minister for Tourism in respect of the travel agency activity to be performed, including when services are to be provided solely by electronic means. The application/declaration must contain at least the particulars referred to in paragraph 1(1) and the documents listed in paragraph 1(2) shall be annexed thereto, except those set out in sub-paragraph 'c' thereof.

(3) In order to be entered into the Register of tour operators and travel agents, the persons referred to in Article 61(2)(1) shall file an application/declaration with the Minister for Tourism in respect of the tour operator and travel agency activity to be performed, including when services are to be provided solely by electronic means. The application/declaration must contain at least the particulars referred to in paragraph 1(1) and the documents listed in paragraph 1(2) shall be annexed thereto.

(4) In order to be entered into the Register of tour operators and travel agents, the persons referred to in Article 61(2)(2) shall file an application/declaration with the Minister for Tourism in respect of the tour operator and/or travel agency activity to be performed, including when services are to be provided solely by electronic means. The application/declaration must satisfy the following criteria:

1. the application/declaration shall contain at least the circumstances referred to in paragraph 1(1)(c), (d) and (g);

2. the document referred to in paragraph 1(2)(d) shall be annexed to the application/declaration, along with:

a) a copy of the document ascertaining that the applicant has the right to carry out the respective tourism activity in accordance with the applicable legislation of the country in which it is established or containing a reference to the statutory act and legal ground pursuant to which it is entitled to pursue the activity;

b) a copy of a document attesting to insurance coverage against insolvency in connection with Article 102.

(5) Where the tour operator and/or travel agency activity is performed solely by electronic means, paragraphs 1 to 4 shall also apply to the operators of group buying websites.

(6) The application/declaration referred to in paragraphs 1 to 3 and the annexes thereto shall be submitted in Bulgarian.

(7) The documents referred to in paragraph 6 may be submitted in any of the official languages of the European Union, accompanied by a certified translation into Bulgarian. In case of discrepancies between the original and the language versions in Bulgarian, the Bulgarian language version shall prevail.

**Article 64 (amended in SG No 9/2015, in force as from 3 February 2015)** The requirements for the location, suitability and equipment of the premises used in order to provide tour operator and/or travel agency services and for the education, language proficiency and length of service of the staff to be engaged in the provision of tourist services shall be determined in a regulation adopted by the Minister for Tourism.

**Article 65 (1)** (amended in SG No 9/2015, in force as from 3 February 2015) The persons referred to in Article 62(1) shall notify the Minister for Tourism of the type of tourism activity and the length of the period during which it is to be performed in advance by filing a dedicated declaration.

(2) The declaration referred to in paragraph 1 shall be valid for the entire length of the period during which the freedom to provide services is exercised.

(3) In the declaration referred to in paragraph 1 the persons referred to in Article 62(1) shall indicate the following:

1. name and contact details (address, telephone, e-mail);

2. the tourist services that they wish to provide in Bulgaria;

3. information about the insurance company or guarantee fund covering the liability of the tour operator for damage sustained as a result of business-to business non-payment, including insolvency and bankruptcy.

(4) A copy of the document ascertaining that the applicant has the right to carry out the respective tourism activity in accordance with the applicable legislation of the country in which it is established or containing a reference to the statutory act and legal ground pursuant to which it is entitled to pursue the activity shall be annexed to the declaration referred to in paragraph 1.

(5) Where the information referred to in paragraph 3 or the document referred to in paragraph 4 is not provided, the person shall be advised in writing to rectify the omission within one month from the date of the notice referred to in paragraph 1. Until the omission has been rectified and notified to the body referred to in paragraph 1 the person may not exercise its freedom to provide services in Bulgaria.

**Article 66** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) The expert committee on registration of tour operators and travel agents shall review the application/declaration referred to in Article 63 and the annexes thereto within a period of two months as from the date of their receipt and shall adopt a reasoned opinion thereon, setting out a proposal to the Minister for Tourism or an official duly authorised by the Minister for Tourism to register or refuse to register the respective applicant.

(2) Where the documents referred to in paragraph 1 are incomplete and/or otherwise deficient, the EKRTTA, within a period of 10 working days as from the date of its meeting, shall notify the applicant in writing of the omissions found and advise it to rectify them within a period of 14 days. The time period referred to in paragraph 1 shall be suspended until the omission and/or deficiency has been rectified.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or an official duly authorised by them, acting on the proposal received from the EKRTTA, shall register the applicant and issue a registration certificate.

(4) (amended in SG Nos 9/2015, in force as from 3 February 2015) The Minister for Tourism or an official duly authorised by them shall issue an order refusing to register the applicant in the following cases:

1. (amended in SG No 37/2018, in force as from 4 May 2018) the application/declaration for the issuance of a registration certificate is submitted before one year from the date of the order refusing the issuance of a registration certificate for the purpose of performing tour operator and/or travel agency activity has elapsed, unless the refusal has been revoked by a court of law by reason of being unlawful;

2. (amended in SG No 37/2018, in force as from 4 May 2018) The application/declaration for the issuance of a registration certificate is submitted before two years from the date of the order on the erasure of the registration certificate in accordance with the procedure stipulated in Article 70(2) and (3) have elapsed, unless the order has been revoked by a court of law by reason of being unlawful;

3. (amended in SG No 37/2018, in force as from 4 May 2018) the application/declaration for the issuance of a registration certificate is filed by a party affiliated with the applicants referred to in paragraphs 1 and 2;

4. failure to rectify the omissions and/or deficiencies within the time period specified in the notification referred to in paragraph 2.

(5) The order setting out a refusal to register the applicant shall be subject to appeal in accordance with the procedure stipulated in the Administrative Procedure Code.

(6) (amended in SG No 9/2015, in force as from 3 February 2015) In the absence of a justified refusal to register an applicant, after the expiry of the time period specified in paragraph 1 the Minister for Tourism or an official duly authorised to act on their behalf shall register the applicant and issue a corresponding registration certificate.

**Article 67** (amended in SG No 37/2018, in force as from 4 May 2018) The registration certificate issued to the tour operator and/or travel agent shall be handed over to the applicant or to an authorised representative thereof upon presentation of:

1. a copy of the insurance taken out in accordance with Article 97(1) for the purpose of pursuing tour operator activity;
2. an express power of attorney in the origin, if necessary.

**Article 68** (1) Registration shall be effected for perpetuity.

(2) The rights arising from the registration may not be transferred or ceded, except in the cases referred to in paragraph 3.

(3) The rights arising from registration may be transferred or ceded, when the registered entity undergone restructuring by way reason of merger, take-off, break-up, split-off, change in the legal form or in the event of transfer or inheritance of the commercial undertaking, provided that the transferee or the party in whose favour the rights are ceded satisfies the requirements for entry into the register.

(4) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) The procedure for the entry of changes in the circumstances relevant to the tour operator and/or travel agency activity performed in the cases referred to in paragraph 3 shall be opened on the basis of an application/declaration submitted within 14 days as from the date of the change to the Minister for Tourism or an official duly authorised to act on their behalf. The application/declaration must satisfy the following criteria:

1. The application/declaration shall contain at least the following particulars:
  - a) the location, suitability and equipment of the premises use to provide tour operator or travel agency services, except where the services are provided solely by electronic means;

b) the education, language proficiency and professional experience of the staff engaged in the activity to be performed;

c) a statement that the applicant is not affiliated with a trader whose registration for the purpose of providing tour operator and/or travel agency services has been erased or refused within the time periods set out in Article 66(4)(1) and (2);

(d) the general terms and conditions for service delivery in accordance with the law;

2. the following shall be annexed to the application/declaration:

a) a restructuring agreement or plan, respectively an agreement in respect of the transfer of the undertaking or an heir certificate attesting to the consent for transfer or assignment of the rights arising from registration or the assumption of those rights;

b) copies of the documents ascertaining completed education, the length of service and language skills of the person performing managerial functions relating to the tour operator or travel agency activity;

c) for tour operators — a copy of the insurance contract concluded pursuant to Article 97(1) in the name of the applicant.

(5) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) Where a change occurs in the circumstances referred to in Article 63, the person must notify the changes within a time period of 14 days for the purpose of their entry into the register referred to in Article 61(3) and, if necessary, in the registration certificate issued. Issued certificates shall be amended and/or supplemented and the changes shall be entered to the register on the basis of an application/declaration submitted to the Minister for Tourism.

(6) (amended in SG No 9/2015; in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) Where deficiencies are found in the documents referred to in paragraph 5, the Minister for Tourism or an official duly authorised to act on their behalf shall notify the party within a period of 14 days, instructing them to rectify the deficiencies within 7 days.

(7) (amended in SG No 9/2015; in force as from 3 May 2015; and 37/2018, in force as from 4 May 2018) Having determined that the application/declaration referred to in paragraph 4 conforms to requirements, the Minister for Tourism or an official duly authorised to act on their behalf shall enter the person in the register referred to in Article 61(4) and, where necessary, issue a new registration certificate.

(8) (amended in SG No 9/2015; in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) Where the deficiencies fail to be rectified within the time period specified in paragraph 6, the Minister for Tourism or an official duly authorised to act on their behalf shall refuse to enter the change. The refusal shall be subject to appeal under the Code of Administrative Procedure.

**Article 69** (1) The registration certificate shall be displayed prominently on the premises of the tourist establishment, respectively in a suitable manner on the webpage of the person referred to in Article 63(3) and (4).

(2) (amended in SG No 9/2015, in force as from 3 February 2015) When the registered person uses several offices to provide tour operator and/or travel agency services, a certified copy of the registration certificate signed by the Minister for Tourism or an official duly authorised to act on their behalf shall be displayed prominently in each office used.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) Fees based on a tariff approved by the Council of Ministers on a proposal from the Minister for Tourism shall be collected for document review and the entry of tour operators and travel agents into the register and/or amendments to their registration.

**Article 70** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) The Minister for Tourism or an duly authorised official acting on their behalf shall terminate the registration of the persons referred to in Article 61 (2)(1) and (2) by issuing a dedicated order:

1. at the written request of the registered person;
2. upon the death of a natural person (sole trader) — on an application from his/her heirs;
3. upon the dissolution of a legal person;
4. upon the dissolution of a sole trader or legal person — on an application received;
5. (repealed in SG No 37/2018, in force as from 4 May 2018).

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Acting on a reasoned proposal received from the EKRTTA, the Minister for Tourism or an official duly authorised to act on their behalf shall erase the registration, if the registered person:

1. has provided incorrect information or documents on the basis of which the initial registration or subsequent amendments to it are made;
2. fails to submit the application within the time period referred to in Article 68(4);
3. is subject to insolvency or liquidation proceedings;
4. has failed to receive the registration certificate within two months from the date of receipt of a dedicated notification;

5. has issued a falsified document during the course of business, which has been ascertained during the course of court proceedings;

6. pursues business without having taken out the insurance referred to in Article 97(1);

7. (amended in SG No 37/2018, in force as from 4 May 2018) has conducted a repeated violation of the requirements laid down in this Act or in the Regulation referred to in Article 79(5);

8. fails to temporarily close the tourist establishment in compliance with the coercive administrative measure imposed;

9. has conducted a repeated violation of the provisions laid down in Article 4 of the Electronic Commerce Act, where applicable;

10. has performed systemic infringements of the code of ethics and a reasoned proposal from a sectoral tourist association has been received;

11. (new in SG No 37/2018, in force as from 4 May 2018) has failed to comply with the obligation stipulated in Article 98(2) — within 14 days as from the date of expiry of the last insurance contract;

12. (new in SG No 37/2018, in force as from 4 May 2018) no longer satisfies the following requirements:

a) for the persons referred to in Article 61(2)(1) — the requirements laid down in Article 61(2)(3) and (5) and paragraph 3;

b) for the persons referred to in Article 61(2)(2) — the requirements laid down in Article 61(2)(3) and (5);

(3) In the order referred to in paragraph 2 a time period of up to two years shall be specified during which the person may not reapply for registration to perform the same activity.

(4) The order referred to in paragraph 2 shall be subject to appeal under the Administrative Procedure Code. The orders referred to in paragraph 2 shall be subject to immediate enforcement. The appeal against an order shall not suspend its enforcement unless otherwise determined by the court.

(5) (amended in SG No 9/2015, in force as from 3 February 2015) Upon the termination or erasure of the registration, the Minister for Tourism or an official duly authorised to act on their behalf shall make arrangements for a public notice in respect of the termination or erasure to be published.

(6) (amended in SG No 9/2015, in force as from 3 February 2015) Not later than 7 days as from the date of receipt of the order referred to in paragraph 1 or 2 the respective person shall hand over to the Ministry of Tourism the original of the registration certificate and certified copies, if any.

**Article 71** When conducting tour operator and/or travel agency activities, the tour operator and/or travel agent shall conclude contracts with:

1. persons who have furnished proof of their right to perform tour operator and/or travel agency activity under the respective national legislation;
2. persons engaged in hotel and restaurant management in categorised tourist establishments that satisfy the requirements laid down in the respective national legislation;
3. persons providing tourist services in tourist establishments categorised under this Act;
4. licensed insurance companies;
5. licensed carriers under the respective national legislation;
6. tour guides, mountain guides, ski instructors and other persons offering ancillary tourist services who have furnished proof of their right to carry out the respective type of activity.

**Article 72** (1) (Amended in SG No 37/2018, in force as from 1 July 2018) The tour operator shall offer the traveller the possibility to take out an optional or mandatory insurance when travelling abroad to cover the cost of assistance in case of a medical emergency and accident for and on behalf of the traveller with a licensed insurance company.

(2) (Amended in SG No 37/2018, in force as from 1 July 2018) The insurance referred to in paragraph 1 may not be concluded when the traveller presents to the tour operator a valid insurance to cover the cost of assistance in case of a medical emergency and accident for a period that includes that of the intended travel.

(3) (Amended in SG No 37/2018, in force as from 1 July 2018) In the cases referred to paragraph 2 the tour operator shall annex a copy of the insurance policy to the contract referred to in Article 84(1).

**Article 73** (1) Travel vouchers for internal, inbound and outbound travel shall be issued solely by registered tour operators.

(2) (Amended in SG No 37/2018, in force as from 1 July 2018) Travel vouchers shall be issued to travellers when principal and/or ancillary travel services are provided or after the contract for a package is concluded.

(3) Travel vouchers shall be issued in triplicate, except where the voucher is issued in electronic form.

(4) For third-country nationals subject to Bulgaria's visa regime, travel vouchers shall be issued in paper form and bear the signature and stamp of the issuer.

(5) Travel vouchers shall contain the following mandatory information:

1. number and date of issue of the voucher;
2. company name of the tour operator that has issued the voucher;
3. number of the registration certificate of the tour operator;

4. number of the registration certificate of the person representing the tour operator that entitles it to provide travel agency services, except where the voucher is issued directly by the tour operator;

5. the names of the travellers;

6. (amended in SG No 37/2018, in force as from 1 July 2018) the prepaid basic and/or ancillary service or list of the prepaid services included in the travel package;

7. (amended in SG No 37/2018, in force as from 1 July 2018) the date for service performance or the dates for performance of the first and the last service included in the travel package;

8. the contractual partners for the purpose of service performance;

9. the time-limit and method of payment;

10. the names and signature of the employee and the issuer's stamp; in the case electronic vouchers, only the names of the employee must be written.

**Article 74** (1) Vouchers may also be handed over to travellers by the travel agent solely on behalf and for the account of a registered tour operator.

(2) Travel agents may not issue their own travel vouchers.

**Article 75** (1) (amended in SG No 85/2017) The travel voucher may be issued as an electronic document within the meaning of the Electronic Document and Electronic Certification Services Act.

(2) Electronic travel vouchers shall contain the mandatory information set out in Article 73(5).

(3) The receipt of the electronic travel voucher must be confirmed by the traveller or travel agent by a reply e-mail confirming that the electronic message and attached voucher have been received in their inbox.

(4) Where an online booking is made, the travel voucher is issued electronically by the booking system of the tour operator after the terms and conditions of the tour operator for the respective offer have been accepted and sent to the e-mail indicated by the client.

(5) In order to guarantee the authenticity of origin and content integrity of the electronic travel voucher, the issuing tour operator shall put in place appropriate system protecting files from unauthorised changes.

**Article 76** (1) (amended in SG No 37/2018, in force as from 1 July 2018) A booking form shall be issued by the travel agent for travel services not included in the travel package or services for which the respective service provider has not issued a document containing the information specified in paragraph 3(3) to (5). The form shall be issued after a contract has been concluded for the respective travel service between the travel agent and the respective travel service provider.

(2) The booking form shall be issued in triplicate, unless issued in electronic form.

(3) The booking form shall contain the following mandatory information:

1. number and date of issue;

2. company name and number of the registration certificate of the travel agent;

3. the travellers' names;

4. the type of the principal or ancillary travel service;

5. the date of service performance;

6. names and signature of the employee and stamp of the issuer — not applicable to electronic booking forms on which only the names of the employee shall be written.

(4) The requirements stipulated in Article 75 shall also apply to the issuance of electronic booking forms.

**Article 77** (1) (repealed in SG No 37/2018, in force as from 4 May 2018).

(2) On the premises of immovable cultural property tour operator and/or travel agency activity shall be performed in accordance with the requirements laid down in the Cultural Heritage Act.

**Article 78** When tour operator and/or travel agency services are performed in electronic form, the website must contain the information referred to in Article 4 of the Electronic Commerce Act.

## **Section II**

### **Travel packages and linked travel arrangements (title amended in SG No 37/2018, in force as from 1 July 2018)**

**Article 79** (1) (amended in SG Nos 68/2013, in force as from 2 August 2013; 9/2015; in force as from 3 February 2015; 79/2015; in force as from 1 August 2016; and 37/2018, in force as from 1 July 2018) The provisions laid down in this Section shall govern the performance of travel packages and linked travel arrangements.

(2) The provisions of this Section shall apply to travel packages offered for sale or sold by traders to travellers and to linked travel arrangements facilitated by traders.

(3) This Section shall also apply to:

1. travel packages and linked travel services for children and schoolchildren designed solely by tour operators and available for sale directly from tour operators and/or through travel agents;

2. travel packages and linked travel services for children and school children organised within the system of pre-school and school education organised on the basis of contracts concluded between a tour operator and the principal of the respective educational institution within the meaning of the Pre-school and School Education Act. The contracts shall be concluded following their approval by the head of the respective Local Education Authority.

(4) This Section III shall not apply to contracts concluded in respect of:

1. packages and linked travel arrangements covering a period of less than 24 hours unless overnight accommodation is included;

2. packages offered, and linked travel arrangements facilitated, occasionally and on a not-for-profit basis and only to a limited group of travellers;

3. packages and linked travel arrangements purchased on the basis of a general agreement for the arrangement of business travel between a trader and another natural or legal person who is acting for purposes relating to his trade, business, craft or profession.

(5) The transport of children and/or school children in the case of travel packages or linked travel services shall be performed in accordance with the Road Transport Act and the contracts referred to in paragraph 3(2) shall stipulate an obligation for the tour operator or travel agent to ensure that transport is performed during daytime with a rest period of at least 10 hours within any 24-hour interval at a categorised accommodation establishment. The specific requirements and procedure for the performance of travel packages and linked travel services for children and schoolchildren, initiated by the respective institution within the meaning of the Pre-school and School Education Act, shall be laid down in a regulation adopted by the Council of Ministers on a joint proposal from the Minister of Tourism and the Minister of Education and Science.

(6) Travel packages or linked travel arrangements for children and school children, initiated by persons outside the system of pre-school and school education, shall be performed on the basis of a contract concluded between a tour operator and the respective person. The specific conditions and procedure for performing travel packages or linked travel arrangements, initiated by persons outside the system of pre-school and school education, shall be stipulated in the regulation referred to in paragraph 5.

**Article 80** (repealed in SG No 37/2018, in force as from 1 July 2018).

**Article 81** (repealed in SG No 37/2018, in force as from 1 July 2018).

**Article 82** (1) (amended in SG No 37/2018, in force as from 1 July 2018) Before the traveller is bound by any package travel contract or any corresponding offer, the tour operator and, where the package is sold through a travel agent, also the travel agent shall provide the traveller with the standard information by means of the form as set out in Annex No 1, and, where the use of hyperlinks is possible or in all other cases, with the standard information by means of the form set out in Annex No 2, and, where applicable to the package, with the following information:

1. the main characteristics of the travel services:

a) the travel destination(s), itinerary and periods of stay, with dates and, where accommodation is included, the number of nights included;

b) the means, characteristics and categories of transport, the points, dates and time of departure and return, the duration and places of intermediate stops and transport connections. Where the exact time is not yet determined, the tour operator and, where applicable, the travel agent shall inform the traveller of the approximate time of departure and return;

c) the location, main features and, where applicable, tourist category of the accommodation under the rules of the country of destination;

d) the meal plan;

e) visits, excursion(s) or other services included in the total price agreed for the package;

f) where it is not apparent from the context, whether any of the travel services will be provided to the traveller as part of a group and, if so, where possible, the approximate size of the group;

g) where the traveller's benefit from other tourist services depends on effective oral communication, the language in which those services will be carried out; and

h) whether the trip or holiday is generally suitable for persons with reduced mobility and, upon the traveller's request, precise information on the suitability of the trip or holiday taking into account the traveller's needs;

2. the trading name of the tour operator and, where applicable, of the travel agent, and their head offices and registered addresses, as well as their telephone numbers and, where applicable, e-mail addresses;

3. the total price of the package inclusive of taxes and, where applicable, of all additional fees, charges and other costs or, where those costs cannot reasonably be calculated in advance of the conclusion of the contract, an indication of the type of additional costs which the traveller may still have to bear;

4. the arrangements for payment, including any amount or percentage of the price which is to be paid as a down payment and the timetable for payment of the balance, or financial guarantees to be paid or provided by the traveller;

5. the minimum number of persons required for the package to take place and the time-limit, referred to in point (a) of Article 89(7)(1), before the start of the package for the possible termination of the contract if that number is not reached;

6. general information on passport and visa requirements, including approximate periods for obtaining visas and information on health formalities, of the country of destination;

7. information that the traveller may terminate the contract at any time before the start of the package in return for payment of an appropriate termination fee, or, where applicable, the standardised termination fees requested by the tour operator, in accordance with Article 89(1) to (4);

8. information on optional insurance to cover the cost of travel package contract termination by the traveller;

9. information on optional or compulsory insurance to cover the cost of assistance, including repatriation, in the event of accident, illness or death.

(2) For package travel contracts concluded by telephone, the tour operator and, where applicable, the travel agent shall provide the traveller with the standard information form set out in Annex No 2 and the information referred to in paragraph 1(1) to (9) of this Article.

(3) With reference to packages as defined in §1(67)(b)(ee) of the Supplementary provisions the tour operator and the trader to whom the data are transmitted shall ensure that each of them provides, before the traveller is bound by a contract or any corresponding offer, the information set out in paragraph 1(1) to (9) of this Article in so far as it is relevant for the respective travel services they offer. The tour operator shall also provide, at the same time, the standard information by means of the form set out in Annex No 3.

(4) Before the traveller is bound by any contract leading to the creation of a linked travel arrangement or any corresponding offer, the trader facilitating linked travel arrangements, including where the trader is not established in a Member State but, by any means, directs such activities to a Member State, shall state in a clear, comprehensible and prominent manner that the traveller will not benefit from any of the rights applying exclusively to packages under this Section and that each service provider will be solely responsible for the proper contractual performance of his service, as well as that the traveller will benefit from insolvency protection in accordance with Article 97(2).

(5) the trader facilitating a linked travel arrangement shall provide the traveller with the information referred to in paragraph 4 by means of the relevant standard form set out in Annexes 4 to 8.

(6) Where the particular type of linked travel arrangement is not covered by any of the forms set out in Annexes 4 to 8, the trader facilitating a linked travel arrangement shall provide information that is analogous to the information contained in said Annexes.

(7) The information referred to in paragraphs 1 to 6 shall be provided in a clear, comprehensible and prominent manner. Where such information is provided in writing, it shall be legible.

(8) Where a linked travel arrangement is the result of the conclusion of a contract between a traveller and a trader who does not facilitate the linked travel arrangement, that trader shall inform the trader facilitating the linked travel arrangement of the conclusion of the relevant contract.

**Article 83(1)** (amended in SG No 37/2018, in force as from 1 July 2018) The information referred to in Article 82(1)(1), (3), (4), (5) and (7) shall be an integral part of the travel package contract and may not be altered, unless the parties agree otherwise.

(2) The tour operator and, where applicable, the travel agent shall communicate all changes to the pre-contractual information to the traveller in a clear, comprehensible and prominent manner before the conclusion of the package travel contract.

(3) Where the tour operator and, where applicable, the travel agent has not complied with the information requirements on additional fees, charges or other costs that the traveller may be required to pay before the conclusion of the package travel contract, the traveller shall not bear those fees, charges or other costs.

**Article 84(1)** (amended in SG No 37/2018, in force as from 1 July 2018) The package travel contract or confirmation of the contract shall set out the full content of the agreement which shall include all the information referred to in Article 82(1)(1) to (9) and the following information:

1. special requirements of the traveller which the tour operator has accepted;
2. information that the tour operator is:
  - a) responsible for the proper performance of all travel services included in the contract in accordance with Article 90;
  - b) obliged to provide assistance if the traveller is in difficulty in accordance with Article 93;
3. the name, head office, address and telephone number of the insurance company and information about the insurance certificate attesting to the conclusion of the insurance contract referred to in Article 97(1) or (2), which must indicate the coverage, the sum insured, and the number and date of the insurance policy;
4. the name, address, telephone number, e-mail address and, where applicable, the fax number of the tour operator's local representative, of a contact point or of another service which enables the traveller to contact the tour operator quickly and communicate with him efficiently, to request assistance when the traveller is in difficulty or to complain about any lack of conformity perceived during the performance of the package;
5. information that the traveller is required to communicate any lack of conformity which he perceives during the performance of the package in accordance with Article 90(2);
6. where minors, unaccompanied by a parent or another authorised person, travel on the basis of a package travel contract which includes accommodation, information enabling direct contact with the minor or the person responsible for the minor at the minor's place of stay;

7. information on available in-house complaint handling procedures and on alternative dispute resolution ('ADR') mechanisms by ADR entities pursuant to the Consumer Protection Act and, where applicable, on the ADR entity by which the trader is covered and on the online dispute resolution platform pursuant to Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ, L 165/1 of 18 June 2013);

8. information on the traveller's right to transfer the contract to another traveller in accordance with Article 86.

(2) The travel package contract shall be drawn up in plain, intelligible language. Where the contract is drawn up in writing, it shall be legible.

(3) At the conclusion of the package travel contract or without undue delay thereafter, the tour operator or travel agent shall provide the traveller with a copy or confirmation of the contract on a durable medium. The traveller shall be entitled to request a paper copy if the package travel contract has been concluded in the simultaneous physical presence of the parties.

(4) With respect to off-premises contracts within the meaning of Article 44 of the Consumer Protection Act, a copy or confirmation of the package travel contract shall be provided by the tour operator or travel agent to the traveller on paper or, if the traveller agrees, on another durable medium.

(5) In the case of travel packages within the meaning of §1(67)(b)(ee) of the Supplementary provisions, the trader to whom the data are transmitted via linked booking processes shall inform the tour operator of the conclusion of the contract leading to the creation of a package. The trader shall provide the tour operator with the information necessary to comply with his obligations as a tour operator.

(6) In the cases referred to in paragraph 5, as soon as the tour operator is informed that a package has been created, it shall provide to the traveller the information referred to in paragraphs 1(1) to (8) on a durable medium.

(7) The information referred to in paragraphs 1 and 5 and 6 shall be provided in a clear, comprehensible and prominent manner.

(8) In good time before the start of the package, the tour operator shall provide the traveller with the necessary receipts, vouchers and tickets, information on the scheduled times of departure and, where applicable, the deadline for check-in, as well as the scheduled times for intermediate stops, transport connections and arrival.

**Article 85** (1) (amended in SG No 37/2018, in force as from 1 July 2018) As regards compliance with the information requirements for travel packages laid down in Articles 82 to 84, the burden of proof shall be on the trader.

**Article 86** (1) (amended in SG No 37/2018, in force as from 1 July 2018) The traveller may, after giving the tour operator reasonable notice on a durable medium before the start of the package, transfer the package travel contract to a person who satisfies all the conditions applicable to that contract.

(2) Notice given at the latest 7 days before the start of the package shall in any event be deemed to be reasonable.

(3) The transferor of the package travel contract and the transferee shall be jointly and severally liable for the payment of the balance due and for any additional fees, charges or other costs arising from the transfer.

(4) The tour operator shall inform the transferor about the actual costs of the transfer. Those costs shall not be unreasonable and shall not exceed the actual cost incurred by the tour operator due to the transfer of the package travel contract.

(5) The tour operator shall provide the transferor with proof of the additional fees, charges or other costs arising from the transfer of the package travel contract.

**Article 87(1)** (amended in SG No 37/2018, in force as from 1 July 2018) after the conclusion of the package travel contract, prices may be increased only if the contract expressly reserves that possibility and states that the traveller is entitled to price reduction under paragraph 6.

(2) The package travel contract shall state how price revisions are to be calculated, when a provision to that end has been made in the contract.

(3) Price increases shall be possible exclusively as a direct consequence of changes in:

1. the price of the carriage of passengers resulting from the cost of fuel or other power sources;

2. the level of taxes or fees on the travel services included in the contract imposed by third parties not directly involved in the performance of the package, including tourist taxes, landing taxes or embarkation or disembarkation fees at ports and airports; or

3. the exchange rates relevant to the package.

(4) If the price increase referred to in paragraph 3 of this Article exceeds 8 % of the total price of the package, Article 88(2), (3) and (6) shall apply.

(5) Irrespective of its extent, a price increase shall be possible only if the tour operator notifies the traveller clearly and comprehensibly of it with a justification for that increase and a calculation, on a durable medium at the latest 20 days before the start of the package.

(6) If the package travel contract stipulates the possibility of price increases, the traveller shall have the right to a price reduction corresponding to any decrease in the costs referred to in paragraph 3(1) to (3) that occurs after the conclusion of the contract before the start of the package.

(7) In the event of a price decrease, the tour operator shall have the right to deduct actual administrative expenses from the refund owed to the traveller. At the traveller's request, the tour operator shall provide proof of those administrative expenses.

**Article 88(1)** (amended in SG No 37/2018, in force as from 4 May 2018) Before the start of the package, the tour operator may not unilaterally change package travel contract terms other than the price in accordance with Article 87, unless:

1. the tour operator has reserved that right in the contract;

2. the change is insignificant;

3. the tour operator informs the traveller of the change in a clear, comprehensible and prominent manner on a durable medium.

(2) If, before the start of the package, the tour operator is constrained to alter significantly any of the main characteristics of the travel services as referred to in Article 82(1)(1) or cannot fulfil the special requirements as referred to in Article 84(1)(1), or proposes to increase the price of the package by more than 8 %, the traveller may within a reasonable period specified by the tour operator:

1. accept the proposed change; or
2. terminate the contract without paying a termination fee.

(3) If the traveller terminates the package travel contract, the traveller may accept a substitute package where this is offered by the tour operator, if possible of an equivalent or a higher quality.

(4) The tour operator shall without undue delay inform the traveller in a clear, comprehensible and prominent manner on a durable medium of:

1. the proposed changes referred to in paragraph 2 and, where appropriate in accordance with paragraph 5, their impact on the price of the package;
2. a reasonable period within which the traveller has to inform the tour operator of his decision pursuant to paragraph 2;
3. the consequences of the traveller's failure to respond within the period referred to in subparagraph 2; and
4. where applicable, the offered substitute package and its price.

(5) Where the changes to the package travel contract referred to in the first subparagraph of paragraph 2 or the substitute package referred to in the second subparagraph of paragraph 3 result in a package of lower quality or cost, the traveller shall be entitled to an appropriate price reduction.

(6) If the package travel contract is terminated pursuant to paragraph 2(2) and the traveller does not accept a substitute package, the tour operator shall refund all payments made by or on behalf of the traveller without undue delay and in any event not later than 14 days after the contract is terminated.

(7) In the case of termination of package travel contracts under paragraph 6, Article 91(2) to (8) shall apply.

**Article 89(1)** (amended in SG No 37/2018, in force as from 1 July 2018) The traveller may terminate the package travel contract at any time before the start of the package.

(2) Where the traveller terminates the package travel contract under paragraph 1, the traveller may be required to pay an appropriate and justifiable termination fee to the tour operator.

(3) The package travel contract may specify reasonable standardised termination fees based on the time of the termination of the contract before the start of the package and the expected cost savings and income from alternative deployment of the travel services.

(4) In the absence of standardised termination fees, the amount of the termination fee shall correspond to the price of the package minus the cost savings and income from alternative deployment of the travel services. At the traveller's request the tour operator shall provide a justification for the amount of the termination fees.

(5) The traveller shall have the right to terminate the package travel contract before the start of the package without paying any termination fee in the event of unavoidable and extraordinary circumstances occurring at the place of destination or its immediate vicinity and significantly affecting the performance of the package, or which significantly affect the carriage of passengers to the destination.

(6) In the event of termination of the package travel contract under paragraph 5, the traveller shall be entitled to a full refund of any payments made for the package, but shall not be entitled to additional compensation.

(7) The tour operator may terminate the package travel contract and provide the traveller with a full refund of any payments made for the package, but shall not be liable for additional compensation, if:

1. the number of persons enrolled for the travel package is smaller than the minimum number stated in the contract and the tour operator notifies the traveller of the termination of the contract within the period fixed in the contract, but not later than:

- a) 20 days before the start of the package in the case of trips lasting more than 6 days;
- b) 7 days before the start of the package in the case of trips lasting between two and 6 days;
- c) 48 hours before the start of the package in the case of trips lasting less than two days; or

2. the tour operator is prevented from performing the contract because of unavoidable and extraordinary circumstances and notifies the traveller of the termination of the contract without undue delay before the start of the package.

(8) The tour operator shall provide any refunds required under paragraphs 6 and 7 or, with respect to paragraph 2, reimburse any payments made by or on behalf of the traveller for the package minus the appropriate termination fee. Such refunds or reimbursements shall be made to the traveller without undue delay and in any event not later than 14 days after the package travel contract is terminated.

**Article 90(1)** (amended in SG No 37/2018, in force as from 4 May 2018) The tour operator is responsible for the performance of the travel services included in the package travel contract, irrespective of whether those services are to be performed by the tour operator or by other travel service providers.

(2) The traveller shall inform the tour operator without undue delay, taking into account the circumstances of the case, of any lack of conformity which he perceives during the performance of a travel service included in the package travel contract.

(3) If any of the travel services are not performed in accordance with the package travel contract, the tour operator shall remedy the lack of conformity, unless that:

1. which is impossible, or

2. entails disproportionate costs, taking into account the extent of the lack of conformity and the value of the travel services affected.

(4) When the tour operator does not remedy the lack of conformity, except in the cases under paragraph 3(1) and (2), Article 91 shall apply.

(5) Without prejudice to the exceptions laid down in paragraph 3, if the tour operator does not remedy the lack of conformity within a reasonable period set by the traveller, the traveller may do so himself and request reimbursement of the necessary expenses.

(6) It shall not be necessary for the traveller to specify a time-limit if the tour operator refuses to remedy the lack of conformity or if immediate remedy is required.

(7) Where a significant proportion of the travel services cannot be provided as agreed in the package travel contract, the tour operator shall offer, at no extra cost to the traveller, suitable alternative arrangements of, where possible, equivalent or higher quality than those specified in the contract, for the continuation of the package, including where the traveller's return to the place of departure is not provided as agreed.

(8) Where the alternative arrangements referred to in paragraph 7 proposed in order to ensure the continued performance of the contract result in a package of lower quality than that specified in the package travel contract, the tour operator shall grant the traveller an appropriate price reduction.

(9) The traveller may reject the proposed alternative arrangements only if they are not comparable to what was agreed in the package travel contract or the price reduction granted is inadequate.

(10) Where a lack of conformity substantially affects the performance of the package and the tour operator has failed to remedy it within a reasonable period set by the traveller, the traveller may terminate the package travel contract without paying a termination fee and request price reduction and/or compensation for the material and non-material damages sustained.

(11) If it is impossible to make alternative arrangements or the traveller rejects the proposed alternative arrangements in accordance with the third subparagraph of paragraph 9, the traveller is entitled to price reduction and/or compensation for the material and non-material damages sustained in accordance with Article 91 without terminating the package travel contract.

(12) If the package includes the carriage of passengers, the tour operator shall, in the cases referred to in subparagraphs 10 and 11, also provide repatriation of the traveller with equivalent transport without undue delay and at no extra cost to the traveller.

(13) As long as it is impossible to ensure the traveller's return as agreed in the package travel contract because of unavoidable and extraordinary circumstances, the tour operator shall bear the cost of necessary accommodation, if possible of equivalent category, for a period not exceeding three nights per traveller. Where longer periods are provided for in Union passenger rights legislation applicable to the relevant means of transport for the traveller's return, those periods shall apply.

(14) The time limits referred to in paragraph 13 of this Article shall not apply to persons with reduced mobility, as defined in point (a) of Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, and any person accompanying them, pregnant women and unaccompanied minors, as well as persons in need of specific medical assistance, provided that the tour operator has been notified of their particular needs at least 48 hours before the start of the package.

(15) The tour operator may not invoke unavoidable and extraordinary circumstances to limit the liability under paragraph 13 of this Article if the relevant transport provider may not rely on such circumstances under applicable Union legislation.

**Article 91** (amended in SG No 37/2018, in force as from 1 July 2018) (1) The traveller is entitled to an appropriate price reduction for any period during which there was lack of conformity, unless the tour operator proves that the lack of conformity is attributable to the traveller.

(2) The traveller shall be entitled to receive appropriate compensation from the tour operator for any damage which the traveller sustains as a result of any lack of conformity. Compensation shall be made by the tour operator without undue delay.

(3) The traveller shall not be entitled to compensation for damages if the tour operator proves that the lack of conformity is attributable to:

1. the traveller;

2. a third party unconnected with the provision of the travel services included in the package travel contract and is unforeseeable or unavoidable;

3. force majeure and exceptional circumstances.

(4) Where the liability of the providers of travel services included in a package contract is limited by international conventions which have been ratified, published in the State Gazette and entered into force in the Republic of Bulgaria, the same limitations shall apply to the tour operator.

(5) Where the liability of the providers of travel services included in a package contract is not limited by international conventions which have been ratified, published in the State Gazette and entered into force in the Republic of Bulgaria or where such international conventions do not limit the compensation to be paid by the provider, the package contract may cap the tour operator's liability for damage sustained by the traveller as a result of non-performance or inaccurate performance of the contract. The cap on compensation agreed in the package contract may not be less than three times the total price of the package.

(6) Paragraph 5 shall not apply in the case of personal injury or damage caused intentionally or with negligence.

(7) The rights to compensation or price reduction granted to travellers under this Act shall be without prejudice to their rights pursuant to Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ, L 315/14 of 3 December 2007), Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (OJ, L 131/24 of 28 May 2009), Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ, L 334/1 of 17 December 2010), Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ, L 55/1 of 28 February 2011) and the respective international treaties as ratified and promulgated in the State Gazette that have become applicable to the Republic of Bulgaria. Travellers shall be entitled to present claims in order to receive compensation or price reduction under this Act or the cited European Union Regulations or applicable international conventions.

(8) The compensation or price reduction granted under this Act and the compensation or price reduction granted under the cited European Union Regulations and international conventions, which the Republic of Bulgaria has ratified and which have been published in the State Gazette and are therefore binding on it, shall be deducted from each other in order to avoid overcompensation of travellers.

(9) The limitation period for introducing claims under this Article shall not be less than two years.

**Article 92(1)** (amended in SG No 37/2018, in force as from 1 July 2018) The traveller may address messages, requests or complaints in relation to the performance of the package directly to the travel agent through which it was purchased. The travel agent shall forward those messages, requests or complaints to the tour operator without undue delay.

(2) The date of receipt of the messages, requests or complaints referred to in the first paragraph by the travel agent shall be considered as receipt by the tour operator.

**Article 93(1)** (amended in SG No 37/2018, in force as from 1 July 2018) The tour operator gives appropriate assistance without undue delay to the traveller in difficulty, including in the circumstances referred to in Article 90(13), in particular by:

1. providing appropriate information on health services, local authorities and consular assistance; and

2. assisting the traveller to make distance communications and helping the traveller to find alternative travel arrangements.

(2) The tour operator shall be able to charge a reasonable fee for such assistance if the difficulty is caused intentionally by the traveller or through the traveller's negligence.

(3) That fee referred to in paragraph 2 shall not in any event exceed the actual costs incurred by the tour operator.

**Article 94(1)** (amended in SG No 37/2018, in force as from 1 July 2018) In cases where the tour operator or the travel agent pays compensation, grants price reduction or meets the

other obligations incumbent on him under this Act, the tour operator, respectively travel agent has the right to seek redress from any third parties which contributed to the event triggering compensation, price reduction or other obligations.

**Article 95** (amended in SG No 37/2018, in force as from 1 July 2018) Articles 86 and 89 to 93 shall apply in relation to the travel services included in the linked travel arrangement, where the trader facilitating linked travel arrangements has not complied with the requirements set out in Articles 82(4) to (6) and 105.

**Article 96(1)** (amended in SG No 37/2018, in force as from 1 July 2018) Trader shall be liable for any errors due to technical defects in the booking system which are attributable to them and, where the traders have agreed to arrange the booking of a package or of travel services which are part of linked travel arrangements, for the errors made during the booking process.

(2) Traders shall not be liable for booking errors which are attributable to the traveller or which are caused by unavoidable and extraordinary circumstances.

### **Section III**

#### **Liability of tour operators and traders for linked travel arrangements in the case of insolvency and bankruptcy (Title amended in SG No 37/2018, in force as from 1 July 2018)**

**Article 97(1)** (amended in SG Nos 9/2015; in force as from 3 February 2015; and 37/2018, in force as from 1 July 2018) Each tour operator established in Bulgaria shall annually conclude a Tour Operator Liability insurance contract with an insurer within the meaning of the Insurance Code.

(2) The trader facilitating linked travel arrangements and established in Bulgaria shall annually take out insurance in respect of the liability of a trader facilitating linked travel arrangements from an insurer within the meaning of the Insurance Code.

(3) Upon initial entry into the register of tour operators and travel agents the insurance referred to in paragraph 1 shall be taken out and presented to the Minister for Tourism not later than 7 days as from the date on which the issued registration certificate is notified.

(4) The contracts referred to in paragraphs 1 and 2 may not contain unfair clauses that waive or restrict the rights of travellers, including as a result of failure of the tour operator or travel agent providing linked travel arrangements under this Section to perform its obligations.

(5) The indemnity under the insurance contracts referred to in paragraphs 1 and 2 shall be made available to travellers free of charge to ensure repatriation and, if necessary, the financing of accommodation prior to the repatriation.

**Article 97a** (New in SG No 37/2018, in force as from 1 July 2018) The tour operators and travel agents providing linked travel arrangements, when established outside of the European Union and selling or offering travel packages or linked travel arrangements in Bulgaria or directing such activities in any way whatsoever to Bulgaria, shall satisfy the requirements laid down in this Act.

**Article 97b** (New in SG No 37/2018, in force as from 1 July 2018) The insurance referred to in Article 97(1) and (2) shall benefit travellers regardless of their place of residence, the place of departure or where the package is sold and irrespective of the Member State where the entity

in charge of the insolvency protection of the tour operator or travel agent providing linked travel arrangements is located.

**Article 97c** (New in SG No 37/2018, in force as from 1 July 2018) For travel services included in a package or for linked travel arrangements that have not been performed as a result of insolvency or bankruptcy, refunds shall be provided without undue delay after the traveller's request.

**Article 97d** (New in SG No 37/2018, in force as from 1 July 2018) The insurance referred to in Article 97(1) and (2) shall be sufficient to cover all reasonably foreseeable costs, including the payments made by or on behalf of travellers in respect of packages and linked travel arrangements, taking into account the period between receiving the first and the last payment and the completion of the package or linked travel arrangement, as well as the foreseeable costs for traveller repatriation in the event of insolvency or bankruptcy.

**Article 98** (1) (amended in SG No 37/2018, in force as from 1 July 2018) The insurance contract referred to in Article 97(1) and (2) shall be concluded for a period of one year and shall be renewed or a new insurance contract shall be concluded not later than 30 days before the date of expiry of the previous contract.

(2) The tour operator and/or trader facilitating linked travel arrangements shall submit a copy of the insurance contract referred to in Article 97(1) and (2) to the Minister for Tourism within 14 days as from the date of its signature or renewal.

(3) The Minister for Tourism or a duly authorised official acting on their behalf shall make arrangements for the following information about the insurance contracts referred to in Article 97(2) to be published in the website of the Ministry of Tourism:

1. the name of the trader (written in Bulgaria, using Cyrillic characters, and in Roman characters), head office and registered address;

2. telephone, fax and e-mail address;

3. the company (EIK) number of the applicant or the grounds on the basis of which the applicant is entitled to pursue economic activity in accordance with a special law, including the legislation of another Member State of the European Union, the European Economic Area or the Swiss Confederation;

4. the number and date of the concluded insurance contract referred to in Article 97(2), the name of the insurance company, the validity period of the insurance contract and the sum insured.

(4) In the event of early termination of the insurance contracts referred to in Article 97(1) and (2), the insurance companies providing coverage under concluded contracts must notify the Minister for Tourism without delay.

(5) In the event of early termination of the contracts referred to in Article 97(1) and (2) the person must take out another insurance without delay and present the contract to the Minister for Tourism within three days from the date of signature of the contract.

**Article 98a** (1) (New in SG No 37/2018, in force as from 1 July 2018) The tour operator or trader facilitating linked travel arrangements must provide to the traveller a copy of the insurance certificate as confirmation that the insurance contract referred to in Article 97(1) and (2) has been concluded.

(2) A copy of the certificate referred to in paragraph 1 shall be provided to the traveller before a travel package or linked travel arrangement contract is concluded or before the purchase or advance payment of the price by the traveller, but not later than 7 days before the start of the package.

**Article 99** (1) (amended in SG Nos 9/2015; in force as from 3 February 2015; and 37/2018, in force as from 1 July 2018) The tour operator and/or trader facilitating a linked travel arrangement may, after an insured event, notify the insurance company and provide it with information about its contractual partners, suppliers and clients, as well as provide it with other appropriate assistance. The notice and the information provided shall be copied to the Minister for Tourism.

(2) The insurance company shall notify the insurance even to the Minister for Tourism in writing not later than one day as from the date of knowledge of the event.

(3) Immediately after an insured event has occurred the insurance company must take the necessary steps to ensure continuation of the performance of the package or linked travel arrangement or the repatriation of travellers in accordance with the terms and conditions of the insurance contract concluded.

**Article 100** (1) (amended in SG No 37/2018, in force as from 1 July 2018) The compensation determined by the insurance company shall be without prejudice to the traveller's right to seek judicial redress.

(2) When a claim has been filed with a court of law, the tour operator or trader facilitating a linked travel arrangement shall seek that the insurance company be constituted as a party to the proceedings.

(3) The traveller may bring a claim directly against the insurance company.

**Article 101** (1) (amended in SG No 37/2018, in force as from 1 July 2018) Compensations under the insurance contracts provided for in this Section shall be paid by the insurance company that issued the insurance policy or an authorised representative thereof.

(2) Where the liability of the tour operator or trader facilitating a linked travel arrangement for material damages is to be determined by a court of law, after the court judgment becomes effective the parties entitled to compensation shall present to the insurance companies certified copies of the effective court judgments, along with the corresponding reasoned opinions, and certified copies of the respective writs of enforcement issued.

**Article 101a** (New in SG No 37/2018, in force as from 1 July 2018) The liability of the insurance company for the payment of compensation for damages sustained per traveller shall be limited to that agreed between the tour operator and the traveller in accordance with the conditions set out in Article 91(5) and (6).

**Article 102** (New in SG No 37/2018, in force as from 1 July 2018) Any protection against insolvency and bankruptcy provided by a tour operator or trader facilitating linked travel arrangements, when established in another Member State of the European Union, in connection with travel packages and linked travel arrangements offered shall be recognised as valid in Bulgaria.

**Article 103** (1) (amended in SG No 37/2018, in force as from 1 July 2018) The insurance referred to in Article 97(1) shall provide ensure security for the refund of all payments made by or on behalf of travellers and, insofar as the respective services were not properly or fully performed as a result of non-payment between contractual partners and in the event of the tour operator's insolvency or bankruptcy.

(2) When the travel package includes carriage of passengers, the insurance referred to in Article 97(1) shall cover the repatriation of travellers.

(3) The insurance company may offer to travellers the continuation of the package at no additional charge other than the total price agreed in the travel contract. Where the continuation of the travel package entails the creation of a separate travel package, the insurance company shall perform the relevant services through a tour operator.

(4) In order to ensure compliance with the requirements laid down in paragraphs 2 and 3 the terms and conditions for the assistance to be provided to cover the specified risks shall be stipulated in the insurance contracts.

(5) The insurance referred to in Article 97(1) shall cover the tour operator's liability for damages sustained by travellers under this Section for travel package contracts concluded and paid during the period of validity of the insurance, including in the event of insurance contract termination.

(6) Where an insurance event is triggered and the travel agent has sold a travel package created by a tour operator and repaid the sums referred to in paragraph 1 to consumers, the travel agent shall be subrogated to the consumers' insurance claim against the insurance company under the insurance contract concluded.

(7) A traveller who wishes to receive compensation in the cases referred to in Article 103(1) and has independently paid their costs must provide the insurance company with proof of the transport, accommodation and food costs incurred during their forced stay.

(8) The insurance company may refuse to pay the difference between the costs actually incurred and a sum equal to twice the amount of the costs the customer would have paid, if he/she had complied with the terms and conditions of the travel package contract.

**Article 104** (1) (amended in SG No 37/2018, in force as from 1 July 2018) The sum insured under the contracts referred to in Article 97(1) shall be determined on the basis of the turnover for the previous year, which the tour operator has declared before the insurance company, and the minimum amounts set out in Annex No 9.

(2) The declared turnover referred to in paragraph 1 shall include solely the income generated from the sale of travel packages directly to travellers to the exclusion of turnover from the sale of travel packages to other tour operators.

(3) The turnover declared by tour operators shall also include the cost of the charter flights organised, regardless of whether they are sold by other tour operators or travel agents.

(4) Turnover shall be declared in a dedicated form based on a model approved by the Minister for Tourism.

(5) The insurance company may require that a financial report on the activity of the tour operator be annexed to the declaration referred to in paragraph 4.

(6) The sum insured under the obligatory insurance of to be taken out by tour operators providing travel packages that include a charter flight may not be less than BGN 500 000.

**Article 105** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 1 July 2018) The insurance referred to in Article 97(2) shall cover the liability of the trader facilitating linked travel arrangements for the refund of all payments they receive from travellers, insofar as the travel arrangement forming part of a linked travel arrangement fails to be performed as a result of non-payment between contractual partners, insolvency or bankruptcy of the trader facilitating linked travel arrangements.

(2) Where the trader facilitating linked travel arrangements is the party responsible for the carriage of passengers, the insurance shall also cover the traveller's repatriation.

(3) The insurance referred to in Article 97(2) shall cover the liability of the trader facilitating linked travel arrangements in accordance with this Section for payments relating to linked travel arrangements received during the period of validity of the insurance, including in the event of insurance contract termination.

**Article 106** (1) (amended in SG No 37/2018, in force as from 1 July 2018) The minimum sum insured under the insurance contract referred to in Article 97(2) shall be equal to 10 percent of the turnover from the travel arrangements referred to in paragraph 3 for the previous year.

(2) Where a trader facilitating linked travel arrangements is responsible for the carriage of passengers, the insurance obligation shall be equal to 20 percent of that trader's annual turnover generated from the provision of passenger carriage services included in linked travel arrangements for which the trader facilitating linked travel services is responsible.

(3) For the purposes of paragraph 1 the turnover that shall be taken into account is that for which the trader facilitating linked travel arrangements has received payment from or on behalf of the traveller, where the payment from the trader facilitating linked travel services to the respective travel service provider is made within a period of more than one business day from the date of receipt of the payment.

(4) The sum insured under paragraph 1 may not be lower than BGN 5 000 and under paragraph 2 — lower than BGN 10 000.

(5) Upon taking out insurance, the circumstances set out in paragraphs 2 and 3 must be proven by a written declaration from the trader facilitating linked travel arrangements based on a model approved by the Minister for Tourism.

**Article 107** (1) (amended in SG No 37/2018, in force as from 1 July 2018) Where an insured event covered by the insurance under Article 97(2) occurs, the traveller may choose between the following alternatives:

1. reimbursement of any payments made by the traveller for linked travel arrangements;
2. performance of the linked travel arrangements, where possible, with the necessary amounts to be paid to the travel service provider being covered by the insurance company.

(2) Upon an insured event occurring, if the travel services covered by the sum insured under Article 106(1) have already been provided to the traveller, the travel service provider shall be subrogated to the traveller's claim against the insurance company under the insurance contract.

(3) A traveller who wishes to receive compensation under the insurance referred to in Article 97(2) must provide to the insurance company proof of the payments made to the trader facilitating linked travel arrangements.

**Article 108** (1) (amended in SG No 37/2018, in force as from 1 July 2018) The central contact point responsible for facilitating the administrative cooperation and supervision of tour operators, travel agents and traders facilitating linked travel arrangements that operate in different EU Member States shall be designated by the Ministry of Tourism.

(2) The central contact point shall make available to the central contact points of other EU Member States all necessary information on the requirements for insolvency and bankruptcy protection laid down in this Act and the identity of the entity in charge of insolvency and bankruptcy protection for specific tour operators and traders facilitating linked travel arrangements established in Bulgaria.

(3) The central contact point under the jurisdiction of the Ministry of Tourism shall grant public access to any available inventory listing tour operators and travel agents and to the information referred to in Article 98(4), including online, concerning compliance with the obligations referred to in Article 97(1) and (2).

(4) The central contact point under the jurisdiction of the Ministry of Tourism shall grant access to the contact points of other EU Member States to any available inventory listing tour

operators and travel agents and to the information referred to in Article 98(4), including online, concerning compliance with the obligations referred to in Article 97(1) and (2).

(5) Where an enquiry is received from the central contact point of another EU Member State concerning the insolvency and bankruptcy protection of a tour operator and/or trader facilitating linked travel arrangements, a response shall be sent as quickly as possible, taking into account the urgency and complexity of the matter. In any event a first response shall be issued at the latest within 15 working days from receiving the request.

**Article 109** (1) (amended in SG No 37/2018, in force as from 1 July 2018) A declaration by the tour operator of a package or the trader facilitating a linked travel arrangement that he is acting exclusively as a travel service provider, as an intermediary or in any other capacity shall not absolve that tour operator or trader from the obligations imposed on them under this Section II hereof.

(2) A declaration by the tour operator of a package or the trader facilitating a linked travel arrangement that a travel package or a linked travel arrangement does not constitute a package, respectively a linked travel arrangement, shall not absolve that tour operator or trader from the obligations imposed on them under Sections II and III hereof.

(3) Any contractual arrangement or any statement by the traveller which directly or indirectly waives or restricts the rights conferred on travellers pursuant to Sections II and III hereof or aims to circumvent the application of said Sections shall not be binding on the traveller.

**Article 109a** (New in SG No 37/2018, in force as from 1 July 2018) Where the tour operator is established outside the European Economic Area, the travel established in a Member State shall be subject to the obligations laid down for tour operators in Articles 90 to 93 of this Section, unless the travel agent provides evidence that the tour operator complies with the obligations concerned.

## **Section IV**

### **Measures to guarantee the rights of persons with disabilities and persons with reduced mobility when travelling by air, bus and coach transport and sea and inland waterway (title supplemented in SG No 109/2013)**

**Article 110** (1) Tour operators and travel agents shall take or ensure that the necessary measures are taken to achieve compliance with Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, hereinafter referred to as Regulation (EC) No 1107/2006.

(2) Tour operators and travel agents shall take or ensure that the necessary measures are taken to achieve compliance with Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55/1, 28.2.2011), hereinafter Regulation (EU) No 181/2011, concerning persons with disabilities or reduced mobility in bus and coach transport.

(3) (New in SG No 109/2013) Tour operators and travel agents shall take or ensure that the necessary measures are taken to achieve compliance with Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334/1 of 2010), hereinafter Regulation (EU) No 1177/2010, concerning the rights of passengers with disabilities or reduced mobility in bus and coach transport when travelling by sea and inland waterway.

(4) (ex paragraph 3; supplemented in SG No 109/2013) Where the measures taken are not in conformity with the requirements laid down in the Regulation referred to in paragraph 1 or 3, the persons with disabilities or reduced mobility may seek compensation for the damages sustained. The claim for compensation shall be filed against the tour operator or the travel agent before the competent court.

## **Chapter Eight**

### **ACCOMMODATION AND FOOD SERVICE ACTIVITIES**

#### **Section I**

##### **Accommodation and food service activities**

**Article 111** (1) Hotel and restaurant services in Bulgaria shall be provided solely at tourist establishments categorised in accordance with the requirements laid down in this Act.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The types of establishments and the categories envisaged in this Act shall be determined the Minister for Tourism and the mayors of municipalities or by officials duly authorised to act on their behalf.

(3) In order to provide summer camp travel services to children and schoolchildren, the tourism accommodation establishments must conform to the requirements for children's camps stipulated in the Regulation referred to in Article 79(5).

**Article 112** This Section shall not apply to:

1. (supplemented in SG No 75/2016) the hotel accommodation services provided by rotels, hotels and flotels, except, except for the provisions laid down in Article 116;
2. the restaurant services provided on board ships, airplanes or trains.

**Article 113** (1) Hotel and restaurant services may be provided by persons who satisfy the following requirements:

1. (amended in SG No 37/2018, in force as from 4 May 2018) are traders within the meaning of the Commercial Act or legal persons entitled to carry out economic activities pursuant to another Act, including the legislation of another Member State of the European Union or that of a Member State of the European Economic Area or the Confederation of Switzerland;
2. are not subject to ongoing insolvency or liquidation proceedings;
3. employ staff who have the requisite education and language proficiency and, for management staff, satisfy the requirements for length of service.

(2) (supplemented in SG No 37/2018, in force as from 4 May 2018) Guest room and guest house accommodation services may be provided by persons who are not registered traders within the meaning of the Commercial Act, when the premises used are part of the owner-occupied dwelling in a residential building.

**Article 114** The persons providing hotel and/or restaurant services from the premises of the tourist establishments referred to in Article 3(2)(1), (2) and (3) shall:

1. provide travel services at categorised tourism establishments or establishments to which a provisional certificate attesting to an opened categorisation procedure has been issued;
2. provide travel services at tourism establishments that satisfy the requirements for the category assigned to that establishment in accordance with Article 121(5);
3. display the notice board referred to in Article 132(1) in close proximity to the entrance of the tourist facility, along with the following information:
  - a) the name, head office and registered address of the trader;
  - b) for restaurants and entertainment establishments — the working hours of the tourist facility;
  - c) the names of the manager of the facility and his/her telephone number.

**Article 115** The persons engaged in the provision of hotel services shall:

1. display prominently a pricelist of overnight accommodation and other available services in close proximity to the reception for the benefit of customers;
2. ensure that the prices are published in a manner that is easily comprehensible and legible and that it does not mislead customers;

3. ensure that the prices are published in national currency (BGN) and, where necessary, in other currencies in accordance with the requirements laid down in Article 3(4);

4. ensure compliance with national law governing the stay of tourists in Bulgaria.

**Article 115a** (New in SG No 37/2018, in force as from 4 May 2018) The information referred to in Articles 114(3) and 115(1) to (3) shall be made available in Bulgarian and English.

**Article 116** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 75/2016) The persons operating in the hotel industry shall keep a register of travellers using hotel accommodation services. The registers must satisfy the content requirements approved by the Minister for Tourism and published on the webpage of the Ministry of Tourism.

(2) The register referred to in paragraph 1 shall be kept:

1. through a centralised information system maintained by the Minister for Tourism and accessible via a public, web-based application;

2. through an information system selected by person operating in the hotel industry, which satisfies the requirements laid down in the Electronic Governance Act;

3. in paper form based on a model approved by the Minister for Tourism and published on the webpage of the Ministry of Tourism.

(3) (supplemented in SG No 37/2018, in force as from 4 May 2018) For Category A and B accommodation establishments, the register under paragraph 1 shall be kept in accordance with paragraph 2(1) or (2).

(4) (amended in SG No 37/2018, in force as from 4 May 2018) For tourist chalets, tourist learning centres and tourist dormitories and the establishments referred to in Article 112(1), the register under paragraph 1 shall be kept in accordance with paragraph 2(1), (2) and (3).

(5) The following accommodation particulars shall be entered into the Single Tourist Information System:

1. for travellers who are Bulgarian nationals or nationals of a Member State of the European Union, the European Economic Area or the Swiss Confederation — the number of accommodated tourists and the dates of their check-in and departure dates;

2. for travellers who are nationals of countries other than those referred to in paragraph 1 — the number of accommodated tourists, the identity details specified in Article 28(3) of the Foreign Nationals in the Republic of Bulgaria Act, and the dates of their check-in and departure.

(6) When the register is kept in accordance with:

1. paragraph 2(1) — the data referred to in paragraph 5 shall be automatically uploaded to the Single Tourist Information System;

2. paragraph 2(2) — the persons operating in the hotel industry shall ensure the automatic and operationally compatible exchange of information between the register and the Single Tourist Information System. The exchange shall conform to the rules and procedure laid down in the Electronic Governance Act and effected via interfaces enabling direct connectivity;

3. paragraph 2(3) — the data shall be uploaded to the Single Tourist Information System on a daily basis via a publicly accessible web portal or another interface and an encrypted communication session. When the accommodation establishments referred to in paragraph 4 are situated in less accessible or remote areas where no connectivity is available, the entries shall be uploaded on a weekly basis. The areas shall be determined by the Minister for Tourism and published on the webpage of the Ministry of Tourism on the basis of information available from the Telecommunications Regulation Commission.

(7) The information referred to in paragraph 5 shall not be publicly available. Access to the data shall be available to:

1. for accommodated travellers — to the persons operating in the hotel industry;

2. for the number of accommodated travellers, their nationality and the number of overnight stays — to the respective municipality;

3. for the number of accommodated travellers, their nationality and the number of overnight stays in the entire territory of Bulgaria — to the National Revenue Agency;

4. for all information referred to in paragraph 5 — to the Minister of Interior;

5. for the purpose of aggregated statistical data based on the data available in the Single Tourist Information System in a volume determined by law — to the National Statistical Institute.

(8) The persons referred to in paragraph 7 (2) to (5) shall have access to the data available in the Single Tourist Information System in the respective volume in accordance with the procedure stipulated in the Electronic Governance Act.

(9) Access to the data available in the Single Tourist Information System about accommodated travellers and specific accommodation establishments may be granted in redacted form. Such data shall be provided in an open, machine-readable format for the purpose of its public reuse in accordance with the procedure laid down in the Access to Public Information Act.

**Article 117** (1) The persons operating in the restaurant industry shall draw up priced menu lists for the meals and confectionary items served and menu cards for the alcoholic and non-alcoholic beverages served, including their sale prices and volume in grammes.

(2) The menu lists must be provided to each customer before ordering and at the time of presenting the bill.

(3) The menu list and menu card shall be drawn up in Bulgarian and, where appropriate or the restaurant proprietor so wishes, in another language.

(4) The prices published in the menu list and menu card, determined in compliance with the requirements laid down in Article 3(4), shall be identical for all tourists.

(5) A fiscal receipt shall be issued for each travel service sale made in accordance with the Value Added Tax Act.

**Article 118** The persons operating in the hotel or restaurant industry may conclude contracts with registered tour operators and travel agents, hotel and restaurant proprietors providing services at categorised tourism facilities and licensed transport operators.

## **Section II**

### **Rating of accommodation facilities and the catering and entertainment establishments thereto, individual catering and entertainment establishments, tourist chalets and the catering establishments thereto**

**Article 119** (1) The accommodation facilities and the catering and entertainment establishments thereto, individual catering and entertainment establishments, tourist chalets, tourist learning centres, tourist dormitories and the catering establishments thereto shall be subject to rating pursuant to this Act, regardless of their ownership and the management arrangements.

(2) Catering and entertainment establishments situated on pontoon boats or on board vessels anchored near the shore shall also be subject to rating under this Act.

**Article 120** The requirement for rating under this Act shall not apply to the following establishments:

1. catering and entertainment establishments on the premises of educational and training establishments, hospitals, and canteens on the premises of companies and institutions intended for the sole use of staff to which no access is available to external visitors;

2. fast food restaurants with up to 12 seating places or self-contained areas with up to 12 seating places on the premises of retail stores;

3. self-contained eating areas on the premises or in the yards of rated guest houses, guest rooms and hostels where home-cooked food is offered to the guests entered into the register of travellers accommodated on the premises;

4. the hunting estates within the meaning of the Hunting and Game Conservation Act, notably: hunting residences, hunting lodges, hunting chalets and hunting shelters.

**Article 121** (1) Accommodation facilities shall be classified into two groups — A and B. Accommodation facilities and catering establishments shall be rated into the following categories: ‘one star’, ‘two stars’, ‘three stars’, ‘four stars’ or ‘five stars’.

(2) (amended in SG No 37/2018, in force as from 4 May 2018) The characteristics of accommodation facilities and catering establishments shall be specified in the Regulation referred to in paragraph 5.

(3) A single accommodation establishment may only be rated in one category, regardless of the number of buildings it comprises and its capacity.

(4) Catering and entertainment establishments situated on the premises of accommodation facilities may be rated in a category other than that assigned to the accommodation facility, but the difference may not be more than one star.

(5) The requirements for accommodation facilities and catering and entertainment requirements and the procedure for their rating, refusal to assign a rating, lowering, invalidation and discontinuation of an assigned rating shall be laid down in a regulation adopted by the Council of Ministers.

(6) The regulation referred to in paragraph 5 shall contain all model applications, forms and reports required in relation to accommodation facilities and catering and entertainment establishments.

**Article 122** (1) Tourist chalets, tourist learning centres, tourist dormitories and the catering establishments situated on their premises shall be rated in the following categories: ‘one edelweiss’, ‘two edelweiss’ and ‘three edelweiss’.

(2) (amended in SG No 37/2018, in force as from 4 May 2018) The characteristics of accommodation facilities and catering and entertainment establishments shall be stipulated in the Regulation referred to in paragraph 5.

(3) Catering establishments annexed to tourist chalets may receive a rating other than that of the chalet, but the difference in category may not be more than ‘one edelweiss’.

(4) (amended in SG No 9/2015, in force as from 3 February 2015) The requirements for tourist chalets, tourist learning centres, tourist dormitories and the catering establishments annexed thereto and the procedure for their rating, refusal to assign a rating, lowering, invalidation and discontinuation of an assigned rating shall be laid down in a regulation adopted by the Council of Ministers.

(5) The regulation referred to in paragraph 4 shall contain all model applications, forms and reports required in relation to tourist chalets and the catering establishments annexed thereto.

**Article 123** (1) (New in SG No 37/2018, in force as from 4 May 2018) The types of accommodation classified shall be as follows:

1. Class A — hotels, motels, apartment complexes for tourists, villa complexes and villas;

2. Class B — family-owned hotels, hostels, pensions, vacation properties owned by employers for the use of their workers and employees, guest apartments, cabanas and camping sites;

(2) (Ex paragraph 1 in SG No 37/2018, in force as from 4 May 2018) Class A accommodation facilities shall be rated as follows:

1. hotels — ‘one star’, ‘two stars’, ‘three stars’, ‘four stars’ or ‘five stars’;

2. motels — ‘one star’, ‘two stars’ or ‘three stars’;

3. apartment complexes for tourists — ‘one star’, ‘two stars’, ‘three stars’, ‘four stars’ or ‘five stars’;

4. villa compounds — ‘three stars’, ‘four stars’ or ‘five stars’;

5. tourist residential compounds — ‘two stars’, ‘three stars’ or ‘four stars’;

6. villas — ‘three stars’, ‘four stars’ or ‘five stars’.

(3) (Ex paragraph 2 in SG No 37/2018, in force as from 4 May 2018) Class B accommodation facilities shall be rated as follows:

1. family-owned hotels — ‘one star’, ‘two stars’ or ‘three stars’;

2. hostels — ‘one star’, ‘two stars’ or ‘three stars’;

3. pensions — ‘one star’ or ‘two stars’;

4. vacation properties owned by employers for the use of their workers and employees — ‘one star’, ‘two stars’ or ‘three stars’;

5. guest rooms — ‘one star’, ‘two stars’ or ‘three stars’;

6. guest apartments — ‘one star’, ‘two stars’ or ‘three stars’;

7. guest houses — ‘one star’, ‘two stars’ or ‘three stars’;

8. cabanas — ‘one star’, ‘two stars’ or ‘three stars’;

9. camping sites — ‘one star’, ‘two stars’ or ‘three stars’.

(4) (New in SG No 37/2018, in force as from 4 May 2018) Hotels shall be classified as follows:

1. according to the period during which they operate:

a) year-round hotel;

b) seasonal hotel;

2. according to their geographical location:

a) seaside hotel;

b) mountain hotel;

c) city hotel;

d) rural hotel;

3. depending on their intended purpose and functions:

a) apart (studio) hotel;

b) hotel residence;

c) business hotel;

d) medical spa hotel — a hotel with a medical SPA centre certified in accordance with the regulation referred to in Article 138(3);

e) SPA hotel — a hotel with a SPA centre certified in accordance with the regulation referred to in Article 138(3);

f) wellness hotel — a hotel with a wellness centre certified in accordance with the regulation referred to in Article 138(3);

g) thalassotherapy hotel — a hotel with a thalassotherapy centre certified in accordance with the regulation referred to in Article 138(3);

**Article 124** (1) (Ex Article 124 in SG No 37/2018, in force as from 4 May 2018) The catering establishments annexed to accommodation facilities and stand-alone catering and entertainment establishments shall be classified as follows:

1. restaurants — ‘one star’, ‘two stars’, ‘three stars’, ‘four stars’ or ‘five stars’;

2. fast food restaurants — ‘one star’, ‘two stars’ and ‘three stars’;

3. drinking establishments — ‘one star’, ‘two stars’, ‘three stars’ and ‘four stars’;

4. patisseries — ‘one star’, ‘two stars’, ‘three stars’, ‘four stars’ or ‘five stars’;

5. hotels — ‘one star’, ‘two stars’, ‘three stars’, ‘four stars’ or ‘five stars’.

(2) (New in SG No 37/2018, in force as from 4 May 2018) The different types of catering and entertainment establishments (stand-alone and annexed to accommodation facilities) shall be:

1. restaurants;

2. fast food restaurants;

3. drinking establishments;

4. patisseries;

5. bars.

(3) (New in SG No 37/2018, in force as from 4 May 2018) Restaurants shall be classified into the following categories:

1. traditional restaurants;

2. specialist restaurants:

a) serving fish, fowl, game, etc.;

b) serving barbecued or grilled meats;

c) pizzerias;

3. restaurants serving local food:

a) restaurants serving traditional Bulgarian food;

b) restaurants serving international cuisine;

4. club restaurants;

5. themed restaurants offering an entertainment programme.

(4) (New in SG No 37/2018, in force as from 4 May 2018) The type of fast food restaurants shall be as follows:

1. snack bars;
2. bistros;
3. fast food restaurants;
4. eateries.

(5) (New in SG Nos 37/2018, in force as from 4 May 2018) Drinking establishments shall be as follows:

1. establishments serving café and aperitifs;
2. wineries;
3. public houses/pubs;
4. brasseries.

(6) (New in SG No 37/2018, in force as from 4 May 2018) Patisseries shall be as follows:

1. establishments serving café and confectionary items;
2. establishments serving cakes and pastries;
3. ice-cream parlours;
4. coffee shops;
5. café clubs;
6. cafeterias;
7. tea houses.

(7) (New in SG No 37/2018, in force as from 4 May 2018) Bars shall be classified as follows:

1. cocktail bars;
2. coffee bars;
3. bars on the premises of congress facilities;
4. bars on the premises of sport centres (swimming pools, tennis courts, gyms, bowling alleys, etc.);
5. lobby bars;
6. discotheques;

7. bar clubs;
8. piano bars;
9. casino bars or establishments with bar service on the premises of a casino;
10. variety bars;
11. night clubs.

**Article 125** (1) Tourist chalets shall be classified into the following categories: ‘one edelweiss’, ‘two edelweiss’ and ‘three edelweiss’.

(2) Tourist learning centres shall be classified into the following categories: ‘two edelweiss’ and ‘three edelweiss’.

(3) Tourist dormitories shall be classified as follows: ‘one edelweiss’, ‘two edelweiss’ and ‘three edelweiss’.

### **Article 126**

The tourist learning centres, dormitories and catering establishments annexed to tourist chalets shall be classified as follows:

1. tourist canteens — categories ‘one edelweiss’ and ‘two edelweiss’;
2. tourist buffet — categories ‘one edelweiss’ and ‘two edelweiss’;
3. tourist canteen with waiting staff — ‘two edelweiss’ and ‘three edelweiss’.

**Article 127** (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or an official authorised to act on their behalf, acting on a proposal from the EKKSTO, shall rate:

1. accommodation facilities as follows:

a) hotels — ‘three stars’, ‘four stars’ and ‘five stars’ and the catering and entertainment establishments annexed to them;

b) (amended in SG No 37/2018, in force as from 4 May 2018) apartment complexes for tourists — all categories in accordance with Article 123(2)(3);

(c) (amended in SG No 37/2018, in force as from 4 May 2018) villa compounds — all categories in accordance with Article 123(2)(4);

(d) (amended in SG No 37/2018, in force as from 4 May 2018) tourist residential complexes — all categories in accordance with Article 123(2)(5);

(e) (amended in SG No 37/2018, in force as from 4 May 2018) villas — all categories in accordance with Article 123(2)(6);

2. stand alone catering and entertainment establishments — categories ‘four stars’ and ‘five stars’;

3. Tourist chalets, tourist learning centres, tourist dormitories and the catering establishments annexed thereto — all categories in accordance with Articles 125 and 126.

**Article 128** The mayor of the municipality or an official duly authorised by them, acting on a proposal from the OEKKTO shall rate:

1. accommodation facilities as follows:

a) hotels — categories ‘one star’ and ‘two stars’ and the catering and entertainment establishments annexed to them;

b) (amended in SG No 37/2018, in force as from 4 May 2018) motels — all categories in accordance with Article 123(2)(2);

(c) (amended in SG No 37/2018, in force as from 4 May 2018) family-owned hotels — all categories in accordance with Article 123(3)(1);

(d) (amended in SG No 37/2018, in force as from 4 May 2018) hostels — all categories in accordance with Article 123(3)(2);

(e) (amended in SG No 37/2018, in force as from 4 May 2018) pensions — all categories in accordance with Article 123(3)(3);

(f) (amended in SG No 37/2018, in force as from 4 May 2018) vacation properties owned by employers for the use of workers and employees — all categories in accordance with Article 123(3)(4);

(g) (amended in SG No 37/2018, in force as from 4 May 2018) guest rooms — all categories in accordance with Article 123(3)(5);

(h) (amended in SG No 37/2018, in force as from 4 May 2018) guest apartments — all categories in accordance with Article 123(3)(6);

(i) (amended in SG No 37/2018, in force as from 4 May 2018) guest houses — all categories in accordance with Article 123(3)(7);

(j) (amended in SG No 37/2018, in force as from 4 May 2018) cabanas — all categories in accordance with Article 123(3)(8);

(k) (amended in SG No 37/2018, in force as from 4 May 2018) camping sites — all categories in accordance with Article 123(3)(9);

2. the stand alone catering and entertainment establishments — category ‘one star’, ‘two stars’ and ‘three stars’;

3. the catering and entertainment establishments situated on pontoon boats or sailing vessels anchored near the coast — all categories for the respective type in accordance with Article 124.

**Article 129** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) The person to engage in hotel or restaurant management on the premises of accommodation facilities and catering and entertainment establishments or a duly authorised representative thereof shall file a rating application/declaration to the competent body responsible for rating. The application/declaration must satisfy the following criteria:

1. the application/declaration must contain at least the following particulars:

a) the name of the person and the names of the accommodation facilities and the catering and entertainment establishments (written in Bulgarian, using Cyrillic characters) and in Roman characters), and an address, telephone/fax number and e-mail, where available. Where the particulars concerned are not available, the names of the authorised representative and his/her telephone/fax number and e-mail must be provided;

b) the company (EIK) number of the applicant or the grounds on the basis of which the applicant is entitled to pursue economic activity in accordance with a special law, including the legislation of another Member State of the European Union, the European Economic Area or the Swiss Confederation;

c) a statement confirming that no liquidation procedure has been instituted against the person, when a trader;

d) evidence of the professional qualification and language proficiency of the staff to be employed;

e) the circumstances relating to the education or the professional qualification, length of service in tourism and language proficiency of the manager of the tourist establishment in accordance with the requirements laid down in Article 121(5);

f) the circumstances relating to the deeds ascertaining property ownership, when information is available in the records kept by the Registry Agency. Where this is not the case, the circumstances in question shall be verified on the spot;

2. the following shall be annexed to the application/declaration:

a) a copy of the tenancy or another agreement demonstrating compliance with the requirements for performing the respective tourism activity on at the facility;

b) a document confirming that the establishment has been commissioned or another document verifying that it is operating legally in compliance with the requirements laid down in the Spatial Development Act, respectively the surface water use permit and a certificate of water worthiness for the catering establishments situated on pontoon boats or sailing vessels anchored near the coast;

c) an express power of attorney in the original, when the application/declaration is filed by an attorney.

(2) The person to engage in traveller accommodation in guest rooms, guest apartments or guest houses or a duly authorised representative thereof shall file an application/declaration based on a model to the mayor of the municipality. The application/declaration must satisfy the following criteria:

1. the application/declaration must contain at least the following particulars:

a) the name of the person and the names of the guest rooms, guest apartments or guest houses (written in Bulgarian, using Cyrillic characters, and in Roman characters), and an address, telephone/fax number and e-mail, where available. Where the particulars concerned are not available, the names of the authorised representative and his/her telephone/fax number and e-mail must be provided;

b) the circumstances relating to the deeds ascertaining property ownership, when information is available in the records kept by the Registry Agency. Where this is not the case, the circumstances in question shall be verified on the spot;

2. the following shall be annexed to the application/declaration:

a) a copy of the tenancy or another agreement verifying that the property is suitable for the performance of the respective tourism activity, where the person is different from the owner of the facility;

b) an express power of attorney in the original, when the application/declaration is filed by an attorney;

c) a document containing the signature of more than 50 percent of property owners in the building, attesting to their consent with the intended use of the property for traveller accommodation — in the case of guest rooms and guest apartments.

(3) The person to engage in hotel or restaurant management on the premises of tourist chalets, tourist learning centres, tourist dormitories and the catering establishments annexed thereto or an authorised representative thereof shall submit to the Minister of Tourism an application/declaration based on a model for the purpose of rating. The application/declaration must satisfy the following criteria:

1. the application/declaration must contain at least the following particulars:

a) the name of the person and the names of the chalets and/or tourist learning centres and/or tourist dormitories and the catering establishments annexed thereto (written in Bulgarian, using Cyrillic characters) and in Roman characters), and an address, telephone/fax number and e-mail, where available. Where the particulars concerned are not available, the names of the authorised representative and his/her telephone/fax number and e-mail must be provided;

b) the company (EIK) number of the applicant or the grounds on the basis of which the applicant is entitled to pursue economic activity in accordance with a special law, including the legislation of another Member State of the European Union, the European Economic Area or the Swiss Confederation;

c) a statement confirming that no liquidation procedure has been instituted against the person, when a trader;

d) the circumstances relating to the deeds ascertaining property ownership, where information is available in the records kept by the Registry Agency. Where this is not the case, the circumstances in question shall be verified on the spot;

(e) the circumstances entered into the public register of sport facilities and social tourism facilities referred to in Article 48a of the Physical Training and Sport Act;

2. the following shall be annexed to the application/declaration:

a) a copy of the tenancy or another agreement demonstrating compliance with the requirements for performing the respective tourism activity at the facility;

b) an express power of attorney in the original, when the application/declaration is filed by an attorney.

(4) The application/declaration referred to in paragraphs 1, 2 to 3 and the annexes thereto shall be submitted in Bulgarian.

(5) The documents referred to in paragraph 5 may be submitted in any of the official languages of the European Union, accompanied by a certified translation into Bulgarian. In case of discrepancies between the original and the language versions in Bulgarian, the Bulgarian language version shall prevail.

**Article 130** (1) (amended in SG No 37/2018, in force as from 4 May 2018) The competent EKKTO shall consider the applications and the documents annexed thereto within 14 days as from the date of receipt thereof and, having found that the documents presented correspond to the requirements of Article 129 (1), (2) or (3), shall adopt a reasoned decision thereon and submit a proposal to the competent categorisation body or to a duly authorised official acting on its behalf to open a procedure for categorisation of the tourist establishment and to issue an interim certificate in respect of the ongoing categorisation procedure.

(2) Where an omission or a deficiency is found in the submitted documents referred to in Article 129(1)(2) and (3) the competent expert committee on categorisation of tourist establishments shall notify the applicant within 10 business days, instructing them to rectify the respective omission or deficiency within 14 days from the date of receipt of the notice. The time period referred to in paragraph 1 shall be suspended until the omission and/or deficiency has been rectified.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) Where the omissions and/or deficiencies fail to be rectified within the time period specified in paragraph 2, the competent categorisation body shall issue an order refusing to determine the type and assign a category to the establishment.

(4) The provisional certificate attesting to the opening of a categorisation procedure, with the exception of the cases referred to in Article 131 herein, shall have a term of validity as follows:

1. (amended in SG No 9/2015, in force as from 3 February 2015) The tourism facilities subject to rating by the Minister for Tourism, except for the facilities referred to in Article 3(2)(3) — four months;

2. for tourist chalets, tourist learning centres, dormitories and the catering establishments annexed thereto — 6 months;

3. (amended in SG No 37/2018, in force as from 4 May 2018) for the tourism facilities subject to rating by the mayors of municipalities — three months;

(5) An expert working group of the competent EKKTO shall be established within the validity period of the interim certificates referred to in paragraph 4 for the purpose of ascertaining the compliance of the facility with the requirements for the category indicated in the application.

(6) (amended in SG No 37/2018, in force as from 4 May 2018) A statement of findings shall be drawn up in respect of the check referred to in paragraph 5, detailing all facts and circumstances ascertained and setting out a proposal to the competent EKKTO to:

1. confirm the type and category of the tourism facility indicated in the application or verified by the expert working group during the conducted on-the-spot inspection; or

2. refuse to rate the type and category of the tourism facility.

(7) (amended in SG No 37/2018, in force as from 4 May 2018) The rating body or a duly authorised official thereof, acting on the proposal of the competent EKKTO, shall issue an order:

1. determining the type and category of the facility and issue a certificate in respect of the rating assigned — in the cases referred to in paragraph 6(1);

2. setting out a refusal to determine the type and category of the facility — in the cases referred to in paragraph 6(2).

(8) (amended in SG No 37/2018, in force as from 4 May 2018) The type and category of tourist facilities shall be determined within the time periods stipulated in paragraph 4.

(9) (New in SG No 37/2018, in force as from 4 May 2018) In the cases referred to in Article 174(2) the time period for determining the type and category of the tourism facility and issuing a certificate in respect of the rating assigned shall be considered to have been extended with a period that does not exceed that specified in Article 174(3).

(10) (New in SG No 37/2018, in force as from 4 May 2018) In the cases referred to in paragraph 9 the administrative body shall notify the applicant of the extension of the time period granted and annex the statement of findings referred to in Article 174(2) to the notification.

(11) (Ex paragraph 9, amended in SG No 37/2018, in force as from 4 May 2018) The orders referred to in paragraph 3(7) shall be sent to the applicant and may be appealed in accordance with the procedure laid down in the Administrative Procedure Code. The appeal shall not stay the execution of the order.

(12) (New in SG No 37/2018, in force as from 4 May 2018) Upon the issuance of an order refusing to determine the type and category of the facility, the applicant may not lodge the application/declaration referred to in Article 129(6) again before 6 months from the date of entry into force of the order setting out the refusal have elapsed.

**Article 131** (1) (amended in SG No 37/2018, in force as from 4 May 2018) When an on-the-spot verification of the tourist facility to verify its compliance with the requirements for the category indicated in the application fails to be performed within the validity period of the interim certificate for reasons that are not attributable to the hotel or restaurant manager, a one-off extension of the validity period of the interim certificate may be granted.

(2) The competent EKKTO shall determine the time period referred to in paragraph 1 at its discretion in each case.

(3) (supplemented in SG No 37/2018, in force as from 4 May 2018) The rating body or a duly authorised representative thereof, acting on a proposal from the competent EKKTO, shall issue an order specifying the time period referred to in paragraph 1 and a new interim certificate indicating the new validity period.

**Article 132** (1) Rated accommodation facilities and the catering and entertainment establishments annexed thereto, stand-alone catering and entertainment establishments, tourist chalets, tourist learning centres and dormitories and the catering establishments thereto shall be furnished with insignia corresponding to the type and category assigned, including a plaque, which must be prominently displayed on the premises.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The categorisation insignia referred to in paragraph 1 shall be uniform and shall be issued on the basis of a model approved by the Minister for Tourism.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) The categorisation insignia shall be handed over to the applicant in person or to an authorised representative of the applicant following the payment of a fee for entry into the National Tourism Register on the basis of the tariff referred to in Article 69(3).

(4) The type, name and category of the tourism facilities referred to in paragraph 1 must not mislead or deceive customers.

(5) (New in SG No 37/2018, in force as from 4 May 2018) Fees based on the tariff referred to in Article 69(3) shall be collected in respect of the review of documents for rating purposes, entry into the National Tourism Register and the entry of changes to entered circumstances.

**Article 133** (1) The accommodation facilities and the catering and entertainment establishments annexed thereto, stand-alone catering and entertainment establishments, tourist chalets, tourist learning centres, tourist dormitories and the catering establishments annexed to them shall be rated on the condition of compliance with the minimum requirements for construction, furnishing and equipping a tourism facility, the standard of service on the premises of the facility, the services offered and the professional qualification and language proficiency of staff stipulated in the regulation referred to in Article 121(5), respectively the regulation referred to in Article 122(4).

(2) The validity period of the certificate issued in respect of the category of the facility and referred to in paragraph 1(5) shall be 5 years, except for the validity period of the certificate issued in respect of the facilities situated on pontoon boats, which shall be the same as the period of validity indicated in the permit.

(3) (Amended in SG No 37/2018, in force as from 4 May 2018) Not later than three months as from the date of expiry of the 5-year validity period the person must submit an application/declaration so that the rating of the facility is either confirmed or a new rating that differs from that held is assigned and pay a fee for an on-the-spot verification be conducted calculated on the basis of the tariff referred to in Article 69(3). Upon expiry of the validity period assigned ratings shall be terminated.

(4) Where the person concerned fails to take the actions referred to in paragraph 3 within the time period specified, the rating assigned to the facility shall be terminated upon expiry of the validity period. In this case, a new rating may be assigned to the same facility in accordance with the procedure laid down in Articles 129 and 130.

(5) (Amended in SG No 37/2018, in force as from 4 May 2018) The facility rating application/declaration referred to in paragraph 3 shall be lodged with the competent rating body on its premises, by mail or by electronic means.

(6) (amended in SG Nos 9/2015; in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) An on-the-spot verification shall be performed by officials from the Ministry of Tourism, respectively the municipality, to ascertain overall compliance with the requirements for the rating category declared. Where within the time period indicated in paragraph 3 the facility is found to comply with applicable requirements, the validity of its rating category shall be extended or a new rating category shall be assigned for a new 5-year period.

(7) A new certificate in respect of the assigned rating category referred to in paragraph 6 shall be issued, which is handed over to the holder after the return of the old certificate.

(8) Where the rating category of the facility is changed, the new plate referred to in Article 132(1) shall be handed over after the return of the one previously issued.

**Article 134** (1) (amended in SG No 37/2018, in force as from 4 May 2018) The person engaged in hotel or restaurant management at a rated accommodation facility/catering establishment or a duly authorised representative thereof may submit an application/declaration to the competent rating body seeking to obtain a higher rating than that assigned in accordance with the procedure laid down in Article 129.

(2) No interim certificate in respect of the rating procedure opened shall be issued to the person referred to in paragraph 1.

(3) The certificate issued shall remain valid until the new rating certificate is issued.

(4) Upon handover of the new certificate the person referred to in paragraph 1 shall return the old certificate.

(5) (amended in SG No 37/2018, in force as from 4 May 2018) Where the person referred to in paragraph 1 applies for a lower rating category than that assigned and annexes a statement to the application/declaration referred to in paragraph 1 confirming that the data entered into the National Tourism Register about the facility has not changed, a new rating category shall be assigned to the facility as per the request within 30 days from the date of receipt of the application/declaration on the basis of a proposal from the competent EKKTO.

(6) A fee shall be collected in respect of the change referred to in paragraph 5 calculated on the basis of the tariff under Article 69(3).

**Article 135** (1) The rating categories assigned to accommodation facilities and the catering and entertainment establishments annexed thereto, stand-alone catering and entertainment establishments, and tourist chalets and the catering establishments annexed to them that do not satisfy the requirements for a given rating category shall be lowered.

(2) The lowering of the rating category is a coercive administrative measure applied pursuant to an order issued by the rating body on the basis of a decision adopted by the EKKSTO, respectively OEKKTO.

(3) The order referred to in paragraph 2 may be appealed in accordance with the procedure laid down in the Administrative Procedure Code. The appeal of an order shall not suspend its enforcement, unless otherwise determined by the competent court.

**Article 136** (1) The validity of the rating certificate issued to an accommodation facility may be suspended for a certain period during the respective year on an application from the person operating the facility.

(2) The application referred to in paragraph 1 shall be submitted to the competent rating body.

(3) The period referred to in paragraph 1 may not be shorter than one month and longer than 6 months.

(4) The reasons and the time period for which a suspension is requested shall be indicated in the application referred to in paragraph 1.

(5) The suspension of the validity of the rating certificate shall be entered into the National Tourism Register.

(6) During the period of suspension of the rating certificate.

**Article 137** (1) The rating category of accommodation facilities, catering and entertainment establishments, tourist chalets, tourist learning centres, dormitories and the catering establishments thereto shall be terminated:

1. upon expiry of the period of validity of the rating category assigned;
2. at the request of the owner or person operating the tourism facility — by the submission of a dedicated application;
3. upon the death of the natural person, respectively dissolution of the legal person, operating the tourism facility;
4. (supplemented in SG No 37/2018, in force as from 4 May 2018) if within a period of three months from the date on which insignia corresponding to the rating category of the tourist facility is furnished, the operator of the facility fails to appear in order to receive it. For facilities operating on a seasonal basis, the period shall be one month;

5. (amended in SG No 37/2018, in force as from 4 May 2018) upon the submission of an application/declaration seeking a change in the rating category of the facility — upon receipt of the new certificate;

6. upon the opening of insolvency or liquidation proceedings against the hotel/restaurant operator;

7. upon change of the type of tourist facility;

8. upon reconstruction, major renovation or conversion of the tourist facility within the meaning of the Spatial Development Act;

9. upon repeated violation of the requirements for the rating category assigned;

10. (amended in SG No 75/2016) upon non-fulfilment of the obligations stipulated in Article 116(1) and (6).

(2) In the cases referred to in paragraph 1 the rating category assigned to tourist facilities shall be withdrawn by an order of the competent rating body or a duly authorised official acting on its behalf.

(3) Following the withdrawal of the rating category the rating certificate issued shall be invalidated. The new rating category of the facility shall be assigned in accordance with the procedure laid down in Article 129.

(4) The order referred to in paragraph 2 may be appealed in accordance with the procedure laid down in the Administrative Procedure Code. The appeal shall not suspend enforcement, unless otherwise determined by the competent court.

(5) Upon discontinuation of the rating category of a facility, the rating body shall take steps to announce through publicly accessible media channels.

## **Chapter Nine**

### **(In force as from 27 September 2013, published in SG No 30/2013) REQUIREMENTS AND PROCEDURE FOR PROVIDING SPA AND WELLNESS SERVICES**

### **CERTIFICATION OF MEDICAL SPA, SPA, WELLNESS AND THALASSOTHERAPY CENTRES**

**Article 138** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or a duly authorised official acting on their behalf shall issue a certificate to constructed, equipped and furnished medical spa, SPA, wellness and thalassotherapy centres annexed to accommodation facilities and operating on a stand-alone basis in resorts and urban areas in accordance with the procedure stipulated in this Act.

(2) Only the persons operating in buildings or on the premises of centres holding a certificate confirming their status as a medical SPA, SPA, wellness or thalassotherapy centre and issued in accordance with the procedure stipulated in this Act shall have the right to use the designations medical SPA, wellness and thalassotherapy in their names, respectively provide services described as medical SPA or SPA/wellness services in leaflets, brochures or webpages.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) The requirements and procedure for certification of the centres referred to in paragraph 2 and the requirements for personnel and the person performing management functions at the respective centre shall be stipulated in a regulation issued jointly by the Minister for Tourism and the Minister for Health.

(4) The centres referred to in paragraph 2 shall receive the respective certificate, provided that the minimum requirements for their construction, equipment and furnishing and for the services, professional qualification and language proficiency of staff are satisfied. The requirements in question shall be stipulated in the regulation referred to in paragraph 3.

(5) The regulation referred to in paragraph 3 shall also contain the models of all applications and reports applicable to the operation of the centres referred to in paragraph 2.

**Article 139** The purpose of the certification referred to in Article 138(1) shall be undertaken shall be to verify the suitability of each centre to offer medical SPA, SPA, wellness and thalassotherapy services, raise the quality of available services, guarantee the rights and ensure that the customers of the respective services enjoy a high standard of safety.

**Article 140** (1) The medical SPA, SPA, wellness and thalassotherapy services certified under this Act shall be provided by persons who:

1. (amended in SG No 37/2018, in force as from 4 May 2018) are traders within the meaning of the Commercial Act or legal persons entitled to carry out economic activities pursuant to another Act, including the legislation of another Member State of the European Union or that of a Member State of the European Economic Area or the Confederation of Switzerland;

2. are not subject to ongoing insolvency or liquidation proceedings;

3. employ staff who satisfy the requisite requirements for education, professional qualification, language proficiency and length of service;

4. employ managers who satisfy the requirements for education, professional qualification, language proficiency and length of service;

5. have provided appropriate premises that are suitably equipped and furnished to enable the provision of the respective services in accordance with the regulation referred to in Article 138(3).

(2) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) The person referred to in paragraph 1 or a duly authorised proxy thereof shall file an application based on a sample with the Minister for Tourism. The application/declaration must satisfy the following criteria:

1. the application/declaration must contain at least the following particulars:

a) the full name of the person and of the medical SPA, SPA, wellness and thalassotherapy centre (written in Bulgarian, in Cyrillic characters, and in Roman characters), along with an address, telephone/fax number and e-mail. Where these particulars are not available, the names of the authorised proxy and his/her telephone/fax number and e-mail shall be provided;

b) the company (EIK) number of the applicant or the grounds on the basis of which the applicant is entitled to pursue economic activity in accordance with a special law, including the legislation of another Member State of the European Union, the European Economic Area or the Swiss Confederation;

c) a statement confirming that no liquidation procedure has been instituted against the person, when not a trader;

d) the circumstances relating to the deeds ascertaining property ownership, where information is available in the records kept by the Registry Agency. Where this is not the case, the circumstances in question shall be verified on the spot;

(e) the education, professional qualification and language proficiency of the manager of the facility in accordance with Article 138(3);

f) the professional qualification and language proficiency of the staff to be employed;

g) a confirmation that the person has provided suitable premises that are properly equipped and furnished for the provision of the respective services at the facility for which certification is sought in accordance with the requirements laid down in the regulation referred to in Article 138(3);

2. the following shall be annexed to the application/declaration:

a) a copy of the tenancy or another agreement demonstrating that the person has the right to use the premises;

(b) a certificate attesting to the commissioning of the facility;

c) an express power of attorney in the original, when the application/declaration is filed by an attorney.

**Article 141** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) The application/declaration, along with the annexes thereto, shall be reviewed at a meeting of the EKKSTO held at the commission's earliest convenience, provided that the documents are received at least 5 days before the meeting.

(2) Where the EKKSTO finds that the documents submitted comply with the requirements laid down in Article 140, within 7 days from the date of the meeting it shall adopt and submit to the Minister for Tourism or to a duly authorised official acting on the Minister's behalf a reasoned proposal on the opening of a procedure to certify the facility.

(3) Where the EKKSTO finds the submitted documents referred to in Article 140 to be non-compliant, it shall notify the applicant in writing within 7 business days and specify a 7-day period as from the date of receipt of the notification in which they are to be rectified.

(4) The time period for adopting the decision under paragraph 2 shall commence from the day on which the deficiencies are rectified and/or the additional information and documents requested are submitted.

(5) Where the deficiencies are not rectified within the time limit referred to in paragraph 3, the Minister for Tourism or a duly authorised official acting on the Minister's behalf shall issue an order setting out a refusal to certify the facility.

(6) The interim certificate attesting to the opening of a certification procedure referred to in paragraph 2 shall be valid for 3 months.

(7) The EKKSTO shall appoint within the time limit indicated in paragraph 6 a committee tasked with performing an on-the-spot verification of the compliance of the facility with the stated requirements for its certification, which shall include representatives of the local health inspection services with jurisdiction over the area where the centre is situated.

(8) The verification referred to in paragraph 7 shall be documented in a statement of findings, which shall contain a proposal or refusal to certify the type of centre concerned.

(9) The statement of findings shall be submitted for review to the EKKSTO at its next meeting.

(10) Following the review of the statement of findings the EKKSTO shall adopt a decision setting out a reasoned proposal or refusal to issue a certificate within 7 days from the date of the meeting.

(11) Acting on the proposal received from the EKKSTO, the Minister for Tourism or a duly authorised official acting on the Minister's behalf shall issue an order on the certification of the respective centre, make arrangements for its entry into the National Tourism Register and issue a certificate or draw up a reasoned refusal to certify it within 7 days.

(12) The orders referred to in paragraphs 5 and 11 shall be sent to the applicant and may be appealed in accordance with the procedure laid down in the Administrative Procedure Code.

(13) Where an application/declaration is received by the Ministry of Tourism seeking the rating of an accommodation facility and the certification of a centre annexed thereto, and the rating/certification procedures for the tourist facilities have been opened at the same time, the on-the-spot verifications may be carried out concurrently in a single visit.

**Article 141a** (1) (New in SG No 37/2018, in force as from 4 May 2018) For tourist facilities operating on a seasonal basis, when an on-the-spot verification to ascertain compliance with the requirements for the respective type of centre is not performed within the period of validity of the issued interim certificate attesting to an opened certification procedure for reasons not attributable to the person, a one-off extension of the period of validity of the interim certificate may be granted.

(2) The expert commission on rating and categorisation of tourist facilities shall determine the time period referred to in paragraph 1 at its discretion in each case.

(3) Acting on a proposal from the EKKSTO, the Minister for Tourism or an official duly authorised to act on the Minister's behalf shall issue an order stipulating the time limit referred to in paragraph 1 and a new interim certificate with an updated validity period.

**Article 142** (1) Certified centres shall be furnished with category insignia corresponding to their type, including a certificate and plaque, which must be prominently displayed on the premises.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The category insignia referred to in paragraph 1 shall be uniform and shall be based on a model approved by the Minister for Tourism.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) The category insignia shall be handed over to the applicant in person or to an authorised representative of the applicant following the payment of a fee for entry into the National Tourism Register on the basis of the tariff referred to in Article 69(3).

(4) The type, name and rating category of the tourist facilities referred to in paragraph 1 must not mislead or deceive customers.

(5) The certificate shall be valid for a period of 5 years as from the date of issue.

(6) An issued certificate may be renewed before the period referred to in paragraph 5 has elapsed.

(7) The certified centres and the persons providing services at these centres shall be entered into a dedicated register. The register shall be public and shall be part of the National Tourism Register.

(8) (amended in SG No 37/2018, in force as from 4 May 2018) Where changes occur in the circumstances entered into the register pursuant to paragraph 7, which require the issuance of a new certificate, the latter shall be issued on the basis of an application/declaration from the applicant to be submitted within 14 days from the date of the change.

(9) (Amended in SG No 37/2018, in force as from 4 May 2018) Fees based on the tariff referred to in Article 69(3) shall be collected in respect of the review of documents submitted for the purpose of certification, entry into the National Tourism Register and the entry of changes in registered circumstances.

**Article 143** (1) (amended in SG No 9/2015, in force as from 3 February 2015) the Certified facility and its operator shall be erased from the register and the certificate shall be invalidated by an order issued by the Minister for Tourism or an official duly authorised to act on their behalf:

1. upon expiry of the validity period;
2. at the request of the person providing services on the premises of the tourist facility;
3. upon dissolution of the legal person providing services on the premises of the tourist facility;
4. upon the opening of insolvency or liquidation proceedings against the person providing services on the premises of the tourist facility;
5. upon change of the type of tourist facility;
6. in the event of systemic violations of the requirements for the respective type of facility stipulated in the regulation referred to in Article 138(3);

7. (amended in SG No 37/2018, in force as from 4 May 2018) in the event of failure to submit the application/declaration referred to in Article 142(8) in a timely manner.

(2) Following the invalidation of an issued certificate, a new certificate shall be issued in accordance with the procedure laid down in Articles 140 and 141.

(3) The order referred to in paragraph 1 shall be subject to appeal in accordance with the procedure laid down in the Administrative Procedure Code. The order shall be subject to immediate enforcement. The appeal shall not suspend enforcement, unless otherwise determined by the competent court.

## **Chapter Ten**

### **(In force as from 27 September 2013, published in the SG No 30/2013) SUBMISSION OF DOCUMENTS BY ELECTRONIC MEANS**

**Article 144** (1) (amended in SG No 37/2018, in force as from 4 May 2018)

The applications/declarations for registration as tour operator and/or travel agent and rating of the tourist facilities referred to in Article 3(2)(1) to (3) and for certification of the tourist facilities referred to in Article 3(2)(5), along with the scanned annexes thereto, may be submitted by electronic means.

(2) (amended in SG No 37/2018, in force as from 4 May 2018) The applications/declarations and the respective notices must be signed by the applicant with a qualified electronic signature. The applicant shall be the person on whose behalf the application/declaration is submitted by electronic means.

(3) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) The e-mail address to which applications/declarations may be submitted shall be published on the webpages of the Ministry of Tourism and the respective municipality.

(4) (amended in SG No 9/2015, in force as from 3 February 2015) The electronic application shall be considered to have been received upon confirmation of receipt by the Ministry for Tourism, respectively the municipality. Receipt shall be confirmed within a period 5 business days.

## **Chapter Eleven**

### **ISSUANCE OF DUPLICATES OF CERTIFICATES**

**Article 145** (1) A duplicate of an issued tour operator/travel agent registration certificate, a rating certificate attesting to the type and category of the tourist facilities referred to in Article 3(2)(1) to (3) and a certificate in respect of the tourist facilities referred to in Article 3(2)(5) shall be issued in the event of destruction or loss of the certificate initially issued on the basis of an application based on a model and submitted by the holders named in the respective document lost.

(2) A declaration in respect of the circumstances referred to in paragraph 1 shall be annexed to the application.

(3) A fee calculated on the basis of the tariff referred to in Article 69(3) shall be paid for the issuance of a duplicate.

## **Chapter 12**

### **(In force as from 27 September 2013, IN SG No 30/2013)**

### **TOUR GUIDES, MOUNTAIN GUIDES AND SKI INSTRUCTORS**

**Article 146** (1) In order to practice the occupation of tour guide, mountain guide and ski instructor, a person must hold a certificate of competence and must be entered into a dedicated register, which constitutes part of the National Tourism Register. Ski instructors may practise their occupation solely through the ski school by which they are employed.

(2) (amended in SG Nos 68/2013, in force as from 2 August 2013; and 9/2015, in force as from 3 February 2015) The Minister for Tourism, acting in consultation with the Minister for Education and Science and the Minister for Youth and Sport, shall issue regulations laying down the requirements for the education, practical training and professional qualifications necessary in order to practise the occupations referred to in paragraph 1.

(3) (New in SG Nos 37/2018, in force as from 4 May 2018) Competence to exercise the occupation of tour guide, mountain guide and ski instructor may be acquired by any Bulgarian national or citizen of another Member State of the European Union, the European Economic Area or the Swiss Confederation with full legal capacity.

**Article 146a** (1) (New in SG No 37/2018, in force as from 4 May 2018) For the purpose of practising the occupation of tour guide, mountain guide or ski instructor in Bulgaria, the nationals of other Member States of the European Union, the European Economic Area or the Swiss Confederation shall file a written notification with the Minister for Tourism not later than one month as from the start date of providing the respective services.

(2) When the occupations of tour guide, mountain guide or ski instructor referred to in paragraph 1 have not been previously practised in Bulgaria, the written notice shall be filed three months prior to the start date of providing the respective services in Bulgaria.

(3) The information referred to in paragraph 1 shall be entered into the Register of tour guides, mountain guides and ski instructors, which constitutes part of the National Tourism Register, for the length of service delivery in Bulgaria.

**Article 147** (1) (amended in SG Nos 9/2015, in force as from 3 May 2015, and 37/2018, in force as from 4 May 2018) The persons who have acquired the requisite competence to practise the occupations referred to in Article 146(1) shall file an application/declaration based on a model with the Minister for Tourism for the purpose of their entry into the relevant register.

(2) (amended in SG No 37/2018, in force as from 4 May 2018) The application/declaration referred to in paragraph 1 must satisfy the following requirements:

1. the application/declaration must contain at least the following particulars:

a) the names of the person referred to in paragraph 1 (written in Bulgarian, using Cyrillic characters, and in Roman characters) and the address and a telephone/fax and email, if available. Where these particulars are not available, the names of the authorised representative and his/her telephone, fax and e-mail must be provided;

b) the grounds on the basis of which the applicant is entitled to practise the occupations referred to in Article 146(1), including under the legislation of another Member State of the European Union, the European Economic Area or the Swiss Confederation;

c) professional qualification and language proficiency;

d) the circumstances relating to their education or professional qualification and length of service;

2. the following shall be annexed to the application/declaration:

a) a certificate or another document attesting to foreign language proficiency, where applicable;

b) a declaration that the occupation is practised on a freelance basis and/or a copy of an employment contract;

(3) The application referred to in paragraph 1, along with the documents annexed thereto, may also be filed by electronic means in accordance with Article 144.

(4) The following particulars shall be entered into the register under Article 146(1):

1. the names and contract details of the tour guide, mountain guide or ski instructor;

2. the language in which the occupation will be practised;

3. the manner in which the occupation will be practised;

4. any changes to the circumstances entered into the register.

(5) Any change in the circumstances referred to in paragraph 4 shall be declared by the respective persons within a period of 7 days for the purpose of its entry into the register.

(6) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or an official duly authorised to act on their behalf shall issue an order providing for the erasure of the person referred to in paragraph 1 from the relevant register under Article 146(1):

1. at the request of the person entered into the register;
2. due to incorrect or false information being entered into the register;
3. where the occupation fails to be practiced over a period of two years.

(7) The order referred to in paragraph 6(2) and (3) shall be subject to appeal in accordance with the procedure laid down in the Administrative Procedure Code. The order shall be subject to immediate enforcement. The appeal shall not suspend enforcement, unless otherwise determined by the competent court.

(8) The persons erased from the register pursuant to paragraph 6(3) of the relevant register referred to in Article 146(1) may re-apply for entry into the register after at least 6 months from the date of erasure of the previous entry have elapsed.

(9) (New in SG No 37/2018, in force as from 4 May 2018) Fees based on the tariff referred to in Article 69(3) shall be collected in respect of the initial entry into the National Tourism Register and the subsequent entry of changes to registered circumstances.

**Article 148** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or an official duly authorised to act on their behalf shall issue to the person entered into the relevant register under Article 146(1) a respective identity card.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall approve the models of the identity cards referred to in paragraph 1 for each of the occupations under Article 146(1). The identity cards must clearly identify the respective tour guide, mountain guide or ski instructor by means of a photograph and at least two names of the holder and, in the case of ski instructors, the school by which the instructor is employed.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) Upon loss or destruction of the identity card, the Minister for Tourism or a duly authorised representative thereof shall issue a duplicate on application of the person referred to in Article 146(1).

**Article 149** The tour guides, mountain guides and ski instructors must wear the identity card referred to in Article 148(1) prominently displayed while practising their occupation to ensure that they can be identified at any time as provided for in Article 148(2).

**Article 150** The tour guide, mountain guide and ski instructor shall be liable for any damages sustained as a result of non-performance of their obligations that is attributable to them in accordance with the Obligations and Contracts Act.

## **Chapter Thirteen**

# **SKI RUNS. TYPES. USE, MAINTENANCE AND SAFETY. TOURIST SERVICE DELIVERY**

**Article 151** (1) Ski runs, regardless of whether owned by the central or local government or privately owned, shall be accessible to the general public and available for ski instruction by ski schools employing competent ski instructors entered into the National Tourism Register.

(2) Access to individual sections of ski runs may be restricted solely out of considerations relating to national security and defence, the conservation of protected areas and sites, in the case of threat to human health or life, and in other cases expressly provided for by law.

(3) The restriction referred to in paragraph 2 shall also be permissible where necessary to ensure that ski runs are properly processed, outside of the working hours of ski lifts and cable cars, and during competitions and other events of a nature that requires restricted use of the ski run.

(4) The use of motor or other vehicles on ski runs shall be prohibited, except for skis or snowboards, the snowploughs operated by the person referred to in Article 157(1) in order to prepare the ski runs and ensure their safe and orderly use, including in emergencies, as well as the vehicles used by mountain rescue professionals and/or medical teams.

**Article 152** (1) The use of tourist facilities (ski runs) and providing tourist services thereon must be secured, including by the provision of adequate and sufficient information.

(2) The types of ski runs referred to in paragraph 1 are as follows:

1. runs intended for skiing and snowboarding — a dedicated, signposted and secured inclined plane in a mountain intended for competitive or amateur skiing and snowboarding;

2. cross-country skiing tracks — a dedicated, secured and signposted mountain plane intended for competitive cross-country skiing marathons or amateur cross-country skiing;

3. skiing areas for children;

4. snow parks.

**Article 153** (1) Ski runs may be individual or organised into ski areas with defined boundaries, which comprise pistes with various difficulty ratings and intended for different purposes, the tracks between them and the cable cars and ski lifts used for the carriage of people.

(2) Ski routes and the tracks between ski runs as well as the paths for tourists must be properly secured, including by the provision of adequate and sufficient information.

**Article 154** (1) The requirements for safety and adequate and sufficient information referred to in Articles 152(1) and 153(2) are:

1. determining the difficulty rating of the ski run, taking into account the nature and the nature of the ground and ensuring that it is visibly displayed for the benefit of tourists:

- a) green — for beginners;
- b) blue — low level of difficulty;
- c) red — medium level of difficulty;
- d) black — high level of difficulty;

2. prominently displaying, on the ski run and on the premises of accommodation facilities situated in immediate proximity to the respective ski run, the mandatory safety rules for skiers stipulated in the Regulation referred to in Article 159;

3. preventing the simultaneous use of ski runs for skiing and sleighing, tourist walking, etc. and for the take-off and landing of hang-gliders and paragliders in areas not specifically designated for this purpose;

4. preventing the movement of vehicles on the ski runs while open for skiing, except for ski run maintenance vehicles and vehicles used in rescue operations, provided that the areas are properly signposted;

5. maintaining the ski run area;

6. maintaining a webpage containing information about the resort, ski runs (description, length, difficulty rating, service facilities), the equipment (type, destination and length), available services and other relevant information;

7. displaying information boards, warnings, directions and other signs on the ski run in accordance with the requirements stipulated in the regulation referred to in Article 159.

(2) The mayor of the municipality or the of the municipalities in whose area of the mountain resort is situated shall issue an order setting out rules on the maintenance of public order within the perimeter of the ski runs situated within the boundaries of the respective resort and shall ensure their enforcement.

(3) The rules referred to in paragraph 2 shall be enforced by a ski patrol.

**Article 155** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall issue an order establishing a committee responsible for determining the difficulty rating of ski runs in accordance with Article 156(1)(1) and their safety, hereinafter ‘the Committee’.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The work and organisation of the Committee shall be governed by rules of procedure issued by the Minister for Tourism.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) The order referred to in paragraph 1 shall also determine the composition of the committee, which shall include representatives of the Ministry of Tourism, the Bulgarian Ski Federation and the National Professional Association of Ski Instructors and Ski Schools.

(4) (amended in SG No 9/2015, in force as from 3 February 2015) Other experts on winter sports, determined at the discretion of the Minister for Tourism, may also be members of the committee.

(5) (amended in SG No 9/2015, in force as from 3 February 2015) The committee shall perform checks to rate the difficulty of ski runs on the basis of applications submitted to the Minister for Tourism by the person holding the rights to operate the ski lift serving the respective piste.

**Article 156** (1) The maintenance of the area adjacent to the ski run referred to in paragraph 154(1)(5) shall include the following activities during the summer, respectively the winter:

1. ground revegetation: planting grass on bare patches, grass cutting, clearing shrubs, removal of stones and rock fragments, stumps, filling holes and levelling other rough surface features caused by torrential rain and soil erosion, water discharge and drainage, and construction of escarpments;

2. snow trampling, creating an artificial snow cover, putting temporary and permanent fencing and other safety features in place;

**Article 157** (1) The owner or the person to whom rights have been granted to operate the drag lift and/or ski lift (cable car or chair lift) servicing the ski run) shall provide cableway services and must comply or ensure compliance with the requirements laid down in Article 154.

(2) The following ancillary services may be provided to tourists within ski areas:

1. winter sport training (ski schools);

2. rental of specialist skiing and snowboarding equipment;

3. servicing and repairs to winter sports equipment;

4. recreational activities for children in a dedicated ski area and/or snow parks.

(3) The activities for children referred to in paragraph 2(4) and the use of ski runs and attending facilities by children must be organised in compliance with the requirements laid down in the regulation referred to in Article 79(5).

**Article 158** (1) Arrangements enabling rescue operations within the perimeter of ski runs must be made.

(2) The price of the card for the use of ski lifts may include the cost of a mountain assistance insurance.

**Article 159** The Council of Ministers shall adopt a regulation on the information to be provided on ski runs in Bulgaria, the safety rules to be observed on ski runs and within ski areas and on the organisation of the work of ski patrols.

## **Chapter 14**

### **BEACHES. TYPES. USE AND SAFETY**

**Article 160** (1) The use of beaches and the provision of tourist services thereon must be secured and adequate and sufficient information must be provided in compliance with applicable health requirements.

(2) The beaches referred to in paragraph 1 shall be:

1. beaches situated along the shores of natural water bodies: seaside, riverside and lakeside;

2. beaches situated along the edge of artificial water bodies: reservoirs and swimming pools.

(3) (amended in SG No 37/2018, in force as from 4 May 2018) The owners or persons to whom rights of use of beaches have been granted shall ensure that beaches are safe, properly secured, that adequate and sufficient information is available, and that compliance is ensured with the applicable health requirements laid down in the regulations referred to in Articles 34(2) and 78a(2) of the Health Act.

**Article 161** (amended in SG No 68/2013, in force as from 2 August 2013; repealed in SG No 40/2014).

**Article 162** (repealed in SG No 40/2014).

**Article 163** (repealed in SG No 40/2014).

**Article 164** The Council of Ministers shall adopt a regulation on the correct and safe technical operation and maintenance of the fitted elements, filtering devices and pumps of separate swimming pools and those annexed to accommodation facilities.

## **Chapter 15**

# **NATIONAL TOURISM REGISTER**

### **(title amended in SG No 75/2016)**

**Article 165** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015<sup>1</sup> and 75/2016) The Minister for Tourism shall develop and maintain the National Tourism Register as a single information system, which incorporates the single tourist information system.

(2) The Council of Ministers, acting on a proposal from the Minister for Tourism, shall adopt a Regulation on the National Tourism Register.

**Article 166** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The Ministry of Tourism shall keep a National Tourism Register, which contains information about:

1. the tour operators and travel agents entered therein;
  - a) the number of the registration certificate, respectively the document ascertaining the right to perform the respective activity;
  - b) the type of the tourist activities performed;
  - c) the company, head office and registered address of the persons entered into the register;
  - d) the address of the offices used for business and the company's telephone and fax numbers, e-mail and webpage;
  - e) (amended in SG No 75/2016) the webpage, respectively a link to an application enabling the conduct of business by electronic means;
  - f) the correspondence address in Bulgaria to be used by all government institutions and the telephone and fax numbers and e-mail;
  - g) the single identification code (company number), tax or registration code or another identifying features used in the respective Member State of the European Union;
  - h) the names of the person/persons in whom rights to manage the affairs and/or represent the registered person are vested;
  - i) the names of the person managing the affairs of the tour operator and/or travel agent;
  - j) (amended in SG No 9/2015, in force as from 3 February 2015) the number of the order issued by the Minister for Tourism or a an official duly authorised to act on their behalf on the registration, termination or erasure of the registration;

k) (amended in SG No 37/2018, in force as from 4 May 2018) the number and date of the concluded insurance contract referred to in Article 97(1), the name of the insurance company, the validity period of the insurance contract and the sum insured;

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

m) the number of the issued duplicate of the registration certificate;

2. The rating of accommodation facilities and the catering and entertainment establishments annexed to them, stand-alone catering and entertainment establishments, tourist chalets, tourist learning centres, dormitories and the catering establishments annexed to them and the persons performing an activity on their premises:

a) (amended in SG No 37/2018, in force as from 4 May 2018) the number of the certificate, including the interim certificate;

b) the type of the facility/establishment;

c) the name of the facility/establishment;

d) the address, telephone and fax number of the facility/establishment;

e) the rating category of the facility/establishment;

f) the capacity of the facility/establishment — number of rooms (apartments), studios and number of beds, respectively number of outdoor and indoor seats;

g) the company/name and head office/registered address of the owner of the facility/establishment;

h) the single identification code (company number), tax or registration code or another identifying features used in the respective Member State of the European Union;

i) the name, head office and registered address, single identification (company) code tax or registration or another code used in the respective Member State of the European Union of the person engaged in hotel and restaurant management at the facility/establishment, telephone and fax number, and e-mail;

j) the date on which the person commenced performing the activity at the facility/establishment and the validity period of the rating category assigned;

k) the date of suspension of the rating certificate and the period of suspension;

l) (amended in SG No 37/2018, in force as from 4 May 2018) the incoming reference number of the application/declaration filed in respect of the rating category;

m) the number and date of the order issued by the rating body on assigning, refusing to assign, lowering or suspending the rating assigned;

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

o) the issued duplicate of the rating certificate;

3. the tourist area management organisations:

a) (supplemented in SG Nos 75/2016 December 2016 and 37/2018, in force as from 4 May 2018) the name, head office and registered address of the organisation, telephone, fax, e-mail and webpage of the OUTR;

b) the objects of the organisation;

c) the names, telephone, fax and e-mail address of the persons representing the organisation;

d) (amended in SG No 9/2015, in force as from 3 February 2015) the number of the order providing for the entry of the organisation into the register issued by the Minister for Tourism;

e) (new in SG No 37/2018, in force as from 4 May 2018) the tourist area under the jurisdiction of the OUTR;

f) (new in SG No 37/2018, in force as from 4 May 2018) the bodies of the OUTR and the executive director;

g) in paragraph 6, the letter 'application' shall be replaced by 'application/declaration';

4. tourism associations:

a) the name, head office and address of the association and its telephone, fax, email and webpage;

b) the type of the association;

c) the court, case number, section, register, volume and page of the court registration of the association, its single identification code, and registration number in the register kept by the Ministry of Justice, if established as a public benefit organisation;

d) the names, telephone, fax and e-mail address of the persons representing the organisation;

e) the type and composition of the managing body, including the names of its members;

f) the number of the member organisations and other members of the association;

5. tourist information centres:

a) the legal form and organisation;

b) the location of the tourist information centre;

c) the names of the person managing the tourist information centre;

d) the telephone, fax and e-mail of the tourist information centre;

e) the additional tourist services offered;

6. certified medical SPA, SPA, wellness and thalassotherapy centres:

a) the certificate number;

b) the validity period of the certificate;

c) the type of the facility;

d) the name of the facility;

e) the address, telephone, fax and e-mail of the facility;

f) the name, head office and registered address, single identification number, respectively the name and permanent address of the owner of the facility, telephone and fax number, and e-mail;

g) the name, head office and registered address, single identification code, respectively the name and permanent address of the person to whom rights to use the facility have been granted, telephone and fax number, and e-mail;

h) (amended in SG No 37/2018, in force as from 4 May 2018) the incoming reference number of the application/declaration seeking the issuance of a certificate;

i) (amended in SG No 9/2015, in force as from 3 February 2015) the number of the order issued by the Minister for Tourism providing to the issuance, refusal to issue or erasure of the certificate;

j) any sanctions imposed under this Act;

k) any issued duplicates of the certificate;

7 (1) (supplemented in SG No 37/2018, in force as from 4 May 2018) the tour guides having the requisite competence to practise their occupation, including tour guides from other Member States of the European Union, the European Economic Area or the Swiss Confederation, referred to in Article 146a and included in a list containing their names, contact details (address, telephone, e-mail of the respective tour guide), his/her working languages, manner of exercising the profession, number of the registration card issued and order providing for their erasure from the list;

8 (1) (supplemented in SG No 37/2018, in force as from 4 May 2018) the mountain guides having the requisite competence to practise their occupation, including tour guides from other Member States of the European Union, the European Economic Area or the Swiss Confederation, referred to in Article 146a and included in a list containing their names, contact details (address, telephone, e-mail of the respective tour guide), his/her working languages, manner of exercising the profession, number of the registration card issued and order providing for their erasure from the list;

9 (1) (supplemented in SG No 37/2018, in force as from 4 May 2018) the ski instructors having the requisite competence to practise their occupation, including tour guides from other Member States of the European Union, the European Economic Area or the Swiss Confederation, referred to in Article 146a and included in a list containing their names, contact details (address, telephone, e-mail of the respective tour guide), his/her working languages, manner of exercising the profession, number of the registration card issued and order providing for their erasure from the list;

10. (new in SG No 75/2016) the entries into the Single Tourist Information System.

(2) (amended in SG No 37/2018, in force as from 4 May 2018) The persons who have filed applications/declarations for registration, rating and certification, including the number and type of documents annexed thereto, shall be entered into a separate section of the National Tourism Register. The entries shall be made in the order of receipt of the applications/declarations and details relating to the progress in case-file review for the purpose of entry into the register and issuance of a certificate shall also be entered.

(3) All changes in registered circumstances shall be entered into the National Tourism Register.

(4) The entries into the National Tourism Register shall be made in accordance with the requirements laid down in the Personal Data Protection Act.

**Article 167** (amended in SG Nos 9/2015, in force as from 3 February 2015; and 75/2016)  
(1) The mayors of municipalities or officials duly authorised to act on their behalf shall keep an electronic register in accordance with the regulation referred to in Article 165(2) for all tourist facilities situated within the municipality to which interim certificates have been issued and ratings have been assigned.

(2) The registers referred to in paragraph 1 shall form an integral part of the National Tourism Register. For the purpose of entry of the requisite date under this Act, an appropriate interface and secure communication systems shall be used.

**Article 168** (1) (amended in SG No 9/2015, in force as from 3 February 2015; supplemented in SG No 75/2016) Entries in the registers referred to in Articles 166(1)(1) to (9) and 167 shall be made ex officio by the Minister for Tourism or a duly authorised official acting on the Minister's behalf or by the mayor of the municipality or an authorised official acting on the mayor's behalf.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Following a change in the circumstances entered into the registers referred to in paragraph 1 the registered person shall file an application based on a model to the Minister for Tourism or the mayor of the municipality for the purpose of its entry in the register within the time limits stipulated by law.

(3) (supplemented in SG No 75/2016; amended in SG No 37/2018, in force as from 4 May 2018) Documents attesting to the change in registered circumstances must be annexed to the application referred to in paragraph 2.

**Article 169** (1) In the event of a change in the ownership of rated accommodation facilities and the catering and entertainment establishments annexed to them, stand-alone catering and entertainment establishments, and tourist chalets and the catering establishments annexed to them or in the ownership of certified facilities, the new owner shall file an application based on a model, along with the requisite documents, with the competent rating or certification body for the purpose of entry of the change in ownership in the relevant registers.

(2) In the event of a change in the operator of the rated and certified facilities/establishments referred to in paragraph 1, the new operator shall file an application based on a model, along with the requisite documents, with the competent rating or certification body for the purpose of the entry of the change of operator in the relevant registers.

(3) In the cases referred to in paragraphs 1 and 2, the rating assigned to the tourist facility/establishment shall remain the same.

**Article 170** (1) (amended in SG No 9/2015, in force as from 3 February 2015) Registered tourism industry operators, the persons operating rated tourist facilities/establishments, central and local government bodies and tourism associations shall be required to provide operational statistical information to the Minister for Tourism, when asked to do so, for the purpose of compiling tourism industry analyses and forecasts.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism or an official duly authorised to act on their behalf shall be required to provide analytical tourism industry information at the request of the persons referred to in paragraph 1.

(3) (amended in SG No 9/2015, in force as from 3 February 2015) The Ministry of Internal Affairs shall provide the Ministry of Tourism with monthly statistical reports on the number of foreign nationals who entered Bulgaria and the number of Bulgarian nationals who travelled abroad as tourists.

(4) The statistical data shall be collected by Directorate-General Border Police on an ex officio basis without travellers crossing the Bulgarian border having to fill out any documents or forms other than those relating to customs control.

## **Chapter 16**

### **MONITORING**

**Article 171** (1) The enforcement of this Act and of the implementing regulations thereto shall be monitored by:

1. (amended in SG No 9/2015, in force as from 3 February 2015) the Minister for Tourism;

2. the Consumer Protection Commission;

3. provincial governors;

4. the mayors of municipalities;

5. the Head of the State Agency for Metrological and Technical Supervision or an official duly authorised to act on their behalf.

(2) (supplemented in SG No 37/2018, in force as from 4 May 2018) The bodies referred to in paragraph 1(1), (2) and (4) shall monitor their activities under this Act with those performed by control bodies designated under other laws. Where necessary, the bodies referred to in paragraph 1 shall coordinate their activities or cooperate with other central or local government bodies.

**Article 172** (1) (amended in SG No 40/2014; ex-article 172 in SG No 37/2018, in force as from 4 May 2018) The officials authorised to act on behalf of the bodies referred to in Article 171(1)(2), (4) and (5) shall:

1. perform on-the-spot inspections and documentary checks;

2. have free access to the tourist facilities.establishments subject to control;

3. require that documents, information, reports and information stored in other formats be provided by the persons subject to control and that they observe professional secrecy with regard to all information that became known to them during the course or in connection with the performance of their obligations;

4. issue mandatory instructions for rectifying non-compliance and violations of this Act and the implementing regulations thereto;

5. hire experts in various areas when special knowledge or skills are required in order to conduct an inspection;

(2) (New in SG No 37/2018, in force as from 4 May 2018) When assistance is required, prior to the commencement of an inspection the competent body notifies the relevant bodies of the nature of the assistance required, which may be in the form of information to be provided in connection with the inspection or designation of officials to participate in it.

(3) (New in SG No 37/2018, in force as from 4 May 2018) The body from which assistance has been requested in accordance with paragraph 2 shall provide the necessary information and designate officials for the purpose of participating in the inspection.

(4) (New in SG No 37/2018, in force as from 4 May 2018) When assistance is required on account of obstructions to the work of control bodies, inspections shall be performed with assistance from officials of the Ministry of Internal Affairs, acting with the remit of their competence pursuant to the Ministry of Internal Affairs Act.

**Article 173** (1) The officials acting on authority delegated by the Head of the Consumer Protection Commission, shall have access to:

1. (amended in SG No 37/2018, in force as from 4 May 2018) all documents related either directly or indirectly to infringements of this Act or of legislation adopted by other Member States of the European Union and transposing the requirements laid down Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326/1 of 11 December 2015), hereinafter ‘Directive (EU) 2015/2302’, regardless of the form of the document;

2. order any person to provide any information they may have concerning the infringements referred to in paragraph 1;

(2) The Consumer Protection Commission:

1. order in writing any infringing party to cease the infringement referred to in paragraph 1(1);

2. require infringers to declare that they will cease the infringement referred to in paragraph 1(1) and, if necessary, oblige them to make the declaration public;

3. order the cessation or the prohibition of any of the infringements referred to in paragraph 1(1) and, if necessary, make the order for cessation or prohibition of the infringement public.

**Article 174** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015, and 37/2018, in force as from 4 May 2018) A statement of findings setting out the results of the inspections conducted by the expert working group in connection with the rating of a tourist facilities shall be drawn up by authorised officials acting on behalf of the Minister for Tourism and the mayors of municipalities.

(2) The statement of findings shall detail all relevant facts and circumstances ascertained during the inspection referred to in paragraph 1 and, where necessary, set out mandatory instructions on rectifying them, including a time period to do so.

(3) The mandatory instructions received must be fulfilled within a maximum period of 30 days. Acting on a request from the applicant, the EKKTO may adopt a decision to grant an extension of the period for achieving compliance by up to 15 days.

(4) The statement of findings must be handed over to the person responsible for the management of the tourist facility.

(5) Following the expiry of the time period set in accordance with paragraph 2 an on-the-spot compliance verification shall be performed by an authorised official.

(6) Where the mandatory instructions fail to be fulfilled, the expert group shall submit a reasoned proposal to the EKKTO to:

1. assign a rating to the tourist facility in the category it fulfils the requirements for;
2. refuse to assign a rating to the tourist facility.

**Article 175** (1) (amended in SG No 40/2014 and 9/2015, in force as from 3 February 2015) Where infringements of the requirements laid down in this Act and the implementing regulations thereto are found, statements of findings in respect of ascertained infringements shall be drawn up by officials duly authorised by the Minister for Tourism, the Head of the Consumer Protection Commission and the mayors of municipalities in accordance with the Administrative Violations and Penalties Act.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Administrative penalties shall be imposed by dedicated penal injunctions issued by the Minister for Tourism, the Head of the Consumer Protection Commission, provincial governors, the mayors of municipalities and the Head of the State Agency for Metrological and Technical Supervision in accordance with the procedure laid down in the Administrative Violations and Penalties Act.

**Article 176** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 4 May 2018) The Minister for Tourism or an official duly authorised to act on their behalf shall issue an order:

1. providing for the erasure of a tour operator or travel agent from the National Tourism Register — in the cases referred to in Article 70(2);

2. lowering the category of the tourist facilities referred to in Article 3(2)(1) to (3) and rated by it — in the cases referred to in Article 135 and in the case of non-compliance with the requirements laid down in Article 114(2), acting on a proposal from the Consumer Protection Commission to which the entire case-file relating to the ascertainment of the infringement must be annexed.

3. providing for the withdrawal of the category of the tourist facilities referred to in Article 3(2)(1) to (3) and rated by it — in the cases referred to in Article 137(1)(8) to (10);

4. providing for the erasure from the National Tourism Register of the certified facilities referred to in Article 3(2)(5) in the case of systemic violations of the requirements for the respective facility stipulated in Article 138(1).

(2) When information alleging an infringement is received, a check may be conducted by officials designated by the Minister for Tourism on the persons engaged in the provision of services in the tourism industry and on tourist facilities to verify compliance with the requirements laid down by law.

(3) The results of the checks referred to in paragraph 2 shall be detailed in dedicated statements of findings.

(4) Where non-compliance with applicable requirements is found during the course of the checks referred to in paragraph 2, the Minister for Tourism shall notify the Consumer Protection Commission and send a copy of the statement of findings detailing the facts and circumstances ascertained for the purpose of follow-up on the infringement and the imposition of sanctions.

**Article 177** (1) The Consumer Protection Commission shall conduct follow-up controls to verify compliance with the requirements laid down by law, except those stipulated in Articles 168(2) and 169(2):

1. (amended in SG No 37/2018, in force as from 4 May 2018) on tour operators, travel agents and the traders facilitating linked travel arrangements;

2. for the rating categories of the tourist facilities referred to in Article 3(2)(1) to (3);

3. for certification of the tourist facilities referred to in Article 3(2)(5);

4. on the owners or persons to whom rights of use of a ski lift servicing a piste have been granted;

5. on tour guides, mountain guides and ski instructors.

(2) Acting on the basis of the conducted controls referred to in paragraph 1, the Head of the Consumer Protection Commission or officials authorised to act on their behalf shall:

1. order the temporary closure of the tourist facilities referred to in Article 3(2)(1) to (3) and (7) by way of imposing a coercive administrative measure in the following cases:

a) operating as a tour operator or travel agent without a registration certificate;

b) failure of the tour operator to take out tour operator liability insurance;

c) providing tourist services at a tourist facility that has not been rated or has had its rating suspended — in the cases referred to in Article 136;

d) providing tourist services at uncertified tourist facilities;

e) repeated refusal of the person operating the tourist facility to grant access to the facility subject to inspection or repeated refusal to provide the documents required for the purpose of conducting an inspection;

2. (amended in SG No 9/2015, in force as from 3 February 2015) notify the Minister for Tourism of systemic violations of the requirements laid down in this Act and in the implementing regulations thereto by tourist operators and travel agents;

3. in the cases referred to in Article 137(1)(7) to (10), notify the rating body of the rated tourist facilities referred to in Article 3(2)(1) to (3), including where the coercive measure referred to in paragraph 1(1) is imposed;

4. (amended in SG No 9/2015, in force as from 3 February 2015) notify the Minister for Tourism of systemic violations of the requirements laid down in the regulation referred to in Article 138(3) by the certified tourist facilities referred to in Article 3(2)(5);

5. notify the rating body of violations of the requirements laid down in Article 114(2) by the rated tourist facilities referred to in Article 3(2)(1) to (3);

6. (amended in SG No 9/2015, in force as from 3 February 2015) notifies the Minister for Tourism of cases of non-performance of obligations laid down in this Act and in the regulations referred to in Article 146(2) by tour guides, mountain guides and ski instructors;

7. may require that information, documents and assistance be provided by other competent government bodies and parties.

(3) The coercive administrative measure referred to in paragraph 2(1) shall remain in place until the violation found has been rectified.

(4) (amended in SG No 37/2018, in force as from 4 May 2018) The Head of the Consumer Protection Commission shall notify the rating body of the coercive administrative measure imposed under paragraph 2(1) within 7 days for the purpose of its entry into the National Tourism Register.

(5) The Consumer Protection Commission shall monitor the compliance of tour operators and travel agents with the requirements laid down in:

1. Regulation (EC) No 1107/2006 in the capacity as designated national body responsible for its application;

2. Regulation (EU) No 181/2011.

(6) (New in SG No 37/2018, in force as from 4 May 2018) In the cases envisaged in Article 176(4) the Head of the Consumer Protection Commission shall notify the Minister for Tourism of the results of follow-up controls and the sanctions imposed.

**Article 178** (repealed in SG No 40/2014).

**Article 179** (1) The mayors of municipalities shall perform checks to verify compliance with applicable statutory requirements:

1. for the rating of the tourist facilities referred to in Article 3(2)(1) and (2);

2. for the tourist facilities referred to in Article 3(2)(1) and (2) that were rated by them;

3. (amended in SG No 75/2016) laid down in Article 116(1) and (6) for all accommodation facilities situated within the municipality;

4. for compliance with the rules stipulated in Article 154(2).

(2) On the basis of the controls referred to in paragraph 1 the mayors of municipalities shall:

1. impose fines and pecuniary sanctions;
2. withdraw the category of the tourist facilities referred to in Article 3(2)(1) to (2) and rated by them in the cases referred to in Article 137(1);
3. lower the category of the tourist facilities referred to in Article 3(2)(1) and (2) and rated by them in case of non-compliance with the requirements laid down in Article 114(2);
4. (amended in SG Nos 9/2015, in force as from 3 February 2015 and 75/2016) notify the Minister for Tourism of cases of non-compliance with the requirements laid down in Article 116(1) and (6) of the tourist facilities referred to in Article 3(2)(1) and (3) and rated by them;
5. may require that information, documents and assistance be provided by other competent government bodies and parties;
6. where the operators of the tourist facilities referred to in Article 3(2)(1) to (3) are found to provide services in breach of the requirement for the rating of tourist facilities, notify the Head of the Consumer Protection Commission of the coercive administrative measure imposed (temporary closure of the infringing facility).

**Article 180** (1) The Head of the State Agency for Metrological and Technical Supervision shall perform controls to verify compliance with the requirements laid down in the regulation referred to in Article 164.

(2) On the basis of the conducted controls referred to in paragraph 1 the Head of the State Agency for Metrological and Technical Supervision shall impose fines and pecuniary sanctions and the coercive administrative measure ‘temporary closure of a tourist facility’ when the violation found poses a threat to the life and health of consumers.

(3) The coercive administrative measure referred to in paragraph 2 shall remain in place until the violation found has been rectified.

**Article 181** The penal injunctions imposing coercive administrative measures shall be issued, appealed and enforced in accordance with the procedure laid down in the Administrative Procedure Code.

## **Chapter 17**

### **ADMINISTRATIVE AND PENAL PROVISIONS**

**Article 182** (1) (amended in SG No 9/2015, in force as from 3 February 2015) Where a person performs services as a tour operator and/or travel agent without a registration certificate or, in the cases referred to in Article 65, without filing a prior notice with the Minister of Tourism in advance, a fine in the amount of BGN 5 000 and, in the case of sole traders and legal persons, a pecuniary sanction of BGN 10 000 shall be imposed.

(2) Where the violation referred to in paragraph 1 is repeated, a fine in the amount of BGN 15 000 and a pecuniary sanction in the amount of BGN 30 000 shall be imposed.

(3) In the event of death or grievous bodily harm being sustained by customers of the services provided as a result of the infringement referred to in paragraph 1, established a court judgment or sentence handed down by the competent court, which has become effective, in addition to the pecuniary sanction referred to in paragraphs 1 and 2 the culpable persons shall be prohibited from exercising activities under this Act for a period of two years.

(4) The punishment, respectively the pecuniary sanction referred to in paragraph 1, shall also be imposed on the tour operator of individual or group travel arrangements that has separately invoiced the travel services referred to in §1(70) of the Supplementary Provision and provided to travellers over a continuous period of time, or additional travel services provided in a package that includes travel and overnight accommodation.

**Article 183** (1) Where a tour operator or travel agent operates from premises, which do not comply with the requirements laid down in this Act, a pecuniary sanction in the amount of BGN 500 shall be imposed.

(2) A repeated infringement shall carry a pecuniary sanction in the amount of BGN 1 000.

(3) Performing an activity under a registration certificate received solely by electronic means shall not be deemed to constitute an infringement under paragraph 1.

**Article 184** (1) Where the business affairs of a tour operator are conducted by a person in a management capacity who does not satisfy the requirements for education, length of service and language proficiency stipulated in this Act, a pecuniary sanction in the amount of BGN 500 shall be imposed on the tour operator.

(2) A repeated infringement shall carry a pecuniary sanction in the amount of BGN 1 000.

**Article 185** Where a tour operator or travel agent fails to prominently display the registration certificate on the premises of the tourist facility, a pecuniary sanction in the amount of BGN 2 000 shall be imposed.

**Article 186** (1) (amended in SG No 37/2018, in force as from 4 May 2018) Where a tour operator or travel agent concludes a contract in the ordinary course of business with a person not entitled to perform the activity of a tour operator or travel agent, a person who provides tourist services at a non-rated or uncertified tourist facility, or a transport operator, insurance company, tour guides, mountain guides and ski instructors operating without the requisite licence, a pecuniary sanction in the amount of BGN 2 000 shall be imposed.

(2) Where the infringement referred to in paragraph 1 is repeated, a pecuniary sanction in the amount of BGN 5 000 shall be imposed.

**Article 187** Where a tour operator fails to issue or provide a traveller with a travel voucher, a pecuniary sanction in the amount of BGN 1 000 up to BGN 2 000 shall be imposed.

**Article 188** Where a travel agent fails to provide a traveller with a travel voucher, a pecuniary sanction in the amount of BGN 1 000 shall be imposed.

**Article 189** Where a travel agent issues its own travel voucher, a pecuniary sanction in the amount of BGN 5 000 shall be imposed.

**Article 190** Where a tour operator issues or provides a travel voucher that does not contain all mandatory information, a pecuniary sanction in the amount of BGN 500 up to BGN 1 000 shall be imposed.

**Article 191** Where a travel agent fails to issue or provide a booking form to the traveller, a pecuniary sanction in the amount of BGN 250 up to BGN 500 shall be imposed.

**Article 192** Where a travel agent issues or provides a booking form that does not contain all mandatory information, a pecuniary sanction in the amount of BGN 100 up to BGN 300 shall be imposed.

**Article 193** (1) (amended in SG No 37/2018, in force as from 1 July 2018) Where a tour operator or travel agent fails to perform its obligations under Article 79(5) and (6), a pecuniary sanction in the amount of BGN 5 000 up to BGN 10 000 shall be imposed.

(2) Where the infringement is repeated, the pecuniary sanction shall be doubled.

**Article 194** (1) (amended in SG No 37/2018, in force as from 1 July 2018) A failure on the part of a tour operator or travel agent to ensure compliance with the obligations to provide information to travellers stipulated in Articles 82(1) to (7), 83(2) and (3) and 84(1) to (4) shall carry a pecuniary sanction in the amount of BGN 500 up to BGN 3 000 for each case of non-compliance.

(2) A failure on the part of a tour operator to fulfil its obligations under Articles 84(6) to (8), 86(4) and (5) and 87(2) shall carry a pecuniary sanction in the amount of BGN 500 up to BGN 3 000 for each case of no-compliance.

(3) Where the infringement referred to in paragraph 1 or 2 is repeated, the pecuniary sanction shall be doubled.

**Article 195** (1) (amended in SG No 37/2018, in force as from 1 July 2018) A failure on the part of a tour operator to ensure compliance with the requirement laid down in Article 87(1) and notify travellers of an increase in the price of travel in accordance with Article 87(5) shall carry a pecuniary sanction in the amount of BGN 500 up to BGN 3 000 for each case of non-compliance.

(2) Where the infringement is repeated, the pecuniary sanction shall be doubled.

**Article 196 (1)** (amended in SG No 37/2018, in force as from 1 July 2018) A failure on the part of a tour operator or travel agent to ensure compliance with the provisions laid down in Article 88(1) and (4) shall carry a pecuniary sanction in the amount of BGN 500 up to BGN 3 000 for each case of non-compliance.

(2) Where the infringement is repeated, the pecuniary sanction shall be doubled.

**Article 197** (repealed in SG No 37/2018, in force as from 1 July 2018).

**Article 198** (1) (amended in SG No 37/2018, in force as from 1 July 2018) Where a tour operator or travel agent fails to perform its obligations under Article 93(1), a pecuniary sanction in the amount of BGN 500 up to BGN 1 000 shall be imposed.

(2) Where the infringement is repeated, the pecuniary sanction shall be doubled.

**Article 199** (repealed in SG No 37/2018, in force as from 1 July 2018).

**Article 200** (repealed in SG No 37/2018, in force as from 1 July 2018).

**Article 201** (repealed in SG No 37/2018, in force as from 1 July 2018).

**Article 202** (repealed in SG No 37/2018, in force as from 1 July 2018).

**Article 203** (1) (amended in SG No 9/2015, in force as from 3 February 2015; ex Article 203, amended and supplemented in SG No 37/2018, in force as from 1 July 2018) Where a tour operator or trader facilitating linked travel arrangements fails to submit to the Minister for Tourism a copy of the insurance referred to in Article 97(1) and (2) within the time periods stipulated in Article 98, a pecuniary sanction in the amount of BGN 1 000 shall be imposed.

(2) (new in SG No 37/2018, in force as from 1 July 2018) Where the infringement is repeated, the amount of the pecuniary sanction shall be doubled.

**Article 203a** (1) (new in SG No 37/2018, in force as from 1 July 2018) Where a tour operator or trader facilitating linked travel arrangements fails to perform its obligation under Article 98a, a pecuniary sanction in the amount of BGN 1 000 shall be imposed.

(2) Where the infringement is repeated, the pecuniary sanction shall be doubled.

**Article 204** (1) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 1 July 2018) Where a tour operator or trader facilitating linked travel arrangements fails to notify the insurance company of an insurance event and send a copy of the notification to the Minister for Tourism, a pecuniary sanction in the amount of BGN 3 000 shall be imposed.

(2) (amended in SG Nos 9/2015, in force as from 3 February 2015; and 37/2018, in force as from 1 July 2018) Where after an insured event a tour operator or trader facilitating linked travel arrangements fails to provide to the insurance company written information about its contractual partners and suppliers, copying that information to the Minister for Tourism, or fails to provide the insurance company with the necessary assistance, a pecuniary sanction in the amount of BGN 2 000 shall be imposed.

(3) (New in SG No 37/2018, in force as from 1 July 2018) Where the infringement referred to in paragraph 1 or 2 is repeated, the amount of the pecuniary sanction shall be doubled.

**Article 205** (1) (ex Article 205 in SG No 109/2013) A pecuniary sanction in the amount of BGN 2 000 up to BGN 10 000 shall be imposed when:

1. a tour operator or travel agent fails to fulfil its obligations under Article 3 of Regulation (EC) No 1107/2006;

2. a tour operator or travel agent fails to fulfil its obligation to develop safety rules thereby infringing Article 4(3) of Regulation (EC) No 1107/2006.

3. a tour operator or travel agent fails to fulfil its obligations under Article 4(4) of Regulation (EC) No 1107/2006;

4. a tour operator or travel agent fails to provide information to an airport operator of the need for assistance to be provided to disabled persons or persons with reduced mobility in accordance with Article 6 of Regulation (EC) No 1107/2006;

5. a tour operator or travel agent fails to fulfil its obligations under Articles 5, 9, 10(2) and (5), 11(3) and (5), 14(3) and (4) and 15 of Regulation (EU) No 181/2011;

6. (new in SG No 109/2013) a tour operator or travel agent fails to fulfil any of its obligations under Article 7 of Regulation (EU) No 1177/2010 or fails to ensure that it is fulfilled by the person to whom the obligation has been delegated;

7. (new in SG No 109/2013) a tour operator or travel agent fails to fulfil any of its obligations under Article 8(2) of Regulation (EU) No 1177/2010 or fails to ensure that it is fulfilled by the person to whom the obligation has been delegated;

8. (new in SG No 109/2013) a tour operator or travel agent fails to ensure that disabled persons or persons with reduced mobility are offered a choice [between the right to reimbursement and re-routing] in accordance with Article 8(3) of Regulation (EU) No 1177/2010 or fails to ensure that this obligation is fulfilled by the person to whom it has been delegated;

9. (new in SG No 109/2013) a tour operator or travel agent requires payment for the carriage of the person accompanying a disabled person or person with reduced mobility thereby infringing Article 8(4), second sentence, of Regulation (EC) No 1177/2010 or fails to ensure that its obligations under the Regulation are fulfilled by the person to whom they have been delegated;

10. (new in SG No 109/2013) a tour operator or travel agent who fails to fulfil or respect the time periods for fulfilment of any of the obligations laid down in Article 8(5) of Regulation (EC) No 1177/2010 or to ensure that said obligations are fulfilled or the time periods for their fulfilment are respected by the person to whom they have been delegated;

11. (new in SG No 109/2013) a tour operator or travel agent fails to fulfil its obligation under Article 9(3) of Regulation (EU) No 1177/2010 or fails to ensure that it is fulfilled by the person to whom it has been delegated;

12. (new in SG No 109/2013) a tour operator or travel agent fails to fulfil any of its obligations under Article 9(4) of Regulation (EU) No 1177/2010 or fails to ensure that said obligations are fulfilled by the person to whom they have been delegated;

13. (new in SG No 109/2013) a tour operator or travel agent fails to fulfil any of its obligations under Article 12(1) or (2) of Regulation (EU) No 1177/2010 or fails to ensure that said obligations are fulfilled by the person to whom they have been delegated;

(2) (new in SG No 109/2013) The fine, respectively pecuniary sanction referred to in paragraph 1 shall be imposed on the person to whom the tour operator, respectively the travel agent has delegated the fulfilment of any of its obligations under Articles 7, 8(2), (3), (4), second sentence, and (5), 9(3) and (4) and 12(1) and (2) of Regulation (EU) No 1177/2010.

**Article 206** (1) Where tourist services are provided at an unrated tourist facility of the types referred to in Article 3(2)(1) to (3), a fine in the amount of BGN 500 up to BGN 5 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 1 000 up to BGN 10 000 shall be imposed.

(2) Where the violation referred to in paragraph 1 is repeated, a fine in the amount of BGN 5 000 up to BGN 8 000 and a pecuniary sanction in the amount of BGN 10 000 up to BGN 15 000 shall be imposed.

**Article 207** (1) Where an operator provides tourist services at an accommodation facility while the rating certificate referred to in Article 136(1) is suspended, a fine in the amount of BGN 500 up to BGN 5 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 1 000 up to BGN 10 000 shall be imposed.

(2) Where the violation referred to in paragraph 1 is repeated, a fine in the amount of BGN 5 000 up to BGN 8 000 and a pecuniary sanction in the amount of BGN 10 000 up to BGN 15 000 shall be imposed.

**Article 208** Where a hotel or restaurant operator provides services at a rated tourist facility/catering establishment that do not correspond to the requirements for the respective rating category, a fine in the amount of BGN 200 up to BGN 1 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 1 000 up to BGN 3 000 shall be imposed.

**Article 209** Where the information referred to in Article 114(3) fails to be displayed on the premises of the rated tourist facilities under Article 3(2)(1) to (3) or fails to be displayed in the requisite manner, a fine in the amount of BGN 100 up to BGN 500 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 500 up to BGN 1 000 shall be imposed.

**Article 210** Where a hotel operator fails to fulfil its obligations under Article 115 or fails to fulfil them in the manner indicated, a fine in the amount of BGN 200 up to BGN 2 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 500 up to BGN 2 000 shall be imposed.

**Article 211** Where a restaurant operator fails to fulfil its obligations under Article 117 or fails to fulfil them in the manner indicated, a fine in the amount of BGN 500 up to BGN 2 000 shall be imposed.

**Article 212** Where a hotel or restaurant operator concludes a contract with an unregistered tour operator or travel agent, a hotel or restaurant operator who does not have the right to perform the respective tourist activity or an unlicensed transport operator, a fine in the amount of BGN 500 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 3 000 shall be imposed.

**Article 213** (1) (amended in SG No 75/2016) Where a hotel operator fails to keep the register of accommodated travellers referred to in Article 116(1), a fine in the amount of BGN 2 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 7 000 shall be imposed.

(2) Where a hotel operator fails to keep the register referred to in paragraph 1 in accordance with Article 116, a fine in the amount of BGN 100 up to BGN 1 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 500 up to BGN 5 000 shall be imposed.

(3) Where a party fails to exchange or enable the exchange of data with the Single Tourist Information System in accordance with Article 116(6)(2) and (3), a fine in the amount of BGN 1 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 5 000 shall be imposed.

**Article 214** Where the interim certificate attesting to the opening of a rating procedure or the rating category insignia fails to be prominently displayed on the premises of the tourist facilities/establishments referred to in Article 3(2)(1), (2) and (3), a fine in the amount of BGN 500 up to BGN 1 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 1 000 up to BGN 3 000 shall be imposed.

**Article 215** Where tourist services are provided at the tourist facilities/establishments referred to in Article 3(2)(1), (2) and (3) in violation of the requirements laid down in Article 4, fine in the amount of BGN 100 up to BGN 500 or a pecuniary sanction in the amount of BGN 500 up to BGN 2 000 shall be imposed.

**Article 216** (1) Where the facilities referred to in Article 3(2)(5) are uncertified but nevertheless used to provide services, a pecuniary sanction in the amount of BGN 1 000 up to BGN 5 000 shall be imposed.

(2) Where the infringement referred to in paragraph 1 is repeated, the amount of the pecuniary sanction shall be doubled.

**Article 217** Where the certificate issued to the tourist facility referred to in Article 3(2)(5) fails to be prominently displayed on the premises, a pecuniary sanction in the amount of BGN 1 000 up to BGN 3 000 shall be imposed.

**Article 218** A failure to fulfil the obligation to declare a change in registered circumstances for the purpose of its entry into the National Tourism Register shall carry a fine in the amount of BGN 100 up to BGN 300 and, in the case of sole traders and legal persons, a pecuniary sanction of BGN 200 up to BGN 500.

**Article 219** (1) Where the occupation of tour guide, mountain guide and ski instructor is practised without the relevant person being entered into the National Tourism Register, a fine in the amount of BGN 1 000 shall be imposed.

(2) (New in SG No 37/2018, in force as from 4 May 2018) Where a tour guide, mountain guide or ski instructor from a Member State of the European Union, the European Economic Area or the Swiss Confederation practices their occupation in Bulgaria without having first filed the notification referred to in Article 146a, a fine in the amount of BGN 1 000 shall be imposed.

(3) (ex paragraph 3; supplemented in SG No 37/2018, in force as from 4 May 2018) Where the violations referred to in paragraphs 1 or 2 are repeated, a fine in the amount of BGN 3 000 shall be imposed.

**Article 220** (1) Where a tour guide, mountain guide and ski instructor practices their occupation without wearing the relevant identification card, a fine in the amount of BGN 500 shall be imposed.

(2) Where the violation referred to in paragraph 1 is repeated, a fine in the amount of BGN 1 000 shall be imposed.

**Article 221** Failure to provide access to an authorised official from a control body to a facility/establishment subject to control or to make available documents or information requested by a competent control body shall carry a fine in the amount of BGN 500 up to BGN 2000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 1 000 up to BGN 5 000.

**Article 222** Where the owner or the person vested with the right to use the equipment servicing a piste fails to perform their obligations under Article 154(1), a pecuniary sanction in the amount of BGN 1 500 up to BGN 5 000 shall be imposed.

**Article 223** Where the owner or the person vested with the right to use the equipment servicing a piste fails to perform their obligations under the regulation referred to in Article 159, a pecuniary sanction in the amount of BGN 3 000 up to BGN 5 000 shall be imposed.

**Article 224** Where the provision of tourist services continues after the coercive administrative measures 'temporary closure of a tourist facility' or 'temporary prohibition to use a beach' have been imposed, a fine in the amount of BGN 5 000 up to BGN 10 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 10 000 up to BGN 30 000 shall be imposed.

**Article 225** (amended in SG No 9/2015, in force as from 3 February 2015) Failure to fulfil the obligation to provide information to the Ministry of Tourism via the Single Tourist Information System shall carry a fine in the amount of BGN 100 up to BGN 1 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 200 up to BGN 2 000.

**Article 226** Failure to fulfil the obligations under Article 3(4) shall carry a fine in the amount of BGN 100 up to BGN 1 000 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 200 up to BGN 2 000.

**Article 227** (1) Where mandatory instructions issued by a competent bodies under this Act fail to be implemented, a fine in the amount of BGN 250 up to BGN 500 shall be imposed, unless a heavier fine or pecuniary sanction is envisaged. A repeated violation shall carry a fine in the amount of BGN 500 up to BGN 1 500.

(2) Where the violation referred to in paragraph 1 is committed by a legal person or sole trader, a pecuniary sanction in the amount of BGN 500 up to BGN 1500 shall be imposed. A repeated violation shall carry a pecuniary sanction in the amount of BGN 1 500 up to BGN 3 000.

**Article 228** (1) Where the rules laid down in Article 154(2) are infringed, a fine in the amount of BGN 100 up to BGN 300 and, in the case of sole traders and legal persons, a pecuniary sanction in the amount of BGN 500 up to BGN 1 000 shall be imposed.

(2) Where the violation referred to in paragraph 1 is repeated, the amount of the fine, respectively pecuniary sanction, shall be doubled.

**Article 229** (1) An infringement of the implementing regulations adopted pursuant to this Act on the part of natural persons, sole traders and legal persons shall carry a fine, respectively a pecuniary sanction, in the amount of BGN 200 up to BGN 1 000.

(2) Where the violation referred to in paragraph 1 is repeated, a fine, respectively pecuniary sanction, in the amount of BGN 1 000 up to BGN 3 000 shall be imposed.

**Article 230** (1) An official who fails to fulfil any obligation under this Act shall be punishable by a fine of BGN 500 up to BGN 1 000.

(2) Where the violation referred to in paragraph 1 is repeated, the amount of the fine shall be doubled.

**Article 231** (repealed in SG No 37/2018, in force as from 4 May 2018).

**Article 232** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The statements of findings ascertaining administrative violations shall be drawn up by authorised officials designated by the Minister for Tourism, the Head of the Consumer Protection Commission and the Head of the State Metrological and Technical Supervision Commission or by municipal officials designated by the mayor of the respective municipality.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Penal injunctions shall be issued by the Minister for Tourism, the Head of the Consumer Protection Commission and the Head of the State Metrological, Technical Supervision Commission, provincial governors and the mayors of municipalities or officials duly authorised to act on their behalf.

(3) The ascertainment of violations and the issuance, appeal and execution of penalty injunctions shall be governed by the provisions laid down in the Administrative Violations and Penalties Act.

(4) The decisions ascertaining administrative violations and penal injunctions within the meaning of the Administrative Violations and Sanctions Act, as well as individual administrative decisions within the meaning of the Administrative Procedure Code may be served on any natural person present on the premises of the tourist facility and employed under a fixed-term or permanent employment by the person against whom the decision or injunction have been issued.

## **SUPPLEMENTARY PROVISIONS**

### **(Title amended in SG No 37/2018, in force as from 4 May 2018)**

**§1** Within the meaning of this Act:

1. 'Tourist' means a visitor whose stay is at least 24 hours so that at least one night is spent at the place of destination visited for the purpose of tourism, recreation, sport, medical procedures, business, visiting relatives and friends, pilgrimage, participation in cultural, congress, conference or other events. The following persons are not considered to be tourists:

- a) persons travelling for political reasons, refugees;
- b) persons travelling on political/professional reasons — migrants, members of the armed forces, diplomats, embassy staff;
- c) persons travelling on political/professional reasons — border-area workers, seasonal workers, couriers;
- d) persons seconded to work in another country by their corporate or government employer;
- e) persons in transit and immigrants continually travelling between countries.

2. 'Holidaymaker' is a visitor whose stay is less than 24 hours. Holidaymakers are one-day visitors, cruise ship passengers and the crews of vehicles, except passengers in transit.

3. 'Domestic tourism' means travel within Bulgaria by persons residing permanently in the country.

4. 'Inbound tourism' means travel within Bulgaria by persons who reside permanently in another country.

5. 'Outbound tourism' means travel abroad by persons who reside permanently in Bulgaria.

6. 'Sustainable tourism' means any form of development, arrangement or tourist activity, which conserves and protects in the long term the natural, cultural and social resources and contributes in a positive and balanced way to the economic development and welfare of the people who live, work or reside in the respective areas.

7. 'Local tourism association' means an association established for the development and advertisement of tourism within a single municipality that brings together persons operating in the tourism industry or providing additional tourist services, as well as other persons wishing to contribute to the development of tourism within the respective area.

8. 'Regional tourism association' means an association established for the development of tourism within two or more neighbouring municipalities that brings together local tourism associations and other organisations wishing to contribute to the development of tourism within the respective area.

9. 'Sectoral tourism association' means an association established for the development of tourism at national level, which brings together persons performing tourists activities.

10. 'Product tourism association' means an association established for development of certain type/types of tourism at national level, which tourist associations and persons engaged in carrying out tourist activities.

11. 'Professional tourism association' means an association of natural persons exercising a certain profession in the tourism industry and legal persons established with a view to providing additional tourist services.

12. 'Evidence of regular organisational life of the association' means documents and/or declared circumstances demonstrating that the association effectively carries out public activities for the purpose of developing tourism. Compliance with this requirement is assessed by taking into account the objects of the association as stipulated in its statute and in Article 50.

13. 'Tourist destination' means a defined mix of economic, social and cultural ecological activities carried out at tourist facilities with real borders in order to create, sell and consume goods and services from which the tourist product (package) derives its attractiveness and competitiveness in a sustainable and effective manner.

14. 'Tourist area' means an environmental and social system with a sustainable hierarchical space structure (clusters) and borders characterised by a high level of concentration of resources and facilities in which competitive, efficient and effective tourist policies are implemented.

15. 'Tourist attraction' means a natural, cultural or purposefully created site of interest to tourists, typically linked to natural material or immaterial cultural heritage and/or historical events or artificially created entertainment sites providing services with knowledge-enhancing or educational purposes and/or offering possibilities for recreation or entertainment.

16. 'National resort' means a urban area of national importance designated as such by a decision of the Council of Ministers, which satisfies a need for resort recreation at national level and may be situated in one or several municipalities.

17. 'Hotel' means a building or functionally connected buildings with at least 15 accommodation rooms, which offer basic and ancillary tourist services relating to stay of travellers. Hotels built before 1 June 2003 and hotels situated in urban areas or parts thereof of historical, archaeological, ethnographic or architectural significance may comprise a total number of rooms that is lower by 20 %. At least one food and entertainment establishment must be situated on hotel premises.

18. 'Motel' means a type of roadside hotel providing accommodation and services to tourists travelling by motor vehicle and situated outside an urban area, along a transport junction or motorway that is in use. At least one food and entertainment establishment must be situated on motel premises.

19. 'Apartment complex for tourists' means:

a) a residential building consisting of apartments/studios or apartments/studios and rooms offered as tourist accommodation by a hotel management company, or

b) a group of buildings of apartments/studios and rooms situated in a self-contained area with common engineering and tourist infrastructure, where basic and ancillary tourist services are provided, or

c) a group of apartments/hotel(s) and low-rise buildings consisting of apartments/studios, situated in a self-contained area or rooms with common engineering and tourist infrastructure where basic and ancillary tourist services are provided.

The apartment complex for tourists, regardless of the number and type of the buildings it comprises, is assigned a single common rating applicable to the entire complex. No difference in the rating of the different facilities within its perimeter is admissible. At least one food and entertainment establishment must be situated on the premises of the apartment complex.

20. 'Villa compound' means a group of low-rise, solid-built villas situated in a self-contained area with common engineering and tourist infrastructure from which basic and various ancillary tourist services are available. It consists of at least 5 villas and at least one catering and entertainment establishment must be situated within its perimeter.

21. 'Tourist compound' means a group of accommodation facilities situated in a self-contained area with common engineering and tourist infrastructure from which basic and various ancillary tourist services are available. It consists of at least 5 accommodation facilities and at least one catering and entertainment establishment must be situated within its perimeter.

22. 'Villa' means a solid-built, low-rise building, which comprises at least the following features: an entrance hall, two bedrooms, a kitchen unit, toilette and bathroom, balcony and parking spaces.

23. 'Family-owned hotel' means a building that blends in with the architectural style of its urban surroundings and/or has a link to the history of the place where it is situated. It has an accommodation capacity of 5 to 20 guest rooms available for rent. The facility is managed by the hosts or hired staff who provide services to guests in person. At least one food and entertainment establishment must be situated on the premises of the family-owned hotel.

24. 'Hostel' means a building intended for low-cost accommodation, which is functionally self-contained and comprises separate bedrooms and/or common dormitories — for men, women and/or mixed. A hostel additionally comprises a bathroom, living room, furnished kitchen with a dining room for shared use.

25. 'Boarding house' means a building usually providing longer-term accommodation and solely furnished with essential items of furniture, facilities and utensils for self-catering and self-service.

26. 'Vacation properties owned by employers for the use of their workers and employees' means a self-contained accommodation facility with primarily social functions with infrastructure that enables the provision of health, medical SPA, sport and other services.

27. (Supplemented in SG No 37/2018, in force as from 4 May 2018) 'Guest house' means a low-rise building that blends in with the architectural style of its urban surroundings and/or has a link to the history of the area in which it is situated. It has an accommodation capacity of up to 10 guest rooms available for rent. Guests use common rooms, such as a sitting room, a furnished kitchen, dining room or eating area and outdoor recreational spaces. The facility is managed by hosts who live in the same or in an adjacent building and look after and cater for guests (serving breakfast at minimum) in conditions similar to those available in residential homes.

28. 'Guest rooms' means up to 5 rooms, either individual or situated in apartments, rented out as tourist accommodation.

29. (amended in SG No 37/2018, in force as from 4 May 2018) 'Guest apartments' means up to 5 self-contained apartments situated in the same residential building rented out as tourist accommodation.

30. 'Cabana' means built from prefabricated structures and intended for seasonal or year-round use, which has a toilette and shower but may not have a kitchen unit.

31. 'Camping site' means a secured area equipped with the necessary infrastructure and conditions enabling the stay of tourists in their own or a rented tent or caravan and the parking of motor vehicles from which tourist services are available. Cabanas, caravans (temporary, stationary vehicles providing accommodation with or without a kitchen unit and bathroom), other accommodation facilities, catering places and retail stores may be situated within the perimeter of a camping site.

32. 'Restaurant' is an establishment offering cooked meals, confectionary products, alcoholic drinks and soft beverages. Clients are served by qualified waiting staff using special forms of serving.

33. 'Fast food restaurant' means a place, which offers a limited, standard variety of kitchen products and/or ready-made packed goods, deserts, and soft and alcoholic beverages with a high customer service rate. The main form is service is self-service.

34. 'Drinking venue' is an establishment serving a rich variety of soft and alcoholic beverages and snacks.

35. 'Coffee shop' means an establishment for supplementary feeding, which offers confectionary products, ice-creams, flour confectionery, soft and alcoholic beverages.

36. 'Bar' is an establishment offering a rich variety of alcoholic and soft beverages, cocktails, hot drinks, nuts, confectionary products and cakes and a limited range of cooked meals.

37. 'Tourist chalet' is a solid building intended as a short rest stop for tourists where basic and ancillary tourist services are available. It is furnished and equipped with the bare essentials, including basic kitchenware for self-catering and self-service. Tourist, area, ecological and other information is available from tourist chalets.

38. 'Tourist learning centre' means a building used as an accommodation facility and for training purposes. It is a solid building situated in or in proximity to urban agglomerations and in mountain areas, architecturally and functionally completed and equipped and furnished for specialist training of professionals in the area of sport and tourism, and for professional training in various types of tourism, hiking, cross-country running, speleology, water skiing and other sports. The tourist learning centre is equipped with lecture rooms, sports halls, studies for the instructors, a library, etc. Tourist learning centres are equipped with sports grounds, signposted training areas, and marked and traced itineraries and tours necessary for the training of course participants. They are suitably equipped and furnished for training and have all necessary furniture, utensils and kitchenware to enable the stay and self-service of trainees.

39. Tourist dormitory is a building suitable for the short-term stay of tourists. It is a solid building with an architecture and functions enabling it to blend into its surroundings in urban setting or on the periphery of urban agglomerations, architectural and ethnographic centres, key mountain centres, coastal recreational areas, and in exit points to the mountains and sites of natural and cultural interest. It is with the bare essentials required to be able it to offer basic and ancillary tourist services. Tourist, local area, ecological and other information is available from tourist dormitories.

40. 'Tourist canteen' means a catering establishment serving its own food or food on order. It offers a limited range of cooked meals, confectionary, flour confectionary and other menu items, ale, hot and cold soft beverages and other beverages. The main form of service is self-service.

41. 'Tourist buffet' means a place with a limited range of ready and prepacked food items and warm sandwiches, flour and sugar confectionary, ale, warm and cold beverages, etc.

42. 'Tourist canteen with waiting service' means a place with a varied range of cooked meals and confectionary products, soft and alcohol beverages, ale, warm beverages, etc. The requirements for restaurant furnishings and service are observed (list menus, card menus, decoration, cloak room etc.).

43. (amended in SG No 37/2018, in force as from 4 May 2018) ‘Medical SPA centre’ means a centre, either independent or annexed to an accommodation facility situated in an urban agglomeration or a resort, in which therapies based on natural healing resources (mineral water and/or curative mud) are applied. The centre offers a variety of therapy programmes provided in specialist rooms, halls and other types of premises for diagnostic, treatment, rehabilitation and prevention purposes. The centre is a medical establishment within the meaning of the Medical Establishments Act.

44. ‘Medical SPA services’ means services that require the use of natural healing resources — mineral water and/or curative mud for conducting procedures that contribute to the regeneration of human health. Medical SPA services are provided by medical and non-medical specialists who have completed their training at an accredited higher education institution.

45. (amended in SG No 37/2018, in force as from 4 May 2018) ‘SPA centre’ means a centre, either independent or annexed to an accommodation facility situated in an urban agglomeration or a resort, in which a variety of procedures, programmes and rituals entailing the use of water — mineral, spring and other the use of which is permitted by law and/or healing mud and/or sea water and/or other natural resources — are available through the application of traditional and alternative methods of impact aimed at relieving stress, inducing relaxation and physical and mental regeneration, as well as beauty procedures. The SPA area shall at minimum feature: an indoor and/or outdoor swimming pool and spa capsule, and the beauty zone shall have at least two rooms for hydro massage procedures, a Turkish bath or steam bath, sauna or infrared sauna, and a relaxation room.

46. (amended in SG No 37/2018, in force as from 4 May 2018) ‘SPA services’ means services requiring the use of water (mineral, spring and from other sources permitted by law), as well as curative mud and/or sea water and/or other natural resources for traditional and alternative methods of impact aimed at relieving stress, inducing relaxation and physical and mental regeneration, as well as beauty procedures. SPA services shall be provided staff with specialist training in the respective area.

47. (amended in SG No 37/2018, in force as from 4 May 2018) ‘Wellness centre’ means a stand-alone centre or a centre annexed to an accommodation facility, situated in an urban setting or a resort, which offers a variety of recreational and cosmetic (beauty) therapies, programmes and anti-stress rituals, as well as holistic approaches to achieve physical, emotional, spiritual, intellectual, professional and social wellbeing of the individual. There is no requirement for the use of water and other nature resources at the centre.

48. (amended in SG No 37/2018, in force as from 4 May 2018) ‘Wellness services’ means services reliant on natural healing resources that are provided on specially equipped premises and include a variety of procedures aiming to restore and regenerate mental, emotional and physical health, including beauty therapies. Medical SPA services are provided by staff with specialist training in the respective area.

49. 'Thalassotherapy centre' means a stand-alone centre or a centre annexed to an accommodation facility, situated in an urban setting or a seaside resort, which offers programmes and rituals reliant on the use of sea water and/or natural derivative products and/or curative mud and performed in specially equipped rooms, halls and other types of premises through traditional and alternative means of impact aiming to restore and regenerate mental, emotional and physical health, including beauty therapies for the entire body. The medical activities are supervised by a physician who is a specialist in physical and rehabilitation medicine.

50. 'Thalassotherapy services' means services that require the use of sea water and derivative products, as well as curative mud and/or other natural resources for the application of traditional and alternative therapy methods of impact, aiming to restore and regenerate mental, emotional and physical health, including beauty therapies for the entire body. Thalassotherapy consultations and services are provided by medical and non-medical specialists who have completed their training at an accredited higher education institution.

51. 'Ski run' means an accessible, self-contained and safe mountain area, which offers tourist services, relating to the practice of ski sports (ski Alpine skiing, snow boarding and cross-country skiing).

52. 'Rotel' means a movable hotel, representing a wagon with single and double rooms. During the day the tourists visit various cities and the places of interest in them and the spend the night on the train.

53. 'Botel' means a relatively small (anchored) hotel for which a suitably equipped and furnished sailing vessel may be used.

54. 'Flotel' means a sailing hotel on a specially furnished and equipped sailing vessel. Tourists are offered comfortable cabins, active recreation services, premises for negotiations, conferences, congresses, means of communication, bars and restaurants.

55. 'Hotel management' means providing accommodation and other services depending on the type and rating of the facility.

56. 'Hotel operator' means a person engaged in hotel management at all types of accommodation facilities, tourist chalets, tourist learning centres and tourist dormitories rated in accordance with applicable law or operating on the basis of an issued interim certificate attesting to the launch of a rating procedure.

57. 'Restaurant management' means the provision of tourist services using special forms of service depending on the type of the tourist facility.

58. 'Restaurant operator' means a person engaged in restaurant management at all types of catering and entertainment establishments rated in accordance with this Act (stand-alone or annexed to accommodation facilities) and catering establishments annexed to tourist chalets.

59. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Tour operator activity’ means the arrangement of travel packages offered for sale, either directly or indirectly, through travel agents with the purpose of tourism, recreation, business, participation in or attendance of cultural and educational events, congresses, business events, etc.

60. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Tour operator’ means a person registered in accordance with this Act and entered into the Register or tour operators and travel agents, which creates travel packages and sells or offers them for sale, either directly or indirectly, or through the intermediary services of another trader or jointly with another trader, or which provides the traveller’s data to another trader in accordance with §1(67)(b)(ee) of the Supplementary Provisions.

61. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Travel agency activity’ means intermediary services provided in the context of the sale of travel packages to final consumers; air, water and road passenger carriage; booking, visa and other ancillary tourist services, and travel-related insurance.

62. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Travel agent’ means a person registered in accordance with this Act and entered into the Register of tour operators and travel agents, other than a tour operator, which sells or offers for sale travel packages created by tour operators.

63. ‘Freedom to provide services of tour operators and/or travel agents’ means that a person entitled to pursue the business of a tour operator and/or travel agent pursuant to the legislation of another Member State of the European Union provides the services concerned on a one-off basis or temporarily without being established in Bulgaria.

64. (amended in SG No 37/2018, in force as from 1 July 2018) Tourist voucher means a numbered document handed over against a receipt attesting to a contract concluded between the tour operator and the tourist in the capacity as traveller in connection with a travel package or the sale of basic and/or ancillary tourist service(s).

65. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Booking form’ means a numbered document handed over against a receipt attesting to a contract concluded between the travel agent and the tourist in the capacity as consumer of a basic or ancillary travel service not included in a travel package.

66. ‘Tourist product’ is the mix of specific economic activities and natural and man-made conditions and resources within a certain area offered and used by tourists during their travel.

67. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Travel package’ means a combination of at least two different types of travel services for the purpose of the same trip or holiday, if:

a) those services are combined by one trader, including at the request of or in accordance with the selection of the traveller, before a single contract on all services is concluded, or

b) irrespective of whether separate contracts are concluded with individual travel service providers, those services are:

aa) purchased from a single point of sale and those services have been selected before the traveller agrees to pay;

bb) offered, sold or charged at an inclusive or total price;

cc) advertised or sold under the term ‘package’ or under a similar term;

dd) combined after the conclusion of a contract by which a trader entitles the traveller to choose among a selection of different types of travel services, or

ee) purchased from separate traders through linked online booking processes where the traveller's name, payment details and e-mail address are transmitted from the trader with whom the first contract is concluded to another trader or traders and a contract with the latter trader or traders is concluded at the latest 24 hours after the confirmation of the booking of the first travel service.

A combination of travel services where not more than one type of travel service within the meaning of Article 80(1)(a), (b) or (c) is combined with one or more tourist services as referred to in point Article 80(1)(d) is not a package, if the latter services do not account for a significant proportion of the value of the combination and are not advertised as and do not otherwise represent an essential feature of the combination, or are selected and purchased only after the performance of a travel service as referred to in Article 80(1)(a), (b) or (c) has started.

68. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Start of the package’ means the beginning of the performance of travel services included in the package.

68a. (New in SG No 37/2018, in force as from 1 July 2018) ‘Linked travel arrangement’ means at least two different types of travel services purchased for the purpose of the same trip or holiday, not constituting a package, resulting in the conclusion of separate contracts with the individual travel service providers, if a trader facilitates:

a) on the occasion of a single visit or contact with his point of sale, the separate selection and separate payment of each travel service by travellers, or

b) in a targeted manner, the procurement of at least one additional travel service from another trader where a contract with such other trader is concluded at the latest 24 hours after the confirmation of the booking of the first travel service.

Where not more than one type of travel service within the meaning of Article 80(1)(a), (b) or (c) and one or more tourist services within the meaning of Article 80(d) are purchased, the services in question do not constitute a linked travel arrangement, if the latter services do not account for a significant proportion of the combined value of the services and are not advertised as, and do not otherwise represent, an essential feature of the trip or holiday.

68b. (New in SG No 37/2018, in force as from 1 July 2018)

‘Trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting, including through any other person acting in his name or on his behalf, for purposes relating to his trade, business, craft or profession in relation to contracts for travel packages or linked travel arrangements, whether acting in the capacity as tour operator, travel agent, trader facilitating a linked travel arrangement or as a travel service provider.

68c. (New in SG No 37/2018, in force as from 1 July 2018)

‘Establishment’ means the pursuit of economic activities by a supplier as defined in Article 49 of the Treaty on the Functioning of the European Union for an indefinite period of time via stable service delivery infrastructure.

68d. (New in SG No 37/2018, in force as from 1 July 2018) ‘Durable medium’ means any instrument which enables the traveller or the trader to store information addressed personally to him in a way accessible for future reference for a period of time adequate for the purposes of the information and which allows the unchanged reproduction of the information stored. Examples of such media are paper, data storage devices with a USB interface, CD-ROMs, DVDs, memory cards or the hard disks of computers and e-mails. Websites shall also be deemed a durable medium if they meet the following requirements: the website allows the user to save the information, the information may be saved over a sufficiently long period of time and the trader, which provided the information, may not modify it.

68e. (New in SG No 37/2018, in force as from 1 July 2018)

‘Unavoidable and extraordinary circumstances’ means a situation beyond the control of the party who invokes such a situation and the consequences of which could not have been avoided, even if all reasonable measures had been taken.

68f. (New in SG No 37/2018, in force as from 1 July 2018)

‘Lack of conformity’ means a failure to perform or improper performance of the travel services included in a package.

68g. (New in SG No 37/2018, in force as from 1 July 2018)

‘Point of sale’ means any retail premises, whether movable or immovable, or a retail website or similar online sales facility, including where retail websites or online sales facilities are presented to travellers as a single facility, including a telephone service.

68h. (New in SG No 37/2018, in force as from 1 July 2018) ‘Repatriation’ means the traveller's return to the place of departure or to another place the contracting parties agree upon.

69. ‘Basic tourist services’ means accommodation, catering and transport.

70. ‘Ancillary tourist services’ shall be services relating to travel, entertainment, happenings and other cultural, educational, congress and business events (organisation of meetings, conferences, workshops, training events, presentations and other corporate events), sports and animation and water recreation activities, medical, spa and wellness services, use of cableway facilities, rental of beach facilities, ski equipment, motor vehicles, pleasure, sporting and tourism boats, services provided by schools and clubs offering dancing, riding, sailing and other water sports, services provided by ski schools and other services offered and used by tourists during their travel and stay.

71. (amended in SG No 37/2018, in force as from 1 July 2018) ‘Children’s camp’ means the creation of travel packages for children and schoolchildren in the form of camps organised and conducted in accordance with special rules.

72. Related parties shall be:

a) the spouses, relatives in the direct line without limitation, relatives in the collateral line up to four times removed and relatives by marriage three times removed;

b) employers and workers;

c) persons one of whom is engaged in the management of the other person’s company;

d) partners;

e) company and person that owns more than 5 % of the issued voting shares of the company;

f) persons whose activity is directly or indirectly controlled by a third person;

g) the persons, which joint, direct or indirect control over a third person;

h) the persons of whom one is the commercial representative of the other;

i) the persons of whom one is engaged in the management of an undertaking performing the same activity, at the same place and using more than half of the same employees for a period of two years as from the date of termination of the same activity performed by the other undertaking.

73. 'Tour guide' means a person entered into the National Tourism Register for the purpose of practising the occupation of a tour guide who, in the framework of tourist programmes, familiarises travellers with the natural and geographic features, the social and economic development and the cultural heritage of a country.

74. 'Mountain guide' means a person entered into the National Tourism Register for the purpose of practising the occupation of 'mountain guide' who guides and accompanies tourists in a mountain environment and natural settings and, during the chosen itinerary, looks after the security of tourists and gives them information about the natural and geographic features encountered.

75. 'Ski instructor' is a person entered into the National Tourism Register for the purpose of practising the occupation of 'ski instructor' who teaches tourists winter sports (skiing, snowboarding, cross-country skiing) at a ski school.

76. 'Ski school' means a legal person (trader within the meaning of the Commercial Act), which operates in accordance with the requirements laid down in the regulation referred to in Article 146(2).

77. 'Children's ski area' is a self-contained area in which skiing is practised by children aged up to 6 years. It is equipped with protective features made from snow and other materials, providing a secure and safe environment for practicing winter sports depending on the age of the children.

78. 'Snow park' is a self-contained area for practicing free-style skiing and snowboarding. It comprises various facilities made from snow and other materials, arranged in areas with different configurations and levels of difficulty, providing security and safety for those using it for practice.

79. (amended in SG No 59/2016, in force as from 1 August 2016) 'Document attesting to language proficiency' is a degree, certificate or another document with probative value attesting to a successfully taken foreign language examination at a higher education institution, specialist or vocational secondary school, general secondary school or at the end of a language course.

80. (amended in SG No 37/2018, in force as from 4 May 2018) 'Travel packages for children and schoolchildren' means a travel package for children and young people up to the age of 19 years, accompanied by a representative of an institution in the system of preschool and school education.

81. 'Daylight hours' means the period from sunset to sundown according to the data available from the national meteorological service.

82. (amended in SG No 37/2018, in force as from 4 May 2018) 'Traveller' means any person who is seeking to conclude a contract, or is entitled to travel on the basis of a contract concluded.

83. 'Brand' means a unique combination of emotional and rational perceptions of a destination and the type of product it offers, which sets it apart from competing destinations as the most suitable for the relevant target market segments.

84. 'Repeated infringement' means an infringement which is committed within one year after the entry into force of a penal injunction whereby the offender was penalised for an infringement of the same type.

85. 'Systematic infringement' means a situation in which three or more administrative violations under this Act have been committed within a period of two years.

86. 'Repeated refusal' means a refusal by the person engaged in tourist activity at a facility to provide access to the facility, for the second time, to a control body official or to provide requisite documents and information to a competent control body for the second time.

87. 'Residence' is the place of residence of the person engaged in hotel management, which is also their registered current address.

88. 'Unavoidable and extraordinary circumstances' means a force majeure event within the meaning of Article 306(2) of the Commercial Act.

89. 'Ski area' means a mountain area with delineated borders, which comprises ski runs with different difficulty levels and purpose, the tracks between them, runs and cableway facilities for the carriage of people.

90. (New in SG No 37/2018, in force as from 4 May 2018) 'Travel services' means:

a) carriage of passengers;

b) accommodation which is not intrinsically part of carriage of passengers and is not for residential purposes;

c) rental of cars, other motor vehicles within the meaning of §6(12)(a) and (c) of the Supplementary Provisions of the Road Traffic Act, or other motor vehicles within the meaning of §1(11) of the Supplementary Provisions of Regulation No 60 of 24 April 2009 on approval of the type of new motor vehicles and their trailers (promulgated in SG No 40/2009; amended in SG Nos 75/2012; 77/2013; 17/2015; 69/2016; and 1/2017) or motorcycles requiring a Category A driving licence in accordance with Article 150a(2)(4) of the Road Traffic Act.

d) any other tourist service not intrinsically part of a travel service within the meaning of points (a), (b) or (c).

91. (New in SG No 37/2018, in force as from 4 May 2018) 'Trader facilitating linked travel arrangements' means any trader who assists the traveller in the conclusion of independent travel service contracts with individual travel service providers, which constitute linked travel arrangements. Tour operators, travel agents or travel service providers may also be traders facilitating linked travel arrangements.

92. (New in SG No 37/2018, in force as from 4 May 2018) ‘Package travel contract’ means a contract on the package as a whole or, if the package is provided under separate contracts (as a ‘package travel contract’), all contracts covering travel services included in the package.

**§1a** (New in SG No 37/2018, in force as from 1 July 2018) Any matters not expressly provided for in Chapter Seven, Part II ‘Travel package contracts and linked travel arrangements’ and Part III ‘Liability of tour operators and traders facilitating linked travel arrangements in the event in insolvency or bankruptcy’ shall be governed by the provisions laid down in the Consumer Protection Act.

**§1b** (New in SG No 37/2018, in force as from 1 July 2018) Chapter Seven, Part II ‘Travel package contracts and linked travel arrangements’ and Part III ‘Liability of tour operators and traders facilitating linked travel arrangements in the event in insolvency or bankruptcy’ transpose the requirements laid down in Directive (EU) 2015/2302.

## **TRANSITIONAL AND FINAL PROVISIONS**

**§2** The Tourism Act (promulgated in the SG No 56/2002; amended in SG Nos 119/2002 and 120/2002; 39/2004; 28/2005, 39/2005, 94/2005, 99/2005 and 105/2005; 30/2006, 34/2006, 80/2006, 82/2006 and 105/2006; 42/007, 53/2007 and 80/2007; 31/2008, 36/2008 and 66/2008; 19/2009 and 82/2009; and 15/2010, 50/2010 and 98/2010) is repealed.

**§3** (New in SG No 9/2015, in force as from 3 February 2018) Not later than one year as from the date of entry into force of this Act the persons exercising the occupations ‘tour guide’, ‘mountain guide’ and ‘ski instructor’ shall bring their activity into line with the requirements laid down herein and submit to the Ministry of Tourism the requisite documents for their entry in the National Tourism Register.

**§4** (1) The registration of tour operators and/or travel agents under the repealed Tourism Act shall remain valid.

(2) Where a tour operator and/or travel agent registration procedure has been launched as at the date of entry into force of this Act, the procedure shall be completed in accordance with the procedure laid down in the repealed Tourism Act.

**§5** (1) In accordance with Article 133(2) the categories assigned to tourist facilities rated prior to the entry into force of this Act shall be renewed as follows:

1. tourist facilities rated in 2004 and 2005 — in 2014;
2. tourist facilities rated in 2006 and 2007 — in 2015;
3. tourist facilities rated in 2008 and 2009 — in 2016;
4. tourist facilities rated in 2010 — in 2017;
5. tourist facilities rated in 2011 — in 2018;
6. tourist facilities rated in 2012 — in 2019.

(2) Where a procedure for the issuance of a rating certificate to a tourist facility has been launched prior to the date of entry into force of this Act, it shall be completed in accordance with the procedure laid down in that Act.

**§6** (1) The type of the tourist facilities rated prior to the entry into force of this Act shall be changed from ‘independent rooms’ to ‘guest rooms’ and from ‘houses’ to ‘guest houses’ and the new rating insignia shall be received within the time periods set out in §5.

(2) The rating insignia issued in respect of ‘independent rooms’ and ‘houses’ prior to the entry into force of this Act shall remain valid until the rating of the respective facility is renewed within the time limits set out in §5.

**§7** (1) (amended in SG No 9/2015, in force as from 3 February 2015) The tourist associations entered into the National Tourism Register prior to the entry into force of this Act shall ensure that their activities conform to the requirements laid down herein within a period of 6 months and shall submit to the Ministry of Tourism the documents referred to in Article 52(1).

(2) (amended in SG No 9/2015, in force as from 3 February 2015) Where a tourism association fails to comply with the requirement laid down in paragraph 1, it shall be erased from the National Tourism Register.

(3) The erased tourism association referred to in paragraph 2 may reapply for entry into the National Tourism Register in accordance with the procedure stipulated in Article 52(1).

**§8** (1) The beach ratings assigned under the repealed Tourism Act shall be terminated upon entry into force of this Act.

(2) Ongoing beach rating procedures launched under the repealed Tourism Act shall be terminated upon entry into force of this Act.

(3) The fees paid for review of the applications referred to in paragraph 2 shall be reimbursed upon the submission of a dedicated application by an authorised person within a period of three months as from the date of entry into force of this Act.

**§(9)** (1) Ongoing ski run rating procedures launched under the repealed Tourism Act shall be terminated upon entry into force of this Act.

(2) The fees paid for review of the applications referred to in paragraph 1 shall be reimbursed upon the submission of a dedicated application by an authorised person within a period of three months as from the date of entry into force of this Act.

**§10** (1) The Council of Ministers shall adopt the regulations referred to in Articles 79(5), 99(4), 121(5), 159 and 165(2) and the tariff referred to in Article 69(3) within three months as from the date of entry on this Act.

(2) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall adopt the regulation referred to in Article 64 of this Act within three months as from the date of its entry into force.

(3) The Council of Ministers shall adopt the regulation referred to in Article 164 within 6 months as from the date of entry into force of this Act.

(4) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall adopt the regulation referred to in Articles 58(4) and 122(4) of this Act within 6 months as from the date of its entry into force.

(5) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Health and the Minister for Tourism shall jointly adopt the regulation referred to in Article 138(3) within 6 months as from the date of entry into force of this Act.

(6) (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism, acting jointly with the Minister for Education, Youth and Science and the Minister for Physical Training and Sport, shall issue the regulations referred to in Article 146(2) within 6 months as from the date of entry into force of this Act.

**§11.** (amended in SG No 9/2015, in force as from 3 February 2015) The Minister for Tourism shall adopt the order referred to in Article 16(3) of this Act within three months as from the date of its entry into force.

**§12** The central and local government bodies, which have issued or adopted statutory acts relevant to the classification of accommodation facilities and catering and entertainment establishments must ensure that they are brought into line with the amendments to this Act within a period of 6 months as from the date of its entry into force.

**§13** (1) The National Tourism Council, the consultative councils on tourism, the Expert committee for registration of tour operators and travel agents, the Expert committee on the rating and certification of tourist facilities, and the municipal expert committee on the rating of tourist facilities shall be established within a period of three months as from the date of entry of this Act.

(2) The councils and committees established under the repealed Tourism Act shall be disbanded as from the date of establishment of those referred to in paragraph 1.

**§14** The statutory acts adopted and issued pursuant to the repealed Tourism Act shall remain in force until the issuance of new corresponding bylaws insofar as they do not contain provisions contrary to those laid down in this Act.

**§15** In the Value Added Tax Act (ZDDS) (promulgated in SG No 63/2006; amended in SG Nos 86/2006 105/2006 and 108/2006; Ruling No 7/2007 of the Constitutional Court — promulgated in SG 37/2007; ZDDS amended in SG Nos 41/2007, 52/2007, 59/2007, 108/2007 and 113/2007; 106/2008; 12/2009 and 23/2008, 74/2009 and 95/2009; No 94/2010 and 100/2010; 19/2011, 77/2011 and 99/2011; 54/2012, 94/2012 and 103/2012; and 23/2013), in §1(45) of the Supplementary Provisions, the words ‘within the meaning of point 12’ shall be replaced by the words ‘within the meaning of point 70’.

**§16** The Local Taxes and Fees Act (ZMDT) (promulgated in the SG No 117/1997; amended in SG Nos 71/1998, 83/1998, 105/1998 and 153/1998; 103/1999; 34/2000 and 102/2000; 109/2001; 28/2002, 45/2002, 56/2002 and 119/2002; 84/2003 and 112/2003; 6/2004, 18/2004, 36/2004, 70/2004 and 106/2004; 87/2005, 94/2005, 100/2005, 103/2005 and 105/2005; 30/2006, 36/2006 and 105/2006; 55/2007 and 110/2007; 70/2008 and 105/2008; 12/2009, 19/2009, 41/2009 and 95/2009; 98/2010; 98/2010; 19/2011, 28/2011, 31/2011, 35/2011 and 39/2011; Ruling No 5/2012 of the Constitutional Court — promulgated in SG No 30/2012; ZMDT amended in SG No 53/2012, 54/2012 and 102/2012; and 24/2013) is amended as follows:

1. In Article 61p(3) the words ‘the means of shelters and’ are deleted.

2. In Article 61q(1) the words ‘the means of shelters and’ are deleted.

3. In Article 61r(1) the words ‘referred to in Article 10(2)’ are replaced by the words ‘referred to in Article 11(2)’.

4. In §1 of the Supplementary provision:

a) In subparagraph 24(a) the words ‘the means of shelter and’ shall be deleted;

b) Subparagraph 27 is amended as follows:

‘27. Accommodation facilities shall be the tourist facilities referred to in Article 3(2)(1) of the Tourism Act.’;

c) in subparagraph 29 the words ‘Article 3(3)(3)’ are replaced by the words ‘Article 3(2)(2)’;

d) In subparagraph 34 the words ‘the means of shelters and’ are deleted.

5. In Annex No 4 to Chapter Two, Section VI, subparagraph 1 the words ‘means of shelter and’ are deleted.

**§17** The Health Act (promulgated in SG No 70/2004; amended in SG Nos 46/2005, 76/2005, 85/2005, 88/2005, 94/2005 and 103/2005; 18/2006, 30/2006, 34/2006, 59/2006, 71/2006, 75/2006, 80/2006, 81/2006, 95/2006 and 102/2006; 31/2007, 41/2007, 46/2007, 53/2007, 59/2007, 82/2007 and 95/2007; 13/2008, 102/2008 and 110/2008; 36/2009, 41/2009, 74/2009, 82/2009, 93/2009, 99/2009 and 101/2009; No 41/2010, 42/2010, 50/2010, 59/2010, 62/2010, 98/2010 and 100/2010; 8/2011, 9/2011, 45/2011 and 60/2011; 38/2012, 40/2012, 54/2012, 60/2012, 82/2012, 101/2012 and 102/2012; and 15/2013) is amended as follows:

1. In §1(9) of the Supplementary Provisions:

a) subparagraph ‘c’ is amended as follows:

‘c) accommodation facilities — hotels, motels, aparthotel complexes for tourists, villa compounds, tourist residential compounds, villas, family-owned hotels, hostels, boarding houses, vacation properties owned by employers and intended for the use of their workers and employees, guest rooms, guest apartments, guest houses, cabanas, camping sites, as well as tourist chalets, tourist learning centres and tourist dormitories’;

b) in subparagraph ‘f’, the words SPA and wellness centres are replaced by the words ‘medical SPA centres, SPA centres, wellness centres and thalassotherapy centres’.

2. In §1a(d), the words ‘means of shelter’ are deleted and the words ‘Article 3(3)(1), (2), (3) and (10)’ are replaced by the words ‘Article 3(2)(1), (2) and (3)’.

**§18.** The Consumer Protection Act (promulgated in SG No 99/2005; amended in SG Nos 30/2006, 51/2006, 53/2006, 59/2006, 105/2006 and 108/2006; 31/2007, 41/2007, 59/2007 and 64/2007; 36/2008 and 102/2008; 23/2009, 42/2009 and 82/2009; 15/2010, 18/2010, 97/2010; 18/2011; 38/2012 and 56/2012; and 15/2013 is amended as follows:

1. In Article 186(2)(2), the word ‘fourth’ is replaced by the word ‘seventh’.

2. In Annex 1 to Article 156(1):

a) in Part I, point 3.2, the words ‘means of shelter or’ are deleted;

b) In Part III, the words ‘shelters or’, ‘shelter or’ and ‘the shelter or’ are deleted throughout the text.

3. In Annex No 2 to Article 156(2), Part I, in sub-paragraph 4 before the letter ‘a’ the words ‘the shelter or’ are deleted.

4. In Annex No 4 to Article 156(4), Part III, the words ‘shelters or’, ‘shelter or’ and ‘the shelter or’ shall be deleted.

**§19** In the Consumer Loans Act (promulgated in SG No 18/2010; amended in SG Nos 58/2010 and 91/2012) in the Transitional and Final Provisions of the Law amending and supplementing the Consumer Loans Act (promulgated in SG No 91/2012) §4 is amended as follows:

‘§4. The provisions laid down herein on the calculation of the APR charged on loans, taking into account the additional assumptions set out in point 3 of Annex No 1 to Article 19(2), shall not apply to consumer loan agreements concluded before the date of entry into force of this Act.’

**§20.** This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of Chapters Nine, Ten and Twelve, which shall enter into force 6 months after the date of promulgation.

This Act was adopted by the 41st National Assembly on 12 March 2013 and bears the official seal of the National Assembly.

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## LAW

amending the Tourism Act

(promulgated in the SG No 9/2015, in force as from 3 February 2015.)

.....

§2 Throughout the text the words ‘Minister for Economy Energy and Tourism’ and ‘the Minister for Economy Energy and Tourism’ are respectively replaced by the words ‘Minister for Tourism’ and ‘the Minister for Tourism’ and the words ‘Ministry of Economy, Energy and Tourism’ are replaced by the words ‘Ministry of Tourism’.

.....

## TRANSITIONAL AND FINAL PROVISIONS

of the Law amending and supplementing the Development of the

Black Sea Act

(SG No 20/2016, in force as from 15 March 2016)

.....  
§26 The Council of Ministers shall bring bylaws in line with the provisions laid down in this Act within 6 months from the date of its entry into force.

.....  
TRANSITIONAL AND FINAL PROVISIONS

of the Law amending and supplementing the Tourism Act

(SG No 75/2016)

§11 (1) Not later than 12 months as from the date of entry into force of this Act the Minister for Tourism shall ensure that interfaces that enable data transmission to the Single Tourist Information System are put in place in accordance with Article 116(6)(2) and (3) and make arrangements for the development and use of the information system referred to in Article 116(2)(1).

(2) Until an operational system enabling the exchange of data referred to in paragraph 1 is put into place, hotel operators shall submit the monthly reports referred to in Article 116(7)(2) to the respective municipality by electronic means, using the application/declaration based on a sample approved by the Minister for Tourism and published on the webpage of the Ministry of Tourism. Until the approval of the model form information about the number of overnight stays shall be submitted in accordance with the current procedure.

§12. Not later than 12 months as from the date of entry of this Act the Minister of Tourism shall ensure that entries in the National Tourism Register are made in accordance with the procedure envisaged in Article 167(2). Until such conditions are put in place, the persons referred to in Article 167(1) shall keep the register and submit information on the entries therein in accordance with the current procedure.

§13. The Council of Ministers shall adopt the regulation referred to in Article 165(2) of this Act not later than three months as from the date of entry into force of this Act.

TRANSITIONAL AND FINAL PROVISIONS

of the Law amending and supplementing the Tourism Act

(SG No 37/2018, in force as from 4 May 2018)

.....  
§118 The certification, rating and registration procedures launched prior to the entry into force of this Act shall be finalised in accordance with the previously applicable rules in force.

§119. The Minister for Tourism shall approve the models of the applications/declarations and declarations envisaged herein by issuing a dedicated order.

§120. Bylaws shall be brought in compliance with this Act within a period of 6 months as from the date of its entry into force.

§121. For the tourist facilities rated before 26 March 2013, rating documents shall be submitted in 2019.

§122 This Act shall enter into force on the date of being published in the State Gazette, except for §19 to §21, §23 to §59, §94 to §103, §106(9) to (17) and §107 to §117, which shall enter into force on 1 July 2018.

### **Annex No 1**

to Article 82(1)  
(new in SG 37/2018,  
in force as from 1 July 2018).

Standard information form for package travel contracts where the use of hyperlinks is possible

The combination of travel services offered to you is a package within the meaning of Directive (EU) 2015/2302.

Therefore, you will benefit from all EU rights applying to packages. Company XY/companies XY will be fully responsible for the proper performance of the package as a whole.

As required by law, company XY/companies XY has/have protection in place to refund your payments and, where transport is included in the package, to ensure your repatriation in the event that it becomes/they become insolvent.

More detailed information about the basic rights of travellers under Directive (EU) 2015/2302 is available on the following webpages:

<http://eur-lex.europa.eu/legal-content/BG/TXT/?un=CELEX%3A32015L2302>

Following the hyperlink the traveller will receive the following information:

Key rights under Directive (EU) 2015/2302:

- Travellers will receive all essential information about the package before concluding the package travel contract.

- There is always at least one trader who is liable for the proper performance of all the travel services included in the contract.

- Travellers are given an emergency telephone number or details of a contact point where they can get in touch with the tour operator or the travel agent.

- Travellers may transfer the package to another person, on reasonable notice and possibly subject to additional costs.

- The price of the package may only be increased if specific costs rise (for instance fuel prices), and if expressly provided for in the contract, and in any event not later than 20 days before the start of the package. If the price increase exceeds 8 % of the price of the package, the traveller may terminate the contract. If the tour operator reserves the right to a price increase, the traveller has a right to a price reduction if there is a decrease in the relevant costs.

- Travellers may terminate the contract without paying any termination fee and get a full refund of any payments if any of the essential elements of the package, other than the price, are changed significantly. If before the start of the package the trader responsible for the package cancels the package, travellers are entitled to a refund and compensation where appropriate.

- Travellers may terminate the contract without paying any termination fee before the start of the package in the event of exceptional circumstances, for instance if there are serious security problems at the destination which are likely to affect the package.

- Additionally, travellers may at any time before the start of the package terminate the contract in return for an appropriate and justifiable termination fee.

- If, after the start of the package, significant elements of the package cannot be provided as agreed, suitable alternative arrangements will have to be offered to the traveller at no extra cost. Travellers may terminate the contract without paying any termination fee, where services are not performed in accordance with

the contract and this substantially affects the performance of the package and the tour operator fails to remedy the problem.

- Travellers are also entitled to a price reduction and/or compensation for damages where the travel services are not performed or are improperly performed.

- The tour operator has to provide assistance if the traveller is in difficulty.

- If the tour operator becomes insolvent, the payments made will be refunded. If the tour operator or, where applicable, the travel agent becomes insolvent after the start of the package and if transport is included in the package, repatriation of the travellers is secured. XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. an insurance company).

Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

**ANNEX 2**

to Article 82(1)  
(New in SG 37/2018,  
in force as from 1 July 2018)

Standard information form for package travel contracts in situations other than those covered  
by Annex No 1 to Article 82(1)

The combination of travel services offered to you is a package within the meaning of Directive (EU) 2015/2302.

Therefore, you will benefit from all EU rights applying to packages. Company XY/companies XY will be fully responsible for the proper performance of the package as a whole.

Additionally, as required by law, company XY/companies XY has/have protection in place to refund your payments and, where transport is included in the package, to ensure your repatriation in the event that it becomes/they become insolvent.

Key rights under Directive (EU) 2015/2302:

- Travellers will receive all essential information about the package before concluding the package travel contract.
- There is always at least one trader who is liable for the proper performance of all the travel services included in the contract.
- Travellers are given an emergency telephone number or details of a contact point where they can get in touch with the tour operator or the travel agent.

- Travellers may transfer the package to another person, on reasonable notice and possibly subject to additional costs.

- The price of the package may only be increased if specific costs rise (for instance fuel prices), and if expressly provided for in the contract, and in any event not later than 20 days before the start of the package. If the price increase exceeds 8 % of the price of the package, the traveller may terminate the contract. If the tour operator reserves the right to a price increase, the traveller has a right to a price reduction if there is a decrease in the relevant costs.

- Travellers may terminate the contract without paying any termination fee and get a full refund of any payments if any of the essential elements of the package, other than the price, are changed significantly. If before the start of the package the trader responsible for the package cancels the package, travellers are entitled to a refund and compensation where appropriate.

- Travellers may terminate the contract without paying any termination fee before the start of the package in the event of exceptional circumstances, for instance if there are serious security problems at the destination which are likely to affect the package.

- Additionally, travellers may at any time before the start of the package terminate the contract in return for an appropriate and justifiable termination fee.

- If, after the start of the package, significant elements of the package cannot be provided as agreed, suitable alternative arrangements will have to be offered to the traveller at no extra cost. Travellers may terminate the contract without paying any termination fee, where services are not performed in accordance with the contract and this substantially affects the performance of the package and the tour operator fails to remedy the problem.

- Travellers are also entitled to a price reduction and/or compensation for damages where the travel services are not performed or are improperly performed.

- The tour operator has to provide assistance if the traveller is in difficulty.

- If the tour operator becomes insolvent, the payments made will be refunded. If the tour operator or, where applicable, the travel agent becomes insolvent after the start of the package and if transport is included in the package, repatriation of the travellers is secured. XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. an insurance company).

Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

#### **ANNEX 3**

to Article 82(3)  
(New in SG 37/2018 ,  
in force as from 1 July 2018)

Standard information form where the tour operator transmits data to another trader in accordance with §1(67)(b)(ee) of the Supplementary provisions

If you conclude a contract with company AB not later than 24 hours after receiving the confirmation of the booking from company XY the travel service provided by XY and AB will constitute a package within the meaning of Directive (EU) 2015/2302.

Therefore, you will benefit from all EU rights applying to packages. Company XY will be fully responsible for the proper performance of the package as a whole.

Additionally, as required by law, company XY has protection in place to refund your payments and, where transport is included in the package, to ensure your repatriation in the event that it becomes insolvent.

More detailed information about the basic rights of travellers under Directive (EU) 2015/2302 is available on the following webpages:

<http://eur-lex.europa.eu/legal-content/BG/TXT/?un=CELEX%3A32015L2302>

Following the hyperlink the traveller will receive the following information:

Key rights under Directive (EU) 2015/2302:

- Travellers will receive all essential information about the travel services before concluding the package travel contract.

- There is always at least one trader who is liable for the proper performance of all the travel services included in the contract.

- Travellers are given an emergency telephone number or details of a contact point where they can get in touch with the tour operator or the travel agent.

- Travellers may transfer the package to another person, on reasonable notice and possibly subject to additional costs.

- The price of the package may only be increased if specific costs rise (for instance fuel prices), and if expressly provided for in the contract, and in any event not later than 20 days before the start of the package. If the price increase exceeds 8 % of the price of the package, the traveller may terminate the contract. If the tour operator reserves the right to a price increase, the traveller has a right to a price reduction if there is a decrease in the relevant costs.

- Travellers may terminate the contract without paying any termination fee and get a full refund of any payments if any of the essential elements of the package, other than the price, are changed significantly. If before the start of the package the trader responsible for the package cancels the package, travellers are entitled to a refund and compensation where appropriate.

- Travellers may terminate the contract without paying any termination fee before the start of the package in the event of exceptional circumstances, for instance if there are serious security problems at the destination which are likely to affect the package.

- Additionally, travellers may at any time before the start of the package terminate the contract in return for an appropriate and justifiable termination fee.

- If, after the start of the package, significant elements of the package cannot be provided as agreed, suitable alternative arrangements will have to be offered to the traveller at no extra cost. Travellers may terminate the contract without paying any termination fee,

where services are not performed in accordance with the contract and this substantially affects the performance of the package and the tour operator fails to remedy the problem.

- Travellers are also entitled to a price reduction and/or compensation for damages where the travel services are not performed or are improperly performed.

- The tour operator has to provide assistance if the traveller is in difficulty.

- If the tour operator becomes insolvent, the payments made will be refunded. If the tour operator or, where applicable, the travel agent becomes insolvent after the start of the package and if transport is included in the package, repatriation of the travellers is secured. XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. an insurance company). Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

**ANNEX 4**

to Article 82(5)  
(New in SG 37/2018,  
in force as from 1 July 2018)

Standard information form where the trader facilitating an online linked travel arrangement within the meaning of §1(68a)(b) of the Supplementary provisions is a trader other than a carrier selling a return ticket

If, after selecting and paying for one travel service, you book additional travel services for your trip or holiday via our company/XY, you will NOT benefit from rights applying to packages under Directive (EU) 2015/2302.

Therefore, our company/XY will not be responsible for the proper performance of those additional travel services. In case of problems, please contact the relevant service provider.

However, if you book any additional travel services during the same visit to our company's/XY's booking website, the travel services will become part of a linked travel arrangement.

In that case XY has, as required by EU law, protection in place to refund your payments to XY for services not performed because of XY's insolvency, and, where necessary, for your repatriation. Please note that this does not provide a refund in the event of the insolvency of the relevant service provider. Please note that in case your payment was made directly to the relevant travel service provider, our company XY is not responsible for providing a refund in the event of insolvency of the relevant service provider.

More information on key rights under Directive (EU) 2015/2302 is available on:  
<http://eur-lex.europa.eu/legal-content/BG/TXT/?un=CELEX%3A32015L2302>

Following the hyperlink the traveller will receive the following information:

XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. an insurance company).

Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Note: This insolvency protection does not cover contracts with parties other than XY, which can be performed despite XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

**ANNEX 5**

to Article 82(5)  
(New in SG 37/2018 , in force as from 1 July 2018)  
in force as from 1 July 2018)

Standard information form where the trader facilitating an online linked travel arrangement within the meaning of §1(68a)(a) of the Supplementary provisions is a trader other than a carrier selling a return ticket

If, after selecting and paying for one travel service, you book additional travel services for your trip or holiday via our company/XY, you will NOT benefit from rights applying to packages under Directive (EU) 2015/2302.

Therefore, our company/XY will not be responsible for the proper performance of the individual travel services. In case of problems, please contact the relevant service provider.

If you book any additional travel services during the same visit to our company's/XY's booking website, the travel services will become part of a linked travel arrangement.

In that case XY has, as required by EU law, protection in place to refund your payments to XY for services not performed because of XY's insolvency. Please note that this does not provide a refund in the event of the insolvency of the relevant service provider. Please note that in case your payment was made directly to the relevant travel service provider, our company XY is not responsible for providing a refund in the event of insolvency of the relevant service provider.

More detailed information about the basic rights of travellers under Directive (EU) 2015/2302 is available on the following webpages:

<http://eur-lex.europa.eu/legal-content/BG/TXT/?un=CELEX%3A32015L2302>

Following the hyperlink the traveller will receive the following information:

- XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. a guarantee fund or an insurance company).

- Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Note: This insolvency protection does not cover contracts with parties other than XY, which can be performed despite XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

**ANNEX 6**

to Article 82(5)  
(New in SG 37/2018 , in force as from 1 July 2018)  
in force as from 1 July 2018)

Standard information form in the case of linked travel arrangements within the meaning of §1(68a)(a) of the Supplementary provisions where the contracts are concluded in the simultaneous physical presence of the trader facilitating a linked travel arrangement (other than a carrier selling a return ticket) and the traveller

If, after selecting and paying for one travel service, you book additional travel services for your trip or holiday via our company/XY, you will NOT benefit from rights applying to packages under Directive (EU) 2015/2302.

Therefore, our company/XY will not be responsible for the proper performance of the individual travel services. In case of problems, please contact the relevant service provider.

However, if you book any additional travel services during the same visit to or contact with our company/XY, the travel services will become part of a linked travel arrangement. In that case XY has, as required by EU law, protection in place to refund your payments to XY for services not performed because of XY's insolvency. Please note that this does not provide a refund in the event of the insolvency of the relevant service provider. Please note that in case your payment was made directly to the relevant travel service provider, our company XY is not responsible for providing a refund in the event of insolvency of the service provider concerned.

XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. an insurance company).

Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Note: This insolvency protection does not cover contracts with parties other than XY, which can be performed despite XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

**ANNEX 7**

to Article 82(5)  
(new in SG No 37/2018 , in force as from 1 July 2018).  
in force as from 1 July 2018)

Standard information form where the trader facilitating an online linked travel arrangement within the meaning of §1(68a)(b) of the Supplementary provisions is a trader other than a carrier selling a return ticket

If you book additional travel services for your trip or holiday via this link/these links, you will NOT benefit from rights applying to packages under Directive (EU) 2015/2302.

Therefore, our company/XY will not be responsible for the proper performance of those additional travel services. In case of problems, please contact the relevant service provider.

However, if you book additional travel services via this link/these links not later than 24 hours after receiving the confirmation of the booking from our company/XY, those travel services will become part of a linked travel arrangement. In that case XY has, as required by EU law, protection in place to refund your payments to XY for services not performed because of XY's insolvency, and, where necessary, for your repatriation. Please note that this does not provide a refund in the event of the insolvency of the relevant service provider. Please note that in case your payment was made directly to the relevant travel service provider, our company XY is not responsible for providing a refund in the event of insolvency of the service provider concerned.

More detailed information about the basic rights of travellers under Directive (EU) 2015/2302 is available on the following webpages:

<http://eur-lex.europa.eu/legal-content/BG/TXT/?un=CELEX%3A32015L2302>

Following the hyperlink the traveller will receive the following information:

- XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. a guarantee fund or an insurance company). Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Note: This insolvency protection does not cover contracts with parties other than XY, which can be performed despite XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

**ANNEX 8**

to Article 82(5)  
(New in SG No 37/2018, in force as from 1 July 2018)  
in force as from 1 July 2018)

Standard information form where the trader facilitating an online linked travel arrangement within the meaning of §1(68a)(b) of the Supplementary provisions is a trader other than a carrier selling a return ticket

If you book additional travel services for your trip or holiday via this link/these links, you will NOT benefit from rights applying to packages under Directive (EU) 2015/2302.

Therefore, our company/XY will not be responsible for the proper performance of those additional travel services. In case of problems, please contact the relevant service provider.

However, if you book additional travel services via this link/these links not later than 24 hours after receiving the confirmation of the booking from our company/XY, those travel services will become part of a linked travel arrangement. In that case XY has, as required by EU law, protection in place to refund your payments to XY for services not performed because of XY's insolvency. Please note that this does not provide a refund in the event of the insolvency of the relevant service provider. Please note that in case your payment was made directly to the relevant travel service provider, our company XY is not responsible for providing a refund in the event of insolvency of the relevant service provider.

More detailed information about the basic rights of travellers under Directive (EU) 2015/2302 is available on the following webpages:

<http://eur-lex.europa.eu/legal-content/BG/TXT/?un=CELEX%3A32015L2302>

Following the hyperlink the traveller will receive the following information:

- XY has taken out insolvency protection with YZ (the entity in charge of the insolvency protection, e.g. an insurance company).

- Travellers may contact this entity or, where applicable, the competent authority (contact details, including name, geographical address, email and telephone number) if the services are denied because of XY's insolvency.

Note: This insolvency protection does not cover contracts with parties other than XY, which can be performed despite XY's insolvency.

Directive (EU) No 2015/2302, as transposed into national law, is available as a hyperlink to the Tourism Act on the website of the Ministry of Tourism.

**ANNEX 9**

to Article 104(1)  
(New in in SG No 37/2018,  
in force as from 1 July 2018)

Table setting out the minimum liability limits under the mandatory insurance contracts  
concluded in accordance with Article 97(1)

No	Declared turnover for the previous financial year (in BGN)	Limit of liability per insurance event and aggregate liability from all insurance events during the period of validity of the insurance (in BGN)
1	2	3
1.	from 0 up to 50 000	25 000
2.	from 50 001 up to 100 000	50 000
3.	from 100 001 up to 200 000	75 000
4.	from 200 001 up to 300 000	125 000
5.	from 300 001 up to 400 000	175 000
6.	from 400 001 up to 600 000	250 000
7.	from 600 001 up to 800 000	350 000
8.	from 800 001 to 1 000 000	450 000
9.	from 1 000 001 up to 1 500 000	500 000
10.	from 1 500 001 up to 2 000 000	700 000
11.	from 2 000 001 up to 2 500 000	900 000
12.	from 2 500 001 up to 3 000 000	1 100 000
13.	More than 3 000 000	1 400 000