

LAW No. 03/L-168

LAW ON TOURISM AND TOURISTIC SERVICES

Assembly of Republic of Kosovo,

Based on Article 65, paragraph (1), Chapter IV of the Constitution of the Republic of Kosovo;

Approves

LAW ON TOURISM AND TOURISTIC SERVICES

**Article 1
Objective**

This law defines the principles, rules and responsibilities of persons in organizing, functioning and offering tourism services in compliance with standards of services in the field of tourism.

**Article 2
Field of implementation**

This law regulates relations between public institutions, natural and legal persons, domestic or foreign, who practice tourist activities, and it defines the rights and obligations of the subjects participating in these activities, in compliance with the standards provided for in this Law, defines the ways of promoting the Republic of Kosovo as a touristic country, as well as other issues related to the field of tourism.

**Article 3
Definitions**

1. Terms used in this Law shall have the following meanings:

1.1. **“Ministry”** - the Ministry for Trade and Industry.

1.2. **“Minister”** - Minister of the Ministry for Trade and Industry.

1.3. **“Touristic activity”** – any activity or service offered by legalized facilities in the field of tourism and hotels.

1.4. **“Touristic place”** – place or establishment with natural or artificial resources, which has the capacity to attract tourists and offers conditions for development of touristic activity.

1.5. **“Tourist guide”** - natural person authorized to accompany tourists and provides them information on historical, cultural and other values according to the program or on visitors interest.

1.6. **“Accommodating unit”** - the establishment that offers sleeping accommodation services.

1.7. **“Hotel”** - a building with no less than six (6) rooms available for accommodation of client including food and sleeping.

1.8. **“Motel”** - a building designed mainly for resting and stopping of motorized persons, supplying with food, beverages and other services. Buildings are built outside of inhabitable areas, near automobile roads and besides accommodation offer these additional services.

1.9. **“Touristic village”** - a structure organized in the form of a village, with nearby touristic resources, classified in accordance with the adopted standards for development of tourism and

which enjoys certain privileges under the provisions of this Law.

1.10. **“Camps”** - open areas where accommodation is set up in tents, camp houses and camp trailers.

1.11. **“Pension”** - a service at hotel premises which includes food and beverage services.

1.12. **“Touristic complex”** - complex of buildings grouped as apartments, villas, studios, small two-floor buildings, which offer clients' accommodation and auxiliary services.

1.13. **“Owner of accommodation units”** - a person, who owns, is an authorized owner or leaseholder of an accommodating unit.

1.14. **“Non-accommodating unit”** - hotel subjects offering food and beverage services but no accommodation.

1.15. **“Touristic package”** - pre-prepared combination, when sold or offered for sale with an all-inclusive price and when the service covers a period longer than twenty-four hours or includes night accommodation, of not less than two of the following: Transportation, accommodation, and other touristic services that are not related to transportation or shelter and which are considered as an important proportion of the package.

1.16. **“Touristic point”** - a long-term established destination open for public entertainment, amusement, rest, special interest, education, several or all of these, and which attracts daily visitors or tourists.

1.17. **“Restaurant”** - a building which offers food supplying services with main objective to sell food for consumption outside or inside of its premises.

1.18. **“Touristic services”** - the services offered to tourists by touristic subjects.

1.19. **“Touristic subjects”** - are natural or legal persons practicing touristic activities registered in accordance to the law in force.

1.20. **“Tourism”** - the activities of persons traveling and staying to places outside of their usual environment, not longer than one (1) consecutive year, for entertainment purposes, work or other reasons that are not connected to practicing any activity.

1.21. **“Tourist”** - a natural person as visitor or user of touristic services who stays at least overnight in a touristic place.

1.22. **“Excursionist”** - a visitor that travels for touristic purposes, without spending the night at the visiting place.

1.23. **“Hotel activity”** - preparation of food, servicing alcoholic and non-alcoholic beverages and accommodation services.

1.24. **“Traveller”** - the person that purchases or agrees to purchase a touristic package-arrangement, touristic tour or touristic services.

1.25. **“Excursion program”** - combination of at least two (2) offered services which last less than twenty four (24) hours and do not include staying overnight or accommodation.

1.26. **“Organizing touristic agency”** - a touristic agency that organizes the touristic package arrangement and travel packages either directly or through its intermediates/agents.

1.27. **“Intermediating touristic agency”** - a touristic agency which sells or purchases package arrangements drafted by the organizer of the tour or which offers other intermediary services as provided for under this Law.

1.28. **“Committee”** – Committee for reviewing the appeals.

1.29. **“License”** - the right to practice touristic activities.

Article 4 Touristic activities

1. Touristic activities may practice the subject, which has registered the activity to the competent authority.
2. Foreign natural and legal persons may practice touristic activities in accordance with this law.

Article 5

1. Subjects practicing touristic activities as provided for in paragraph 1 of Article 4 of this law are obliged:
 - 1.1. to publish, accurately and in visible places, the details of the service requirements, contents, and the price of each service.
 - 1.2. to provide invoices, tickets or a numbered proof that verifies receiving of payment for each service performed and/or offered.
 - 1.3. to maintain a book of complaints at the premises where the services are paid;
 - 1.4. the manager of the hotel subject shall send an answer within a period of fifteen (15) days;
 - 1.5. to offer touristic services in accordance to the provisions and requirements related to their field of activity.
2. The Ministry shall determine the form, contents and the way of keeping the Complaints' Book through a sub-legal act.

Article 6

1. Sports clubs, syndicates, religious communities, cultural-artistic societies, associations of pensioners, (hereafter “Associations”) may organize time after time touristic package arrangements for their members, but they shall be performed on a non-profit basis.
2. Publishing and marketing of touristic package arrangements as provided for in paragraph 1 of this Article, shall be accomplished only through internal information means.

Article 7 Touristic agencies

A touristic agency is established and registered only as a business subject that provides travelling services, for profiting purposes, for tourists and organized groups, in compliance with relevant legal provisions.

Article 8

1. The sign “Touristic Agency” shall be exclusively used by legal entities mentioned in Article 7 of this Law.
2. A touristic agency shall use this sign as the main trademark of its activities.
3. A touristic agency, in addition to its name, may freely use common terms for touristic businesses, such as “Tours”, “Travel”, “Reisen”.

4. All touristic agencies using the signs provided for in paragraph 3 of this Article or offer touristic services set out in this Law, are obliged to undergo the licensing process.

5. Institutions, organized groups and different associations, in order to organize touristic package arrangements, are obliged to use only licensed touristic agencies.

Article 9

1. Touristic agency services:

1.1. organizing packet arrangements, concluding and implementing contractual agreements for package arrangement, organizing sightseeing, concluding and implementing contractual agreements for sightseeing;

1.2. organizing congresses;

1.3. mediating in contractual agreements for organized travelling (package arrangements and sightseeing);

1.4. mediating in hotel services (sale and reservation of accommodation and other hotel services);

1.5. mediating in transportation services (travelling ticket sale and reservation of parking place for all travelling vehicles);

1.6. organizing passengers' reception and transfer;

1.7. mediating in providing special services in the form of touristic and hotel offer;

1.8. organization and mediation in providing services for tourist guides and escorts;

1.9. representation of foreign and local touristic agencies;

1.10. touristic proclamations and advertising materials;

1.11. mediating in insurance contractual agreements of travellers and their baggage.

2. In addition to services provided for in paragraph 1 of this Article, the touristic agency may offer other similar services provided that these services are defined in the registration procedure.

3. Natural person can not perform touristic agency services as set out in paragraph 1 of this Article.

Article 10 Types of touristic agencies

1. Based on the type of services offered by agencies, there are:

1.1. travelling agency-organizer of journeys and

1.2. mediary travelling agency (or travelling agent).

2. The Ministry within ninety (90) days after entry into force of this law, is obliged to issue sub-legal act by which determines the requirements that the touristic agencies shall meet as provided for in paragraph 1 of this Article and the ways of performing this service.

Article 11

1. In addition to obligations set out in Article 5 of this law, the touristic agency is required to:

- 1.1. display the name of the firm at the entrance of touristic agency business premises;
- 1.2. post the work schedule at the entrance of the business premises providing services;
- 1.3. at the request of the service customers, it shall state its market quality and type of authorizations, if it is acting as an agent for other agencies;
- 1.4. indicate the name of its firm and headquarters in all advertising and promoting materials as well as in business documents;
- 1.5. maintain confidentiality of the passengers' data and without their consent shall not communicate to anyone their address, time and place of travel, place of stay, paid price and names of co-passengers, except in cases determined by the law;
- 1.6. offer passengers services set out in the contractual agreement;
- 1.7. provide insurance against injury and loss of baggage while travelling or staying at the place of destination.

Article 12 **Requirements for offering travel agency services**

1. A touristic agency may exercise its activity in offering touristic services only upon obtaining the license from the Ministry.
2. The Ministry is obliged within thirty (30) days from the date of the submission of the application to issue a Decision for fulfilling requirements set out in paragraph 1 on this Article.
3. The decision provided for in paragraph 2 of this Article shall be registered in the Register of the touristic agencies, which shall be kept by the Ministry.
4. The Ministry shall issue a sub-legal act in regards to the form, contents and the way of maintaining the register as provided for in paragraph 3 of this Article.

Article 13

The touristic agency offering touristic package arrangements, excursion programmes or passenger transportation shall use only those transportation means and hotel premises, which provide the necessary insurance for the passengers and baggage.

Article 14

1. The touristic agency is required to transport passengers using their own transportation means or those of other individuals and legal entities registered to perform passenger transport activities in Kosovo.
2. In cases when touristic agencies use transportation means, owned by foreign legal and natural entities, they shall be excluded from paragraph 1 of this Article provided that they have already obtained the endorsement of the competent Ministry.
3. Provisions set out in paragraph 1 of this Article shall not be applied for the transportation means used in regular transportation routs for passengers.

Article 15

1. In cases when the touristic agency organizes group travelling, the agency is obligated that during the entire course of journey to provide at least one (1) touristic companion, which meets the requirements set out in this law, for each group of fifteen (15) or more passengers.

2. In cases when the touristic agency does not have touristic companions as set out in paragraph 1 of this law the touristic agency may hire a professional accompanier in order to offer this service.

3. Regarding group visits to touristic places involving sightseeing, the touristic agency shall hire a tourist guide, except for visits to museums and other institutions, which have to provide their own tourist guide or professional expert.

Article 16

1. The organizing touristic agency is obliged to respect criteria, requirements and determined program for realization of a travelling tour.

2. Ministry, by sub-legal act, is obliged to regulate and determine the content of a program, conditions and other requirements for realization of tourism according to the type.

3. The travel program shall specifically contain:

3.1. the title of the tour organizer;

3.2. the date when the decision was received;

3.3. the location and start and end date of the tour and, in case of a partial tour, duration of the stay given in dates;

3.4. information about the type of transportation and characteristics of the transportation vehicle used;

3.5. information about the type of the premises and location where the passengers will be accommodated, its category as provided for under the applicable provisions of the country of destination, standard level as well as the type and manner of services provided in these premises;

3.6. total costs of the tour and services included within these costs, as well as the amount of taxes and recompenses for certain services not included in the travel costs;

3.7. minimal passenger number, if it is a requirement for carrying out the tour and the deadline to inform the passengers in case of the cancellation of the tour;

3.8. the organizer of the tour is obligated to inform the passenger of the general tour requirements and the tour plan.

4. The organizer of the tour, when assigned to organize school excursions or other types of school tours for school children and youth, is obligated to inform the children's parents of the general tour requirements and the tour plan.

Article 17

1. The touristic agency providing services directly to passengers shall be in possession of business premises.

2. The Ministry, by sub-legal act, shall define and verify the minimal technical requirements that are to be met by the office for each type of touristic agency.

3. Business premises used for residential accommodation are not considered as offices.

Article 18

1.

The touristic agency which directly sells package arrangements and excursion programs shall have at least one office employed operator who meets the requirements determined for in this law.

2. The office operator is responsible for the operation of the office in compliance with this law.

Article 19

1. The office operator shall meet the following requirements:

1.1. shall have at least completed secondary professional education;

1.2. shall have at least three (3) years of experience in the field of touristic activities;

1.3. shall have knowledge of English language or another international language;

1.4. should have passed a professional examination test.

2. The professional examination test for office operator position shall be taken in front of a professional committee, which shall be established by the Ministry.

3. The professional examination test for office operator position shall be taken in accordance to a specified examination program.

4. The examination program as provided for in paragraph 3 of this Article should be made available to public.

5. The Ministry shall issue the programme for the examination test for touristic office operator, composition of the examination test committee as well as the methods for taking the examination test as provided in paragraph 3 and 4 of this Article. A certificate shall be awarded to the person who passes the examination test.

Article 20

1. The organizing touristic agency, for each package arrangement, is required to ensure a bank guarantee to reimburse the passengers for:

1.1. expenses incurred, in case the touristic agency fails to offer contracted services;

1.2. damages resulting from the non-fulfillment of the programme in its entirety, in accordance to the type, quantity, quality and the methods provided for in the programme;

1.3. the organizing touristic agency shall ensure a bank guarantee in the amount of twenty thousand (20,000) €;

1.4. the organizing touristic agency shall reimburse the passenger, within the timeframe specified in the general travelling requirements or the tour plan, no later than thirty (30) days from the date when the passenger filed a complaint.

2. The organizing touristic agency shall not be held liable against the passenger for any damages provided for in paragraph 1 of this Article, if:

2.1. it is verified that the passenger is responsible for failure to offer the contracted services;

2.2. unpredicted and inevitable omissions are attributed to a third person, who did not participate in providing the contracted services;

2.3. omissions as a result of a Force Majeure (unpredictable events), in which the person responsible has no influence whatsoever and the consequences of it are inevitable regardless of the exercised diligence (this excludes the case when the agency exceeds permitted capacities),

or in any other event, which the touristic agency or the service provider, could not have foreseen or prevented them regardless of the exercised diligence.

2.4. in cases provided for in paragraph 2 sub-paragraph 3 of this Article, the organizing touristic agency shall provide assistance to the passenger.

Article 21

The organizing touristic agency, upon paying for touristic package arrangement, shall issue to passengers receipts which will directly entitle them to reimbursement right from bank cash deposits as provided for in paragraph 1 of Article 20 of this law.

Article 22

1. The touristic agency shall cease its activities in the following situations:

1.1. upon deregistration of its activity;

1.2. if does not exercise the activity in compliance with the law;

1.3. when the Ministry, later on, determines that the license was issued based on false data or documentation;

1.4. due to withdrawal of the license by competent authority and implementation of the prohibiting measures against the services of the touristic agency.

2. Regarding the cessation of services as provided for in paragraph 1 of this Article, the Ministry shall issue a decision based on the notice from the touristic agency.

Article 23

Tourist guide, touristic animator and touristic companion's services

1. The Ministry shall issue work permit for:

1.1. Tourist guide;

1.2. Touristic animator, and

1.3. Tourist companion.

2. The person for Tourist guide, Touristic animator or Tourist companion should have professional preparation gained from relevant accredited institution by Ministry of Education, Science and Technology.

3. Criteria for work permit shall be determined with sub-legal issued by the Ministry, except the criteria that is regulated with paragraph 2 of this Article.

Article 24

Skiing terrains

The Minister, by sub-legal act shall specify the status, arrangement requirements, supplies, maintaining and utilization of the skiing terrains.

Article 25

Rural tourism

1. The rural tourism, for the purposes of this law, may be organized in a household economy which is organized as a rural touristic economy for rest and recreation.

2. The touristic services provided for in paragraph 1 of this Article, may be performed by the member of the countryside household economy who has obtained the decision to offer hotel services in countryside household economy.

3. The requirements for offering rural tourism services shall be specified under a sub-legal act issued by Minister.

Article 26 Youth tourism

Youth may realize youth tourism in hotels or in establishments dedicated for youth (camps, schools, dormitories for students and youth), including cultural-artistic, entertainment, sports, educational and recreational programmes.

Article 27 Hunting tourism

Hunters may realize hunting tourism who have a right to offer services including organization, accommodation, leasing hunting equipment and other ordinary or specific services for realization of hunting tourism.

Article 28 Congressional tourism

1. Institutions may realize scientific, political, professional, cultural, sports or entertainment tourism by using the right to use services for organization, accommodation and realization of touristic purpose including other related activities.

2. The requirements for offering services for the types of tourisms provided for in Articles 25, 26, 27 and 28 shall be specified with a sub-legal act issued by the Minister.

Article 29 Touristic services in other forms of tourism

1. Touristic services may be offered also in other forms of tourisms such as medical, sports and religious tourism.

2. The Ministry, regarding particular services provided for in paragraph 1 of this Article, may specify the requirements and the manner for providing these services.

Article 30 Hotel touristic activity

1. The hotel business is exercised in the business premise environment designed, arranged and equipped to offer the hotel services.

Article 31

1. The hotels classification and categorization is obligatory:

1.1. the categorization performs assessment standards of infrastructure and services of the hotel facilities. Categorization is the star sign.

1.2. hotel facilities that are subject for classification and categorization from the Ministry shall be assessed as follows:

1.2.1. hotels, with one (1) to five (5) stars;

1.2.2. motels, with one (1) to three (3) stars;

- 1.2.3. hostels-suits, standards and comfortable one;
- 1.2.4. tourist village with villas, categorized by one to four (4) stars;
- 1.2.5. village tour bungalow, with one (1) to three (3) stars;
- 1.2.6. camping's, with one (1) to three (3) stars.

2. Classification and categorization of hotel establishments as well as the decision-making procedures for issuance of the categorization Certificate shall be specified in with sub-legal act issued by the Ministry.

3. By the request of the hotel subject, the Ministry issues the decision that specifies the category of the hotel establishments.

4. The act of assigning the category of the hotel establishments as provided for in paragraph 2 of this Article shall be adopted within forty five (45) days from the date of the submission of the request for categorization.

5. The party may file an appeal against the decision provided for in paragraph 1 of this Article, within fifteen (15) days from the date of receiving this decision, through this body to the commission for reviewing appeals.

6. Against the final decision, through an administrative procedure, the unsatisfied party may initiate a lawsuit at the competent court for administrative conflicts.

Article 32

1. The Ministry, every four (4) years should perform reassessment and re-categorization of hotel and touristic establishments.

2. In regards to re-categorization of the establishments provided for in paragraph 1 of this Article, the Ministry shall issue a decision that should be registered in relevant register.

3. When it is verified that the establishment does not meet the requirements of the specified type and category, the new type and category of the hotel establishment shall be specified by issuing another decision.

Article 33

1. The hotel establishment may have the title-firm of one type of hotel establishment depending on the type of services mainly offered at this establishment.

2. Exceptionally to provisions set out in paragraph 1 of this Article, the hotel establishment may carry the title of two types of services of hotel establishments, provided that it meets the requirements specified by this law and other legal acts.

3. The title of the hotel establishment may change, provided that the requirements for offering other types of services at the hotel establishment have been met.

4. Each hotel establishment shall appoint a director of the hotel establishment.

5. Exceptionally to provisions set out in paragraph 1 of this Article, the hotel establishment may have a business director who manages more than one hotel establishment for accommodation such as apartments, rooms for rent and vacation houses.

6. The hotel subject is forbidden to serve with alcohol guest under the age of eighteen (18).

Article 34

Surveillance

The surveillance for the implementation of this law shall be performed by Inspection on tourism and hotels within the frame of Market Inspectorate.

Article 35 Punitive provisions

1. Legal entity shall be fined for infractions in amount from one thousand five hundred (1.500) to four thousand five hundred (4.500) €, on the following situations:

1.1. when they organize package arrangements for persons who are not their direct members, or when such arrangements are not periodic, are offered on a for-profit basis, or when the company advertises such arrangements beyond its own information and notification means, except the notifications obtained by the association members (Article 6 of this law);

1.2. when they do not meet the requirements provided for in this Law for the specific type of touristic agency or when they do not offer the designated services, or when offering services of the type of touristic agency for which it does not meet the specified requirements (Article 9 of this law);

1.3. exercises touristic activity and transports passengers in contradiction to Article 11 and 12 of this law;

1.4. when it fails to carry out passengers' transportation by utilizing its own transportation means, or transportation means owned by other individuals and legal entities registered to carry out the passenger transportation activity but which are not contracted to utilize means (Article 13 of this law);

1.5. when they offer direct services to the passenger, but do not have an office or the office does not meet the necessary requirements (Article 16 of this law);

1.6. when they fail to insure the touristic package arrangement or reimbursement of losses due to incurred expenditures, or fails to provide bank or insurance company guarantees for each touristic package arrangement (subparagraph 1.3 of paragraph 1 Article 20 of this law);

1.7. the passenger, who paid for the touristic package arrangement, shall not be given effects for fulfillment of the purpose according to Article 21 of this law;

1.8. offers services of tourist guide, but does not have the permit in accordance to the requirements set out in subparagraph 1.1 paragraph 1 Article 23 of this law.

1.9. offers the services of tourist animator, but does not have the permit in accordance to the requirements set out in subparagraph 1.2 paragraph 1 Article 23 of this law.

1.10. offers touristic services in skiing terrains that do not meet the requirements (Article 24 of this law);

1.11. offers touristic services in rural tourism, which do not meet the requirements (Article 25 of this law);

1.12. offers touristic services in youth tourism, which do not meet the requirements (Article 26 of this law);

1.13. offers touristic services in hunting tourism, which do not meet the requirements (Article 27 of this law);

1.14. offers touristic services in congressional tourism, which do not meet the requirements (Article 28 of this law);

2. For offences set out in paragraph 1 of this Article, the individual or legal entity as well as the responsible person or the director shall be fined in an amount ranging from two hundred fifty (250) to seven hundred fifty (750) €.

3. For offences set out in subparagraph 1.4 of paragraph 1 in this Article, in addition to the fine, the protective measures of impounding transportation means utilized in violation to the requirements shall be employed.

4. For offences set out in subparagraph 1.4 paragraph 1 of this Article, an inspector shall, communicate to the legal person with appropriate punishment, fine the legal entity and the director in the amount of one hundred (100) €.

Article 36

1. Legal entity shall be fined for infractions in amounts ranging from five hundred (500) to one thousand five hundred (1,500) €, on the following situations:

1.1. when, at the premises where the services are offered for sale, it does not maintain the book of complaints in the form, contents and the manner provided for in the law or when it does not provide a response to each of the complaints within a period of three (3) days (subparagraph 1.3 paragraph 1 Article 5 of this law);

1.2. when it fails to display the sign "Touristic agency" as provided for in Article 8 of this law;

1.3. when it fails to display, at the entrance of the business establishment, the table indicating the travel agency's trademark (subparagraph 1.1 paragraph 1 Article 11 of this law);

1.4. when it fails to post the work schedule at the entrance of the business establishments used for direct delivery of its services (subparagraph 1.2 paragraph 1 Article 11 of this law);

1.5. when, at the request of the customer, fails to provide information in regards to their market quality and scope of authorizations, provided that it is representing other travel agencies (subparagraph 1.3 paragraph 1 Article 12 of this law);

1.6. when it fails to conspicuously include, in all the advertising and promotional materials as well as in all business documents, its trademark and headquarters (subparagraph 1.4 paragraph 1 Article 11 of this law);

1.7. when it fails to maintain the confidentiality of the entire passenger information (subparagraph 1.5 paragraph 1 Article 11 of this law);

1.8. when it fails to offer contracted touristic services or the services offered lack the necessary quality (subparagraph 1.6 paragraph 1 Article 11 of this law);

1.9. when it fails to provide the passengers with proper insurance against injuries, illnesses, death and loss of baggage during the tour or stay (subparagraph 1.7 paragraph 1 Article 11 of this law);

1.10. when, for each organized touristic package arrangement or tour, it fails to publish the contents of the programme as provided for in Article 16 of this law, or when prior to making the contractual agreement for organization of the tour or delivery of other services, it fails to produce the programme, prospectus and the catalogue (paragraph 1 Article 16 of this law);

1.11. when it organizes group tours, but fails to provide at least one touristic companion in line with legal requirements for each group of fifteen (15) or more members, or does not provide a professional employee fully trained in the field of touristic activities or fails to offer a touristic companion meeting legal requirements, or when it fails to employ an authorized tourist guide for group visits to touristic places involving sightseeing (Article 15 of this law);

1.12. sells touristic package arrangements and excursion programmes while fails to hire at least one office employee who meets the requirements provided for in this law (paragraph 1 of Article 18 of this law);

1.13. offers the duty if the tourist guide to the person who does not meet the requirements provided for under this law (subparagraph 1.1 paragraph 1 Article 23 of this law);

1.14. offers the touristic companion services, but does not meet the requirements set out in paragraph 1 of Article 23 in this law, or when offering the touristic companion services fails to bring the certification for successful completion of the touristic companion examination test (subparagraph 1.3 of paragraph 1 in Article 23);

1.15. offers the touristic animator services, but does not meet the requirements set out in paragraph 23 of this law, or when performing the touristic animator services fails to bring the certification for successful completion of the touristic animator examination test (subparagraph 1.2 of paragraph 1 in Article 23).

2. For offences set out in paragraph 1.1 of this Article, the individual or legal entity as well as the responsible person shall be fined in an amount ranging from one hundred fifty (150) to four hundred fifty (450) €.

3. For offences set out in paragraph 1 of this Article, an inspector shall, at the scene of the offence, fine the legal entity and the director in the amount of one hundred (100) €.

Article 37

For repetitive offences set out in Article 35 and 36 of this law, which occur within a time period of two (2) years from the date of entry into force of the decision on the previous fine, the natural or legal entity shall be prohibited from practicing touristic activities for the duration of one (1) year.

Article 38

1. The hotel subject shall be fined for infractions in amounts ranging from one thousand five hundred (1.500) to four thousand five hundred (4.500) € on the following situations:

1.1. the establishment where hotel services are offered does not meet the necessary requirements provided for in this law and other sub-legal acts (paragraph 1 and 2 of Article 31 of this law);

1.2. the hotel establishment fails to meet the minimal technical requirements related to:

1.2.1. arrangements, equipment and maintenance;

1.2.2. offers related to services for the given type of hotel establishment;

1.2.3. conditions related to the personnel employed in the hotel;

1.2.4. fails to meet the legal sanitary requirements;

1.2.5. fails to meet the standards and criteria of the assigned category of the hotel establishment;

1.2.6. or if it fails to indicate the category of the hotel establishment in the prescribed manner according to Article 31 of this law;

1.3. the hotel establishment is not anymore in compliance with requirements for the type and category of the establishment, but continues its activities under that type and category (paragraph 3 of Article 31 of this law);

2. For offences set out in paragraph 1 of this Article, the individual or legal entity as well as the responsible person or the director shall be fined in an amount ranging from two hundred (200) to six hundred (600) €.

3. For offences set out in paragraph 1 of this Article, the inspector shall, at the scene of the offence, fine the responsible person and the director legal entity of legal entity in the amount of one hundred (100) €.

Article 39

1. The hotel subject or other entities shall be fined for infractions provided for in Article 4 of this law in amounts ranging from five hundred (500) to one thousand five hundred (1,500)€ on the following situations:

1.1. when serving alcoholic beverages to guests younger than eighteen (18) years old (paragraph 6 of Article 33 of this law).

Article 40

When, on the occasion of the judgment on infraction as provided under Article 38 and 39 of this law, it is ascertained that, within the course of last two (2) years, the hotel subject has been fined by a valid decision on infractions provided for in abovementioned Articles, in addition to the cash penalty, the protection measures shall be pronounced to prohibit performance of hotel activities in the duration of one (1) year with Decision of the Ministry.

Article 41

Repealing provisions

The entrance of this law into force repeals the Law No.2004/16 "On Hotel and Touristic Activities", as well as all sub-legal acts issued according to the Law No.2004/16.

Article 42

Entry into force

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-168

11 February 2010

Promulgated by the Decree No. DL-009-2010, dated 02.03.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.