



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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**Law No.2004 / 16**

**ON HOTEL AND TOURIST ACTIVITIES**

Kosovo Assembly,

Pursuant to the UNMIK Regulation, no 2001/ 9 dated 15 May 2001 on the Constitutional Framework of the Provisional Self-government in Kosovo, in particular Chapters 5 (d), (j), (q) and 9.1.26. (a),

For the purpose of creating the legal basis for regulation, improvement and advancing hotelier and tourist activities in Kosovo.

Hereby adopts the following:

**LAW ON HOTEL AND TOURIST ACTIVITIES**

**I. BASIC PROVISIONS**

**Article 1**

This Law shall govern the manner and conditions for conduct of tourist and hotel activities and tourism supervision and inspection terms.

**Article 2**

The tourist activities, for purposes of this Law, shall be the services of travel agencies, tour guide, tourist animator, tourist representative, services in skiing terrains, rural tourism (in villages), youth tourism, hunting, congressional and other forms of tourism.

**Article 3**

3.1. Hotel activities, for purposes of this Law, shall be the preparation of food, preparation and delivery of alcoholic and soft drinks as well as accommodation services.

3.2. As Hotel activities are classified the activities and businesses closely connected and like take-away food, (for consumption during transport, on manifestations, etc) and catering.

## II. TOURIST ACTIVITIES

### 1. BASIC PROVISIONS

#### Article 4

4.1. The tourist activities may be exercised by the enterprises and other legal entities and entrepreneurs, which meet the requirements for developing such activities as set forth by the legal provisions of this law, and duly registered subjects for development of the said activity.

4.2. Individuals may also perform specific services, in accordance with the provisions of this Law and by-laws issued thereof.

4.3. The scope of the activities of the entities developing the tourist activity from the first paragraph of this Article shall be defined in the act of establishment, in accordance with this Law.

4.4. Foreign Legal entities and natural persons (individuals) can exercise tourism business according to this Law and respective By-Laws and specific provisions approved.

#### Article 5

5.1. Legal entities and natural persons (individuals) under Article 4, Paragraph 1 herein, carrying out tourist activities shall:

- a. Publish, in conspicuous places, the requirements, contents and the cost of each service detailed accurately,
- b. Issue numbered receipts, tickets or certificates on any performed and/or delivered services, which certify the receipt of payment, with the copies of such documents stored for a period of at least one year upon issuance,
- c. Maintain a Book of Complaints in the premises where the payment for services is effected. Complaints must be replied to in the course of 15 days,
- d. Perform tourist services in accordance with the provisions and requirements related to their scope of activities.

5.2. The Ministry in charge on tourism business shall define the form, contents and the manner of maintaining the Book of Complaints.

#### Article 6

6.1. Sports clubs, unions, religious associations, cultural-artistic associations, pensioners' associations, etc. (hereafter "Associations") may occasionally organize tourist package arrangements for its members, which shall be non-profitable in nature.

6.2. The publicizing and advertisement of the tourist package arrangements according to the paragraph of this Article shall only be carried out through internal means of information.

6.3.3. The Associations shall, for the purposes of tourist package arrangements under Paragraph 1 herein, use only transport means providing adequate safety for its passengers and their luggage.

## Article 7

For the purposes of this Law, the following terms shall have the following meanings:

- a. **Passenger** is the buyer or who agrees to buy the tourist package arrangement, the tourist travel or tourist services,
- b. **Tourist Package Arrangements** (randomly traveling) are pre-defined combinations, containing at least two different services, included in the total pre-defined cost, of duration of at least 24 hours, or involving at least one overnight stay, or accommodation respectively,
- c. **Excursion Program** is a combination of at least two services, of duration less than 24 hours and not involving overnight stay, or accommodation respectively,
- d. **The Travel Agency**, Tour-Operator, is a travel agency organizing tourist package arrangement, and traveling packages, either directly or through its agents / intermediaries,
- e. **Travel Agency – subagent**, is a travel agency selling or buying the package arrangement prepared by the organizer of travel or performing other mediation services, as set out in Article 10 hereof.

## 2. TRAVEL AGENCY

### Article 8

The travel agency is an enterprise or an entrepreneur performing the travel agency services with the purpose of gain, provided that such entities have met the requirements hereof.

### Article 9

9.1. The trade mark “Travel Agency” shall be used exclusively by legal entities described in article 8 herein.

9.2. A travel agency firm shall use such trademark as the most distinctive indication of their activities.

9.3. The travel agencies, in addition to its name, may also freely add common terms employed for tourist businesses, such as “Tours” or “Travel”

### Article 10

10.1. The travel agencies services include:

- a. Organization, sale and implementation of package arrangement programs,
- b. Organization, sale and implementation of excursion programs,
- c. Sale and mediation of hotel and tourist services,
- d. Mediation in delivery of travel services and accommodation as well as related services,

- e. Reception and transport of passengers (transfer, transport),
- f. Booking and other services related to lodging establishments,
- g. Sale of and mediation in sale of tickets and reservations for any transport means,
- h. Representation of any tourist agency, foreign or domestic, in the travel destination,
- i. Provision of tourist information and promotional material,
- j. Mediation in issuance of travel documents, visas and other necessary documentation for customs clearance and for stay in foreign countries, hunting and fishing permits, as well as other required documentation for organization and implementation of various forms of tourism,
- k. Organization and mediation in the delivery of services in the rural tourism, health, sports, congressional and other forms of tourism,
- l. Organization of services of tourist accompaniers, and other assistance provided to the tourists (to and from the tourist destination),
- m. Booking, purchase and sale of tickets for any kinds of shows, museums, etc., as well as sale of goods related to travel (sandy items required for travel, souvenirs, tourist publications, etc.),
- n. Organization and delivery of services related to the use of credit cards and tourist checks,, services related to currency exchange, in accordance with specific provisions,
- o. Mediation in delivery of security services for passengers and luggage,
- p. Organizing charter transport,
- q. Provision of rent-a-car services.

10.2. In addition to the services described in the above first paragraph, the travel agency may also perform other similar services, provided that its Act of Establishment duly defines such services.

10.3. Natural persons cannot conduct traveling agency services, due /according/under to Paragraph 1, of this Article.

## Article 11

11.1. The tour operator shall publish the general conditions of the travel, and also make the excursion program, travel and other package arrangements available to the school director and to parents, for youth and children programs, and shall abide by the contracted program.

11.2. For selection of the tour operator, must be organized a tendering advertisement.

11.3. The appropriate Ministry may define respective requirements on travel package arrangement.

### 3. TYPES OF TRAVEL AGENCIES

#### Article 12

12.1. Depending on the types of services performed, the agencies may be divided into:

- a. Travel agency – tour operators, and
- b. Travel agency – intermediary (or agents).

12.2. The Ministry in charge of tourism affairs shall define the minimal technical requirements to be met by the travel agencies described in the Paragraph 1 above, as well as the modalities of service delivery.

12.3. The Ministry in charge of tourism affairs verifies the compliance of minimal requirements with technical equipments, workers; environment and health protection and collateral conditions defined in this Law and respective provisions and shall issue a work permit (license) to the agencies derived under Paragraph 1 above.

12.4. The travel agency shall only perform the services, which are in compliance with minimal technical requirements as detailed in this law and in other by-laws issued pursuant to it.

12.5. The travel agencies may change the type of services, in line with conditions required under this law, for which there must be a duly submitted request to the appropriate Ministry.

#### Article 13

In addition to the obligations set out in the Article 5 herein, the travel agency shall also:

- a. Publish the name of the firm at the entrance of its business premises,
- b. Display the working hours at the entrance of the premises used to perform services,
- c. At the request of service recipients, must state the quality it possesses at its market and the level of authorizations, if it acts as an agent to other agencies,
- d. Indicate the name of the firm and its seat in all the advertisements and promotional materials, as well as business documents,
- e. Maintain the confidentiality of passengers' data and shall not communicate: the address of passengers, place and time of travel, place of stay, the cost, as well as names of persons accompanying the passengers to anybody, except in the cases required by law,
- f. Perform the contracted services for passengers in a qualitative manner,

- g. Provide the necessary insurance against damages and loss of luggage during travel and stay to the destination of travel.

#### 4. REQUIREMENTS FOR DELIVERY OF TRAVEL AGENCY SERVICES

##### Article 14

14.1. The travel agency shall not commence performing the services without providing the license issued by the appropriate Ministry, which is a proof of compliance with the requirements set forth by this law and other by-laws issued pursuant to it.

14.2. The compliance with the requirements of the Paragraph 1 hereof, shall be verified by the license issued by appropriate Ministry in the course of thirty (30) days upon submission of request,

14.3. Upon issuance of the said license, the company shall be registered in the registry of Travel Agencies, maintained by the Ministry in charge of tourism.

14.4. The Ministry in charge of tourism shall issue the necessary by-laws regarding the form, contents and the manner of the registry under Paragraph 3 herein.

14.5. The procedural expenditures under Paragraph 2 shall be borne by the applicant.

##### Article 15

The request of the travel agencies for issuance of license under Article 14 herein shall include:

- a. Name of the firm and the head-office location of the travel agency,
- b. License Registration Decision-Act from competent authority on Business Registration,
- c. The proposed type of travel agency,
- d. Data on compliance with minimal technical requirements, suitable business premises and appropriate equipment, guarantees (escrow arrangements) and other facilities and requirements,
- e. Proof indicating the right to use the above stated premises,
- f. Data on the head of the travel agency office and his records /certificates/documentation, in accordance with law, if the travel agency performs services directly for the service recipients (clients).

##### Article 16

16.1. The License Registration Decision-Act under Article 14 must include:

- a. The name of the firm and the head-office of the travel agency,
- b. The type of travel agency and travel agency identification code,

- c. Place, street and travel agency number,
- d. Name and surname of the agency's office manager.

16.2 The provisions of the Paragraph 1, items (c) and (d) herein shall not apply for the travel agencies, which do not deliver services directly to the recipients (clients) of services.

16.3. For any changes to the data referred to in the Paragraph 1 of this Article, the travel agency shall notify the Ministry in charge of tourism in the course of 8 days after occurrence of the said change.

16.4. The Ministry in charge of tourism affairs herein shall issue the decision on the change of data under Paragraph 3.

16.5. The Ministry in charge of tourism shall define the form and contents of the travel agency identification code according to the Paragraph 1, item (b) hereof.

#### Article 17

The travel agency which performs tourist package arrangements, excursion programs or transport of passengers, shall only use means of transport and hotel establishments, which provide adequate safety for the customers and their luggage.

#### Article 18

18.1. The travel agency shall provide the transport using its own transport means or the means of other legal entities or individuals, duly registered for delivery of passengers' transportation services in Kosovo.

18.2. Exceptionally to the Paragraph 1 herein, if the transport of passengers may not be carried out in accordance with the Paragraph 1 above, the travel agency may use transport means, which are the property of other individuals or legal entities, subject to prior approval of the Ministry of transport and telecommunications and the Ministry in charge of tourism.

18.3. The provisions of the Paragraph 1 of this Article shall not apply to the transport means used in the regular passenger transport lines.

#### Article 19

19.1. If the agency provides/organizes group traveling, is liable to provide at least one tourist accompanier, in compliance with the requirements set out in this law, for each group of 15 or more passengers.

19.2. If the tourist accompanier under Paragraph 1 herein is not available within the agency, the agency may, for that purpose, hire a professional trained accompanier to perform such services.

19.3. For the group visits to tourist places involving sightseeing the agency shall provide a tour guide, except for visits to museums and other institutions, which must provide themselves either a qualified tour guide or a professional expert.

#### Article 20

20.1. The travel agency – tour operator shall define the overall conditions of travel and prepare a written travel program.

20.2. With general conditions are satisfied the rights and obligations of the tour operator, and the rights and obligations of the passengers. It is especially in the cases when the tour is canceled or when contracted cost and the procedure of the program is changed, and defines the terms and obligations of the tour operator regarding the passengers' complaints related to the failure to partially or fully deliver the services included in the program.

20.3. The travel program shall specifically contain:

- a. The title of the tour operator,
- b. The date of issuance of the permit,
- c. The start and end date of the tour and the periods of dates, if the tour is partial,
- d. Data on the kind of transport and features of the vehicles used,
- e. Data on the type and location of the establishment where the passengers will be hosted, its category in accordance with the applicable provisions of the country of destination, the standards level, as well as the type and manner of services rendered in the establishment,
- f. The total cost of the tour and services included, as well as rates of any fees and compensations for specific services, which are not included in the travel cost,
- g. Minimal number of passengers, if that is a requirement for the conduct of tour, the deadline for notice to the passengers, if it is canceled the tour. The tour operator must make the passengers aware of the general conditions and terms of the travel as well as its program.

20.4. The organizer shall present the general travel conditions as well as contents of the program to the parents, when assigned to organize school excursions or other excursions for school children and youth.

#### Article 21

21.1. The travel agency delivering services directly to the passengers must possess proper business premises (hereafter: the office)

21.2. The Ministry in charge of tourism affairs shall, by a legal act, define and control the minimal technical requirements that the office must comply with, for any type of travel agencies.

21.3. Offices, in view of this law, are not considered the business premises used for residential accommodation.



## Article 22

22.1. The travel agency directly selling or delivering the package arrangements and excursion programs shall have at least one manager employed in the office, in accordance with the requirements set forth by the law.

22.2. The office manager is responsible for the operation of the office in compliance with the law.

## Article 23

23.1. The office manager shall meet the following conditions:

- a. Shall have at least completed secondary education,
- b. Shall have two or three years of work experience in tourist activities
- c. Shall have a good knowledge of English language and other language,
- d. Shall have a professional examination passed.

23.2. The professional examination for office managers shall be taken before of Exam Committee, established by the Ministry in charge of tourism.

23.3. The professional examination for office manager is in accordance with the defined program of examinations.

23.4. The said program under Paragraph 3 of this Article shall be published in the "Official Gazette of Kosovo".

23.5. The Ministry in charge of tourism shall define the exam program for the office manager, the membership of the Examinations Committee and the modalities for taking exams under Paragraphs 3 and 4 of this Article.

23.6. A person successfully passing the examination shall be award with a certificate.

## Article 24

24.1. The travel agency - tour operator, shall provide a bond for all package arrangements, to reimburse the passengers for:

- a. The costs incurred, should the travel agency fail to deliver the contracted services,
- b. Damages arising due to failure to program fulfillment on its specifications like quantity, quality and the manner.

24.2. The travel agency- tour operator has the responsibility to place into escrow 20.000 Euros. This is done as cash deposit that would be transferred in a special bank account in a commercial bank, or as a bank guaranty that is issued by commercial bank that is

licensed by Banking and Payments Authority of Kosovo, payable upon the first call and with no right to denial during the period of time of validity of the license.

24.3. The travel agency - tour operator, shall reimburse the passengers in accordance with the terms defined in the general conditions of the travel or the travel program, no later than thirty days, since the day of complaint by the passenger(s).

24.4. . The travel agency – tour operator shall not be responsible for damages described in the first Paragraph of this Article, if:

- a. it is proved that the failure to deliver the contracted services is due to the passenger,
- b. unpredicted and inevitable omissions are attributed to a third party, which was not involved in the delivery of contracted services,
- c. omissions are due to the Force Majeure (unpredictable events), whose consequences were inevitable and the obliged person cannot influence them in spite of the agency's due care (excluding the cases of overbooking), or on any other event, which the agency or the service provider could not have foreseen and avoided, in spite of all due care.

24.5. In the cases described in Paragraph 4, item (c), of this Article, the travel agency-tour organizer shall provide all necessary assistance to the passenger.

## Article 25

The travel agency – tour organizer, shall issue receipts to passengers upon payment of the tourist package arrangement, which shall entitle them to the reimbursement paid from the bank cash deposit, in accordance with the Article 24, Paragraph 1 of this Law.

## Article 26

26.1. The travel agency shall be deemed to have closed its business in the following occasions:

- a. Upon deregistration of its activity,
- b. If the inspection determined that the agency has failed to comply with the requirements set forth by the law, by-laws issued thereof and in accordance with other regulations, and failed to remedy the non-compliance within the specified deadline,
- c. If the Ministry charged on tourism affairs, at any time, determines that the work permit (license) has been issued based on false data or documentation,
- d. If the travel agency has, for periods longer than one year, not performed any services and not conducted the activities registered for,
- e. Due to withdrawal of the license by competent authority, and/or under the prohibition of performance of travel agency services announcement.

26.2. For closure of business under Paragraph 1 hereof, the Ministry in charge of tourism shall issue a decision.

## 5. TOUR GUIDE SERVICES

### Article 27

27.1. Tour guide services shall, in view of this law, be considered the accompaniment of a group of travelers or an individual, in accordance with the pre-define program, in order to explain the natural curiosities, cultural, historical or ethnographical heritage as well as other events both within and outside the country.

27.2. The tour guide services are not deemed the professional explanations, advise or information by the professional expert within the business premises of their employment (museum, gallery, national park, etc.), by the travel agency expert accompanying the tourist group from place to place, the accompanier in the mountains, caves, hunting or fishing, as well as the excursion or picnic accompanier.

### Article 28

28.1. The tour guide services must be performed by a person fully complying with the requirements of this law, and by who is duly registered to the registry of tour guides, maintained by the Ministry in charge of tourism affairs.

28.2. The travel agency and other beneficiaries of tour guide services shall not entrust the performance of such services to the persons not complying with such requirements matching this Law.

### Article 29

29.1. In order to operate as a tour guide, the guide must possess a license issued by the Ministry in charge of tourism, at his/her request.

29.2. The permit under Paragraph 1 hereof, shall be issued subject to the following conditions:

- a. To have business skills,
- b. To have completed professional secondary education at least, and to have successfully passed the tour guide examination,
- c. At least knows one of major global language.

29.3. The Ministry in charge of the tourism shall issue the certificate on the completed professional examination, ID and the badge, and shall maintain a list of persons, which have successfully passed the tour guide examination.

### Article 30

30.1. The professional tour guide examination is done in front of an Examination Committee, established by the Kosovo Tourist League, upon the approval of the Ministry in charge of tourism.

30.2. The Ministry in charge of tourism affairs shall prepare the examination program (curriculum) and shall define the manner of professional tour guide examination, the contents and the manner of maintaining the list of tour guides, the form and contents of the tour guide identification card and the badge/distinctive.

30.3. The exam program according to Paragraph 2 of this Article shall be made public.

30.4. A certificate is released upon a successful completion of the exam .

#### Article 31

During the performance of its services, the guide shall at all times display his/her tour guide ID, which is a proof of his/her official capacity.

#### Article 32

The permit for performance of tour guide services shall be withdrawn in the following cases:

- a. When the tour guide is deregistered,
- b. If the Ministry in charge of tourism affairs proves that the permit has been issued based on the false information and documentation,
- c. If, in accordance with the Article 29 hereof, the tour guide fails to perform his/her services.

### 6. TOURIST ACCOMPANIER SERVICES

#### Article 33

33.1. The tourist accompanier is the person who in addition to the provisions of Article 29, Paragraph 1 and 3 herein, shall have completed the professional secondary education at least and shall have passed the tourist accompanier examination, and who is also performing operational – technical duties related to accompaniment of tourists, thus providing them basic knowledge on the type of travel.

33.2. The individuals that have successfully passed the tour guide examination are exempted from undergoing the tourist accompanier examination.

#### Article 34

34.1. The examination for tourist accompanier is done before Examination Committee, appointed by the travel agency, in line with the examination curriculum prepared by the Ministry in charge of tourism.

34.2. The said curriculum shall be published.

34.3. A certificate is awarded upon the successful completion of the exam.

#### Article 35

35.1. The travel agency shall not entrust the tourist accompanier duties to an individual whose qualifications and other requirements are not in compliance with the law.

35.2. During the performance of his/her duties, the tourist accompanier shall at all time display the badge, which proves his/her official capacity.

35.3. Competent Ministry for tourism affairs will be determining the ways and contents of the ID of the tourist companion, ways of issuing it and using it.

### 7. TOURIST ANIMATOR SERVICES

#### Article 36

36.1. The tourist animator services, in view of this law are the planning and implementation of tourist free time related to any sports, recreational, entertainment or cultural – social activities. The described services are performed by the tourist animator.

36.2. The tourist animator shall meet the following requirements:

- a. Be eligible to conduct business,
- b. Shall have completed the professional tourist animator examination,
- c. Be able to speak fluently English and another major language.

#### Article 37

37.1. Professional tourist animator examination is done before a Committee, established by the Kosovo Tourist League, upon obtaining the approval of Ministry in charge of tourism.

37.2. A certificate is awarded upon the successful completion of the exam.

37.3. While performing his/her duties, the tourist animator shall display his/her badge, which is a proof of his/her official capacity.

37.4. The Ministry in charge of tourism shall prepare the examination curriculum for tourist animators, as well as define the manner of examination.

37.5. The examination program according to Paragraph 4 of this Article shall be published.

### 8. TOURIST REPRESENTATIVE SERVICES (AGENT)

#### Article 38

38.1. The tourist representative is an individual or a legal entity representing a local or foreign tour operator or the intermediary in the country of destination .

38.2. The tour operator, or the agent, shall inform the service recipients in written about the tourist representative, its authorizations as well as for any changes that have occurred.

38.3. Before it commences any activities described in the Paragraph 1 above, the tourist representative shall present to the Ministry in charge of tourism the contract on representation, for inclusion in the Registry of Contracts on Representation.

38.4. The Ministry in charge of tourism shall maintain the Registry of Contracts on Representation.

38.5. The Ministry in charge of tourism affairs shall define the form, the contents and the manner of maintaining the registry under Paragraph three above.

#### Article 39

The authorizations and the activities of the tourist representative are:

- a. To protect the interests and the rights of passengers and tour organizers with the entity delivering the services,
- b. Instruct and inform the passengers on the implementation of tour programme and additional services,
- c. Order additional services on behalf of the tour organizer or agent, pursuant to authorizations,
- d. Mediate for additional services (excursions, cultural shows or sports events),
- e. Perform other required works in order to protect the interests of the passages, tour organizer or the agent.

### 9. TOURIST SERVICES IN SKIING TERRAINS

#### Article 40

40.1. Tourist services in skiing terrains, in view of this law, shall be the leasing of terrain, equipment and other facilities required for recreational and sports skiing, acquisition of skiing technique, training the rescue activities or for other snow sports and recreational purposes.

40.2. The services under above paragraph are conducted in skiing terrains, which shall be duly regulated, equipped and maintained, so as to ensure adequate safety for the users (clients), depending on the type of activity detailed in the Paragraph 1 above, and subject to the approval of the Ministry in charge of tourism affairs proving its compliance with the requirements.

40.3. The services under Paragraph 1 herein may be delivered by an enterprise, legal entities or entrepreneurs subject to conditions set forth by the law and provision of work license issued by the Ministry in charge of tourism.

40.4. The Ministry in charge of tourism shall clearly define the conditions for arranging, equipping, maintaining and using the skiing terrains.

#### Article 41

41.1. The legal entity or the entrepreneur providing the skiing terrain services shall:

- a. Secure and maintain the skiing terrain so as to ensure its safe usage,
- b. Make provisions, and issue the service to maintain order in the skiing terrain,
- c. Make provisions for rescue and emergency services in the skiing terrains,
- d. Publish in conspicuous places at the terrain entry points, the rules and costs of using the ski lift, cable car, as well as other equipment and facilities in the skiing terrain.

41.2. The users of the skiing terrain shall abide by all the provisions of the said rules in skiing terrains.

41.3. The way of providing skiing terrain services shall be regulated by a separate regulation.

### 10. TOURIST SERVICES IN THE RURAL TOURISM

#### Article 42

42.1. Rural tourism, in view of this law, shall be considered the stay of tourists in home businesses (households), which is organized as a rural tourism for vacations and recreational purposes.

42.2. Rural Tourist services shall be deemed: fruit harvest, harvest of fruits and vegetables, harvest of various crops, leasing horses for riding purposes and other home business services in the village.

42.3. Tourist services under Paragraph 1 above may be conducted by a member of the home business in the village, subject to provision of license for development of such activities in the village, in line with Article 43 of this law.

42.4. The Ministry in charge of tourism shall define the minimal applicable requirements for conduct of the said activities.

#### Article 43

43.1. In the home businesses, organized as household tourist business (hereafter: rural home businesses), a member of such business may, in addition to leasing houses for vacation under Article 77, Paragraph 1 item (a), perform the services.

43.2. In addition to services detailed in the paragraph above, the rural home businesses may also prepare and serve hot and cold meals, beverages, mainly from their own produce, for no more than 50 persons (excursionists) simultaneously.

43.3. Rural home businesses may also conduct the sale of wine, brandy and meat specialties of its own products in a regulated part of the living place or business facility, either as a covered setting or as an open tent, for no more than 50 persons (excursionists) simultaneously.

43.4. The Ministry in charge of tourism shall more closely determine the definition of rural home businesses, minimal requirements, conditions related to categories and the manner of categorizing the facilities operating under this article.

43.5. For proper delivery of services in rural home tourism business the provisions of Article 77 to 85 herein must be complied with.

43.6. The Ministry in charge of tourism shall consult the Ministry of Agriculture about the products deemed as self-products, and types of products that should not necessary be used, in view of Paragraph 2 of this Article.

## 11. YOUTH TOURIST SERVICES

### Article 44

The youth tourism shall, in view of this law, be deemed the stay of young tourist in hotels –youth hostels for youth, or in purpose-built youth establishments (camps, schools, student and youth hostels), as well as any cultural, entertainment, sports, educational or recreational activity for youth.

### Article 45

45.1. Hotel – hostel for youth is an establishment, which provides services of accommodation and food, mainly for youth.

45.2. The Ministry in charge of tourism affairs shall define the standards and categorization for such hotels and establishments dedicated for youth, providing services in accordance with Article 44 hereof.

45.3. The Government of Kosovo, at the proposal of the Ministry in charge of tourism, may stipulate specific incentives (benefits, discounts, etc) for hotel-hostels and other youth establishments.

## 12. HUNTING TOURISM SERVICES

### Article 46

46.1. The services in the hunting tourism, in view of this law, shall be deemed the organization and implementation of any arrangements for tourist – hunters, their reception and accommodation, mediation in organizing and implementing hunting,



leasing hunting equipment as well as other services related to the accommodation of tourist-hunters' services.

46.2. The service provider shall perform the services from Paragraph 1 above in accordance with the laws governing hunting activities.

### 13. CONGRESSIONAL TOURISM SERVICES

#### Article 47

Congressional tourism, in view of this law, shall be deemed any tourist services related to organization of scientific, political, professional, cultural, sports or other conferences, reception and accommodation of participants, organization of cultural and entertaining activities and other manifestations with the purpose of organizing the participants' free time, as well as organization of related activities (exhibitions, product and services presentation, sale of products, etc.).

### 14. RENT-A-CAR SERVICES

#### Article 48

48.1. Rent-a-car services, in view of this law, shall be deemed renting of cars without driver.

48.2. The services under Paragraph 1 of this Article may be performed by the enterprises, other legal entities, or individuals duly registered for conduct of such activity.

#### Article 49

49.1. Vehicles (cars), which are object of services described in Article 48, Paragraph 1 herein, shall meet the conditions as set out in the provisions of the road traffic safety, and provisions related to specific types of vehicles. The vehicles also shall not be older than 5 years.

49.2. The person performing the rent-a-car services shall have at least 4 registered vehicles and dedicated parking lots for all vehicles.

49.3. The Ministry in charge of tourism affairs, in conjunction with the Ministry in charge of traffic, shall issue the necessary by-laws framework stipulating conditions and the manner of conduct of rent-a-car services.

### 15. TOURIST SERVICES AND OTHER FORMS OF TOURISM

#### Article 50

50.1. Tourist services may be performed through other forms of tourism such as health tourism, sports, religious, etc.

50.2. The appropriate Ministry may define the minimal mandatory requirements and modalities of performance of specific forms of tourism, described in Paragraph 1 above.

### III. HOTEL ACTIVITIES

#### Article 51

This law governs the manner and conditions to be complied with by legal entities and individuals seeking to develop hotel activities.

#### Article 52

Determined by Article 51 of this Law, hotel activities can be conducted/ implemented by all companies, juridical persons and all entrepreneurs that full-fill the conditions determined for conduction of this activity, determined by this Law.

#### Article 53

53.1. Exceptionally to Article 52 hereof, hotel placement and accommodation services according this law can be done by public institutions administering national and natural parks Kosova declared as such by Kosova Parliament.

53.2. Exceptionally to Article 52 hereof, The Scouts League of Kosova and youth associations may deliver hotel and accommodation services in youth tourist facilities for its members as well as other members of international associations of youth tourism.

53.3. Exceptionally to Article 52 hereof, the institutions dealing with museums or theatres, social welfare institutes for elderly and disabled, may perform hotel services of the following types: bistro, confectionery, cafes, bars, etc. in accordance with the conditions required under this law on hotel activities, in the premises where they develop their primary activity.

53.4. Hotel education institutions, students boarding, and similar can exercise hotel services according to this Law.

53.5. Institutions referring to the Paragraph 4 of this Article, can provide hotel and accommodation services if they match all terms and requirements of youth standard hostels mentioned in this Law.

#### Article 54

Individuals, who are duly registered for conduct of such activity, may also perform accommodation and hotel services, in accordance with the provisions of this law and other by-laws issued thereof.

## Article 55

55.1. Legal entities and individuals, permanent residents or based in Kosovo, may provide accommodation and food services in enclosed facilities (vacation houses, hostels, etc) for its employees, close family members, its members of pensioners, pursuant to this law and other relevant provisions.

55.2. Legal entities and individuals under Paragraph 1 herein, shall report such hotel services to the appropriate authority of the local administration, detailing the location of the establishment, thus the place in which the services are performed, in order to enable the authority to proceed with inclusion in the registry of hotel services for legal entities and individuals, under Paragraph 1 above.

55.3. The Ministry in charge of tourism, shall define the minimal technical requirements for conduct of services under Paragraph 1 herein:

55.4. The appropriate authority of the local administration shall ensure compliance with the legal acts issued pursuant to Paragraph 3 herein.

55.5. The Ministry in charge of tourism, through by-laws will determinate the items which should be fulfilled in application form, and in order of maintaining the data for compliance of services by juridical and natural persons, from Paragraph 1 of this Article.

55.6. Juridical and natural persons from Paragraph 1 and 2 of this Article, will make request to the local administrative body, will be completed the service that way to insure are fulfilled mentioned condition.

## Article 56

The following activities shall not be considered as hotel activities in view of this law:

- a. Food and accommodation services provided in the institutions for social assistance, health, and education, in the premises of Red Cross organizations and other similar institutions such as Kosovo Protection Corps and Kosovo Police Service, provided that such services are performed by their respective staff members, and are dedicated exclusively to their respective workers, members and users,
- b. Preparation and serving of cold and hot drinks, soft drinks, and simple food that legal entities and individuals prepare in their premises for the purposes of their workers or members.

## 1. THE BUILDING REQUIREMENTS AND THE MANNER OF CONDUCT OF HOTEL AKTIVITIES

### Article 57

The building for conduct of hotel activities shall be in compliance with the provisions of this law and other legal acts, as well as special regulations and sound business practices applicable to hotel activities, depending on type of services and modality of their delivery.

### Article 58

58.1. The hotel establishment shall be operational on annual or seasonal basis.

58.2. The hotel establishment may also operate periodically (during the duration of manifestations, fairs, anniversaries, etc.), provided that an appropriate license has been issued to that effect by the competent authority of the local administration.

58.3. The hotel manager shall define the period of operations for each hotel establishment and shall notify the appropriate authority of the local administration.

#### Article 59

The competent authority of the local administration shall define the working hours in the hotel establishment, at the territory of its jurisdiction.

#### Article 60

60.1. During the conduct of hotel activities, the hotel manager shall:

- a. Display in conspicuous places at the entrance of the hotel, a sign indicating the type and category of the hotel, as stipulated by the decision of the appropriate authority of the local administration or the Ministry in charge of tourism,
- b. Display in conspicuous places at the hotel entrance, notice of working hours, which shall be in accordance with the stipulated working hours for that establishment,
- c. Define the house rules for the hotel establishment and publish it in the reception, while excerpts of the same shall be displayed at every room and apartment,
- d. Define the rates of food items, beverages and specific food and drink services, and deliver the services to the specified quality and quantity and pursuant to the rates. The manager shall, at the request of guests, produce the rates for inspection,
- e. Publish in a visible place, and in a manner, which is comprehensible to the guests, the prices of different services and shall abide by the published prices. The price list shall also indicate any accommodation (stay) tax fees, if such fees are provided by law,
- f. Produce a sufficient number of copies of the price list,
- g. Issue receipts to the guests for any delivered service, which shall contain the date, type, quantity and price of the service,
- h. Abide by the specified working hours,
- i. Send the rates for inspection and approval to the Ministry in charge of tourism, and the approved rates shall be applied beginning with the following day,
- j. Maintain a Book of Guests accommodated in the establishment,
- k. Maintain a book of complaints, in compliance with the manner specified by the law for specific establishment. The complaint and the answer shall, in the course of three days, be sent to the inspection of tourism of the Ministry in charge of tourism,
- l. Insure the guests from any consequences of damage arising in the building,
- m. To offer services to all clients at the same rate and conditions

- n. To ensure and maintain all necessary files, documents, bill, certificates and similar for all items used in items of hotel services and processing according to provisions which determine the products quality,
- o. Keep the evidence on supply and sales (accounting register) according accounting provisions and standards,
- p. To display in an open environment the license and work/business permit (or license)

60.2. In exercising its hotel activity, the manager shall also observe other specific rules related to such activity, as well as other sound business practices.

60.3. The Ministry in charge of tourism shall, by a special legal act, define the form, contents and the manner of maintaining the book of guests and book of complaints.

#### Article 61

61.1. The hotel company shall not serve alcoholic drinks to costumers younger than 18 years of age.

61.2. Notice of prohibition to serve alcoholic drinks to persons younger than 18 years of age in the establishments from Article 61, Paragraph 1 herein, and in other establishments serving alcoholic drinks, shall be displayed in visible places.

#### Article 62

62.1. The hotel establishment may also provide basic hotel services in an ambulatory form (outside the business premises and hotel compounds).

62.2. Ambulatory services may deliver food (packed), alcoholic drinks, juices and ice creams, in accordance with the sanitary standards/requirements.

62.3. The appropriate authority of the local administration shall define the sites that may be used for provision of such basic mobile hotel services.

62.4. The appropriate authority of the local administration shall, by a special legal act, define the technical and sanitary requirements to be met by the Paragraph 1 of this Article.

62.5. The competent authority of the local administration shall verify the compliance to this legal act, approved on the basis of Paragraph 4 herein.

62.6. The provisions of the Article 60, Paragraph 1, items (a), (b), (c), (j), (k), (o) and (p) shall not be applied to common hotel services.

#### Article 63

63.1. For delivery of such hotel services and services referred to in Article 62 herein, minimal technical requirements in terms of arrangements and equipment in the

establishment, as well as other conditions specified by this law and other by-laws issued thereof, must be complied with (hereafter: minimal technical requirements).

63.2. For delivery of hotel services and other tourist services, sanitary conditions of work, as set out by specific provisions, shall also be complied with.

63.3. The Ministry in charge of tourism shall issue by-laws regarding minimal technical requirements the hotel establishments shall comply with.

## 2. BUSINESS PREMISES, ENVIRONMENT AND SPACE, CONDITIONS AND CATEGORIZATION OF HOTEL ESTABLISHMENTS

### Article 64

64.1. The hotel activities shall be developed at the purpose-built business premises, arranged and equipped for conduct of hotel services (hereafter: hotel establishment).

64.2. Hotel activities may be exercised in business premises, in an environment or space in conjunction with some other activity, provided that adequate conditions for conduct of hotel activities have been met.

### Article 65

65.1. Hotel establishments, in view of this law, shall be accommodation facilities (hostels) as well as food and drinks facilities and shall be classified into seven groups:

- a. Hotels: a hotel, a tourist village, a village of apartment, motel, boarding house, etc.
- b. Camps and other types of hotel establishment used for accommodation, such as: camp, rooms on lease, apartments, youth hotel-hostels, alpine houses, vacation houses, (hostels) etc.
- c. Restaurants: restaurants, taverns, national restaurants, milk restaurants, cafés, pizzeria, kebab shops, national kitchens, pie () shops, etc.
- d. Bars: bars, nightclubs, disco-bars, etc.
- e. Buffeters: buffeters, breweries, bistros, etc.
- f. Cafes: cafés, café-bars, café-confectioneries, etc.
- g. Canteens and catering.

65.2. In addition to hotel establishment under Paragraph 1 above, the Ministry in charge of tourism may also define other types of hotel establishments and conduct their classifications in specific groups in accordance with the Paragraph 1 of this Article, depending on the type and manner of services mainly delivered in the hotel establishment.

65.3. The Ministry in charge of tourism shall, in accordance with the provisions of Paragraph 2 hereof, define the minimum of services to be provided by each type of hotel establishment.

### Article 66

66.1. The Ministry in charge of tourism affairs shall, by a separate legal act defines the types of hotel establishment used for accommodation, which shall undergo categorization as well as categories, elements and categorization criteria, and the modality to be applied during the said exercise.

66.2. The category of the hotel establishment shall be defined by the act issued by the Ministry in charge of tourism, at the request of the hotel establishment.

66.3. The hotel establishment under Paragraph 1 above shall commence its work only after being assigned a category by the appropriate authority.

66.4. The act of assigning the category of the hotel establishment shall be approved in the course of 30 days, upon submission of request for categorization.

66.5. There may not be any appeals against such acts, however the party may launch an administrative dispute.

66.6. At the entrance of every establishment under Paragraph 1 herein, there must be a sign indicating the type and the assigned category to the establishment.

66.7. The Ministry in charge of tourism affairs shall maintain the register of categorized hotel establishments.

#### Article 67

67.1. The Ministry in charge for tourism affairs determines the category of hotel facilities: hotel, motel, apartment-hotel, tourist village, pension, and camping after they verify the full filling of the conditions for the category.

67.2. The appropriate authority of the local administration is responsible for other types of hotel activities, which should undergo categorization.

#### Article 68

68.1. Hotel establishments used for accommodation shall be categorized depending on their arrangements, equipments, maintenance services and other similar elements and criteria of categorization.

68.2. The sign used for categorization of a hotel establishment shall be the star.

68.3. The act on assigning a specific category to a hotel establishment shall be effective for a period of 5 years.

68.4. The act from Paragraph 3 shall be displayed in every facility, which is assigned a category.

68.5. If any time during the duration of the legal act the hotel establishment will undergo a change in owner or company, the new company shall obtain the act on assigning a category before it commences with delivery of any services.

68.6. If during the period referred to in Paragraph 3 herein there were deviations from the standards specified for the category assigned to the hotel establishment in terms of arrangements, equipments and the quality of services, the hotel establishment shall, in the course of 15 days, submit a request for assigning a new category.

68.7. The change of category to a hotel establishment shall be carried out applying the same manner and procedure as when assigning a category for a new hotel establishment.

68.8. The hotel establishment failing to meet the requirements specified for the type and category shall not be allowed to operate as that type or category of the hotel.

#### Article 69

69.1. The Ministry in charge of tourism affairs shall, in line with its official duties, undertake a biennial review of category assigned to the hotel establishment used for accommodation, and shall verify the categories of these establishments.

69.2. For categorization of hotel establishment carried out in accordance with the Article 1 herein, the Ministry shall issue a decision, thus including the establishment into the register of categorized hotel establishments.

69.3. If during the proceedings the Ministry determines that the establishment no longer meets the requirements for that type and category assigned, the Ministry shall issue a decision revising the type and category of the hotel establishment.

69.4. In the case of Paragraph 3, the cost of procedure shall be borne by the hotel establishment.

#### Article 70

70.1. The hotel establishment may carry the title (trademark) of a type of hotel establishment, depending on the type of services delivered by the facility.

70.2. Exceptionally to Paragraph 1 herein, the hotel establishment may carry the title of two types of services of hotel establishments, if for each type adequate conditions have been met, as set out by this law and other acts issued thereof.

70.3. The title of the hotel establishment may change, subject to requirements for performing other types of services at the hotel establishment.

#### Article 71

71.1. In each hotel establishment, there shall be a hotel manager (hereafter: hotel business manager).

71.2. Exceptionally to Paragraph 1 hereof, the hotel establishment may have one business manager managing more than one hotel establishment used for accommodation: apartments, rooms for rent and vacation houses.

71.3. The business manager shall have completed at least secondary professional qualification.



71.4. If an owner manages his hotel establishment himself, he shall comply with the conditions required for managers of hotel establishment.

71.5. The business manager is responsible for the business of the hotel establishment pursuant to this law.

71.6. Exceptionally to provisions of the Article 3 herein, the business manager not possessing the required professional qualification, may manage the hotel establishment, provided that he has a demonstrated experience of at least five years in similar hotel activities.

### 3. WORKING LICENSE OF THE HOTEL FACILITIES

#### Article 72

72.1. Companies, judicial persons, entrepreneurs and natural persons cannot start conduction of hotel activities, or to change or widen the facility, before the competent body has determined that the conditions have been full-filled in accordance with technical equipment, protection in work, protection and improvement of the living environment and other conditions that were determined in accordance with this Law, and the dispositions that were complied on basis of this Law, before issuing of the working license.

72.2. The Ministry in charge on tourism affairs shall issue the work permits for hotel establishment according to Article 67, Paragraph 1.

72.3. The appropriate authority of public administration shall issue the work permit for other types of hotel establishments.

72.4. Compliance with the requirements mentioned in Paragraph 1 of this Law, the Ministry in charge on tourism affairs shall certify it in the course of 30 days upon submission of request.

72.5. Against the decision on governing the requirements for the hotel establishment as mentioned in Paragraph 2 of this Article, there is no complain to be introduced. Against this decision can be undertaken an administrative sue.

72.6. The permit according Paragraph 2 of this Article shall be registered in the appropriate registry maintained by the Ministry in charge of tourism.

72.7. Compliance with requirements under Paragraph 1 herein, shall be verified by a permit issued by the appropriate local authority in the course of 15 days upon submission of request.

72.8. The permit from Paragraph 3 hereof, shall be registered in the appropriate registry related to hotel establishments, maintained by the competent authority of the local administration .

72.9. The Ministry in charge of tourism shall issue a separate legal act detailing the form, contents and the manner of maintaining the registry under Paragraphs 6 and 8 herein.

#### Article 73

73.1. If the appropriate authority fails to issue the permit under the Article 72, Paragraph 2 and 5 in due course, or fails to issue a notice of rejection of the manager's request due to

failure to meet the requirements, the hotel manager may commence the work in the hotel establishment, after having submitted a prior notification to the competent authority.

73.2. The competent authority shall issue the decision under Article 72, Paragraph 2 and 5 in the course of 30 days, upon receipt of the notification under Paragraph 1 of this Article.

73.3. If the appropriate authority determines that the requirements set forth by this law have not been complied with, and the manager has commenced work on the basis of Paragraph 1 herein, such activity shall be considered in contradiction with the provisions of this law.

#### 4. HOTEL SERVICES IN AN AMBULANT FACILITY

##### Article 74

74.1. Some specific hotel services may be delivered by means of a mobile facility, which shall not be deemed as a hotel establishment in view of Article 65 herein, subject to meeting the specified conditions, except for unique (special) locations, which are of a special importance in the tourist offer.

74.2. The facility under Paragraph 1 herein, is the facility that may be dislocated from one site to another, by either self-powered means or by towing.

74.3. The Ministry in charge of tourism shall define the technical requirements applicable to the facility under Paragraph 1 above, the type and the manner of service delivery in such facilities.

74.4. The competent authority of the local administration shall verify the compliance with the requirements as set out in Paragraph 1 of this Article. Check the reference again!!

74.5. The competent authority of the local administration shall define the sites where such services under Paragraph 1 may be provided.

##### Article 75

75.1. Exceptionally, hotel services may be delivered under a tent, in the benches, etc, subject to technical requirements, except for unique locations of special importance to the tourist offer.

75.2. The conditions from the Paragraph 1 herein shall be defined by the competent authority of the local administration, which shall also verify compliance with the legal acts adopted in line with Paragraph 1 herein.

75.3. The competent authority of the local administration shall define what beverages, food or juices may be served in the establishments referred to in Paragraph 1.

#### 5. CAMPING

##### Article 76

76.1. Camping, in view of this law, shall be accommodation under tent, camp-house, camp-trailer and under other equipment for lodging in the open area, the location of which shall be define by the appropriate authority of the local administration.

76.2. Camping may be arranged only in organized camps i.e. camping equipment shall not be erected at the locations other than areas defined for such purposes in accordance with Paragraph 1 herein.

76.3. Organized camps, in view of this law, shall be the camps fully meeting the requirements as set out in the legal acts of categorizing hotel establishments for lodging (organized camps).

76.4. Exceptionally to Paragraph 2 of this Article, camping outside such confines may be allowed during any sports, cultural, artistic or similar manifestations, in especially dedicated places for that, in line with the provisions of this law and any by-laws issued thereof.

76.5. The appropriate authority of the local administration shall govern the place and time of manifestations under Paragraph 4 of this Article.

76.6. Lodging of scouts in open camping areas shall not be deemed camping in view of Paragraph 1 of this Article.

## 6. HOTEL SERVICES IN HOME BUSINESSES

### Article 77

77.1. Subject to provisions set out in this law as well as other legal acts, an individual may:

- a. Rent rooms, apartments or vacation houses, to which he is the owner, co-owner or the possessor of the right to use, amounting to no more than 10 rooms or 20 beds,
- b. Organize camping at his land, for no more than 5 units i.e. 20 guests simultaneously.

77.2. An individual may provide breakfast, half-board or all-inclusive arrangements only for persons renting rooms, apartments or vacations houses.

### Article 78

78.1. In order for the individuals to perform hotel services in their home businesses, the facilities under Article 77 herein, shall meet the minimal technical requirements for the given category.

78.2. The Ministry in charge of tourism shall define the minimal technical requirements for the given category, elements and criteria of categorization, and the manner of categorization of establishments under Paragraph 1 herein.

78.3. The provisions of Article 72 to 74 hereof, which define the procedure for verification of compliance with minimal requirements for categorization of hotel establishments, shall be applied also to persons delivering services in their home businesses.

#### Article 79

The natural/physical person delivering services under the Article 78 herein shall also meet the requirements applicable to the work in hotel establishments, in accordance with separate legal acts.

#### Article 80

80.1. Physical persons delivering services under Article 77 herein shall:

- a. Publish in conspicuous place a sign indicating the type and category of the facility, determined by the decision of the appropriate authority,
- b. Display visibly at the entrance of the facility or nearby, the list of services it performs,
- c. Define the rates of food items, beverages and other separate services. If such services are delivered at the request of a customer, the rates applicable to that service shall be presented for inspection to the customer,
- d. Publish in conspicuous places the cost of services it performs and abide by such costs,
- e. Issue invoices to customers containing the date, type, quantity and the cost of each service. In the cases of accommodation, the invoice shall indicate the fees related to accommodation, if applicable,
- f. Register the guests,
- g. Forward the rates for approval to the inspection of tourism of the appropriate Ministry, at the latest one week before their implementation.

80.2. The Ministry in charge on tourism affairs shall, by by-laws, define the form and the contents of the form for guest registration under Paragraph 1, item (f) of this Article.

#### Article 81

81.1. During the delivery of services under Article 77 of this law, an individual may receive assistance from members of his family home business.

81.2. An individual delivering service under Article 79 herein, may not be an employer nor shall employ non-family members in his home business.

81.3. In the case of Paragraph 1 of this Article, the members of the family home business shall meet the sanitary and health requirements for work in hotel establishments, as defined by separate legal acts.

#### Article 82

82.1. For delivery of services under Article 77 hereof, the individual shall obtain a permit from the competent authority of the local administration.

82.2. The permit from Paragraph 1 hereunder shall be issued to an individual, subject to following requirements:

- a. That he is eligible to conduct business,
- b. That he is the owner, co-owner or the possessor of the right to use the hotel establishment (rooms, apartments or vacation houses) or an owner of the camping land,
- c. That he meets the prescribed health requirements,
- d. That he has obtained a permit for delivery of services, in compliance with the minimal requirements, and that he is categorized in accordance with this law, provided that the establishment is required to undergo categorization.

82.3. The permit from Paragraph 1 herein shall be issued only to one member of the family home business.

#### Article 83

83.1. For the permit from Article 82, Paragraph 1 herein, the competent authority of the local administration shall reach a decision in the course of 30 days upon submission of a regular request.

83.2. Should the competent authority of the local administration fail to issue a decision in the due course in accordance with Paragraph 1, or fail to reach a decision rejecting the request due to failure to meet the legal requirements, the individual may commence delivering his services, provided that he has duly notified the said authority in written of his intention to commence delivery of services.

83.3. The competent authority of the local administration shall issue the decision referred to in the Paragraph 1 herein, in the course of 30 days upon receipt of the notice from Paragraph 2 herein.

83.4. If the competent authority determines that required conditions have not been met, and the individual has already commenced delivery of services under Paragraph 2 above, such services shall be deemed illegal and in contradiction with this law.

#### Article 84

84.1. The decision allowing the conduct of services physical person in home businesses, shall be entered in the registry of hotel services performed by physical person in their home businesses, which is maintained by the competent authority of local administration.

84.2. The Ministry in charge of tourism shall define the form, contents and the manner of maintaining the registry on home business services delivered by individuals.

#### Article 85

The permit for delivery of services by individuals in their home business environment shall be withdrawn at the following occasions:

- a. Upon deregistration by the individual himself,
- b. If the person fails to commence delivery of services in the course of 6 months after issuance of permit,
- c. If the person fails to comply with any of the requirements under Article 82 herein,
- d. If the supervisory inspection determines that the requirements of this law, and other by-laws issued thereof, have not been complied with and the established deficiencies have not been remedied in the due course,
- e. If the competent authority of local administration determines at any time later that the permit has been issued based on false data and documentation.

#### IV. SUPERVISION

##### Article 86

86.1. Administrative supervision of compliance with provisions of this law and with other by-laws as issued pursuant to it, governing the tourist and hotel activities, shall be carried out by the Ministry in charge of tourism.

86.2. The tourism inspectors of the Ministry in charge of tourism shall carry the inspection.

86.3. The inspection (supervision), may be carried out by other employees with special authorizations by the Ministry in charge of tourism.

86.4. Inspections related to the sanitary requirements and health provisions of hotel establishments and premises, conducting hotel activities, may be carried out by the Ministry in charge of health or the Ministry in charge of finance, through their inspectors

##### Article 87

87.1. During the inspections, the inspectors have the following duties and authorizations:

- a. To verify the identity of employees in an enterprise, the identity of other legal persons, entrepreneurs, or other individuals dealing with tourist or hotel activities,
- b. Check the contracts, attendance records, or other documentation in order to verify the lawfulness of the business of either company, or physical persons,
- c. Check the compliance with contractual obligations between buyers and sellers of tourist and hotel services,
- d. To check the proper display of and compliance with the hotel and tourist prices, as well as issuance of permits for the services rendered,

- e. Verify and ensure compliances with rates of foods and drinks to the specified quality and quantity,
  - f. To request action to ensure safety of documentations,
  - g. Cite on-spot fines,
  - h. File a case with the competent authority regarding any penal deed or commercial violation i.e. submit a request for commencement of court proceedings,
  - i. Commence proceedings regarding complaints of buyers of hotel and tourist services.
- 87.2. The inspector of tourism is specifically authorized:

- a. To prohibit operations of a company or other legal entities exercising hotel or tourist activities set out in this law, if such entity is not properly registered, or has failed to obtain a document proving his compliance with the minimal technical requirements for conduct of such activity,
- b. To prohibit operations to a company organizing tourist tours without any license, or failing to meet the requirements on the basis of which the permit was issued,
- c. To prohibit operations to a hotel establishment the arrangements, equipment and services of which are inconsistent with the standards applicable for that category, and the establishment failed to submit a request for review of category in due course,
- d. To prohibit operations related to providing accommodation and meals for tourists in home businesses, if, he/she proves that the physical person rents rooms, houses or flats which are not categorized in accordance with the provisions of this law,
- e. To prohibit operations to a company or other legal persons, entrepreneurs or individuals, when such entity obstructs the performance of the inspectors' duties,
- f. To prohibit operations of the establishment managing a sports terrain, should such terrain found not to be equipped with the necessary devices and equipment, in accordance with the legal provisions, and if the entity has failed to provide a proof of his compliance to requirements issued by competent authority,
- g. To render a decision, which prohibits the tourist or hotel activity, if it is established that activity is carried without a work permit, and at the same time he/she may order forceful closure of the facility by imprinting a wax seal on the gate.

87.3. In performing the inspection, the inspector of tourism shall inspect: business premises and other spaces which provide hotel or tourist services; goods, facilities and equipment used for tourist and hotel activities, residential premises and home business premises, i.e. accommodation areas, flats or houses used for leasing purposes, business books, contracts, documents, other evidence and business documentation, which provide an overview about the business of the entity or individuals, on the basis of which the identity of individuals undergoing the inspection can be verified or other works, depending on the purpose of inspection..

87.4. In addition to Paragraph 1 and 2 of this Article, tourism inspection carries out other tasks charged by law or other regulations.

## Article 88

88.1. The inspector of tourism shall, by the decision referred in Article 87, Paragraph 2 herein, determine the duration of the temporary prohibition of the activity, as well as the deadline during which persons carrying out activities and services set out by this law, have to remedy established failures for which the penalty was imposed.

88.2. An appeal against the decision of the inspector of tourism may be filed to the Ministry in charge of tourism in the course of 8 days after receipt of the same.

88.3. The appeal, however, shall not prejudice the execution of the decision.

## Article 89

89.1. Legal entities or individuals, premises, spaces, equipment or facilities shall be made readily available for inspection and provide all necessary assistance for unimpeded conduct of inspection.

89.2. Legal entities or individuals shall in due course, at the request of the inspector of tourism, produce and submit all data, information and materials required for completion of his scope of competences.

## Article 90

90.1. If, during the inspection, the inspector verifies that the law or any other legal act has been breached, he/she shall as soon as possible, but not later than 15 days from the day of preparation of the minutes, shall present the case to the competent body regarding the penal deed or commercial breach i.e. he/she requests commencement of proceedings concerning the violation.

90.2. If, during the inspections, the inspector of tourism determines that the law or any other legal act has been not complied with or has not been complied with entirely, he shall, by a separate decision, order remedying of the established breach, provided that such an action is specified by the law or other legal acts, and shall define the deadline to remedy the breaches encountered.

90.3. The inspector of tourism shall, without delay, but no later than 15 days after completion of inspection, issue the decision from Paragraph 1 above, based on the established facts, which are substantial for such decision.

90.4. The inspector of tourism shall, by the said decision, prohibit the operations of tourist and hotel establishments for legal entities or individuals if:

- a. they perform services without proper registration;
- b. they perform services without the proper decision from the competent authority of the administration, which proves that the space, facilities and equipment meet the defined requirements; or
- c. if the activities are performed against this law.



90.5. The inspector of tourism shall reach the decision under Paragraph 1 based on substantial established facts, as soon as possible but no later than 8 days from the day of completion of inspection.

#### Article 91

91.1. The inspector of tourism shall, by the said decision, prohibit the development of hotel and tourist activities for individuals and legal persons for a period of 10 years, if he/she determines that the said entity organizes or provides prostitution services.

91.2. The inspector of tourism shall reach such decision based on substantial established facts, as soon as possible but no later than 8 days from the day of completion of inspection.

#### Article 92

92.1. The inspector of tourism shall immediately communicate verbally the decision and shall order its execution, if he/she finds that the activities conducted by the legal entity or the individual are inconsistent with the final measure imposed by the police court procedure, which has become effective and executive for the temporary prohibition of the hotel and tourist activity.

92.2. The decision under Paragraph 1 herein, the tourist inspector shall enter in the record of the execution inspection.

#### Article 93

93.1. If during the inspection, the inspector determines that the legal act has not been in compliance with either partially or completely, he shall issue a decision ordering the remedy of such breaches and shall specify the deadline for the remedy to take place.

93.2. The inspector of tourism is liable to decide for temporary banner of tourism activity and/or orders to close the hotel if irregularities previously found out are not corrected.

#### Article 94

94.1. The inspector of tourism shall, during the execution of decision under Article 90, Paragraph 4 and Article 92 herein, by means of a seal or other appropriate means, close the premises exercising tourist and hotel activities, except for residential or home business premises i.e. residential flats, but may seize equipment, facilities, equipment or transport means used to develop such activities, pending the final decision of the competent administrative authority.

94.2. The executive decision of the inspector of tourism related to fines shall be forcibly executed, in line with the procedures for public revenues.

#### Article 95

If the inspector of tourism, during the inspection determines any irregularity or noncompliance with the legal provisions, the control over which is assigned to another authority, he/she shall without delay but no later than 8 days notify the concerned authority.

#### Article 96

96.1. When the deadline for execution of the decision expires, the inspector of tourism shall verify whether the decision has been executed; if the decision has not been executed he shall immediately commence the procedure for its execution.

96.2. The conclusion allowing the execution of the decision shall be reached without delay, but not later than 8 days from the day when it was verified that the decision has not been executed.

96.3. The expenses of the decision shall be borne by the party ordered to implement the administrative measure.

#### Article 97

97.1. During the inspection, the inspector of tourism shall carry his/her ID and the badge of the inspector of tourism, which proves his official capacity, identity and his authorizations.

97.2. The form of the ID and the badge of the inspector of tourism, its manner of issuance and use shall be regulated by a separate legal act issued by the appropriate Ministry.

#### Article 98

The work of the inspector of tourism, may be performed by a person who, in addition to the conditions specified by the law, shall also meet the following requirements:

- a. Shall have completed a superior professional qualification in the field of hotel or tourist departments, laws or any technical qualification,
- b. Have at least 5 years of work experience, of which at least 3 years of work in the concerned field,
- c. Preference shall be given to persons speaking Albanian, Serbian and English, with earlier experience in market inspection.

### V. PUNITIVE PROVISIONS

#### Article 99

99.1. An enterprise, legal entity or the entrepreneurs shall be fined in an amount ranging from 3.000 to 9.000 euros on the following occasions:

- a. If the entity organizes package arrangements for persons who are not their direct members, or such arrangements are not periodical, if carried out with the purpose of gain, or if the said company advertises such arrangements in public media, in addition to the notification provided to the members of the association (Article 6),
- b. Performs services under Article 10 herein, but is not a travel agency,

- c. Fails to meet the requirements stipulated under this law pertaining to travel agencies, fails to perform the services in the prescribed manner, or performs services, which are not consistent with the type of the travel agency (Article 12),
- d. Commences delivery of travel agency services without due decision from the competent authority indicating that he is complying with the prescribed requirements under this law and other legal acts issued hereunder, (Article 14 and 15),
- e. Fails to carry out the transport with its own transport means, or with transport means owned by other legal entities and individuals, duly registered for carrying out the transport of passengers (Article 18),
- f. Performs direct services to the passenger, while has no office or has an office which fails to meet the requirements (Article 21),
- g. Performs the services of tourist package arrangements, excursions or transport of passengers, but not utilizing the transport means providing full security to the passengers and the luggage, and fails to provide safe accommodation in hotel establishments (Article 17),
- h. Fails to arrange the insurance of the package arrangements or reimbursement of losses due to incurred expenditures, or fails to provide for the escrow/guarantee for each tourist package arrangement with the proper bank or insurance company (Article 24, Paragraph 1 and 2),
- i. Fails to provide adequate assistance to the passenger/traveler (Article 24, Paragraph 5),
- j. Fails to issue a receipt on payment of package arrangements to a traveler who pays the package, fails to issue the certificate for a pledged value which will entitle him the right on reimbursement by a damage done to him with a bank or insurance company the expenses incurred under the Article 25 of this law,
- k. Performs the services of tour guide, but has no permit required under Article 29, Paragraph 1 herein,
- l. Performs the services of tourist animator, but has no permit required under Article 37, Paragraph 3 herein,
- m. Before commencing the operations of a tourist agent, fails to submit to the appropriate Ministry in charge of tourism the contract on representation for inclusion into the registry of such contracts (Article 38, Paragraph 3),
- n. Performs tourist services in skiing terrains, in defiance to the conditions required (Article 40 Paragraph 2),
- o. Begins delivery of services in skiing terrains before obtaining the permit required under Article 40, Paragraph 3 herein,
- p. Delivers services related to youth tourism, which are in contravention of the requirements related to the standards and the category (Article 45),

99.2. For offences under Paragraph 1 of this Article, the individual, the person in charge or the manager of the legal entity shall be fined in an amount ranging from 200 to 500 euros.

99.3. For offences under Paragraph 1, item (e) of this Article, in addition to the fine, the measure of impounding the transport means used for violation may also be employed.

99.4. For violation under Paragraph 1, item (e) of this Article, the inspector of tourism may also fine the legal entity or the person in charge on spot, the amount of which shall be 100 euros.

## Article 100

100.1. A fine penalty ranging from 500 to 2.500 euros shall be applied for legal entities or enterprises on the following cases:

- a. Fails to publish the conditions, contents and the price of each service and fails to abide by such conditions, contents and prices (Article 60, Paragraph 1, item (e)),
- b. Fails to issue numbered receipts, tickets, and invoices or certificates to the clients for each services rendered, which prove the payment of the amount or fails to preserve copies of these documents in line with the accounting law (Article 60, Paragraph 1, item (g)),
- c. Fails to maintain the Book of Complaints in the premises used for delivery of services in the form, contents and the manner required under this law or, fails to respond to the complaints of any client in the course of three days (Article 60, Paragraph 1, item (k)),
- d. Fails to conduct his tourism business in line with customs, or separate rules in tourism (Article 60, Paragraph 2 ),
- e. Fails to display the sign “travel agency” as required under Article 9 herein,
- f. Fails to display the name of the travel agency at the entrance of business premises (Article 13, item (a)),
- g. Fails to display the working hours at the entrance of the business premises used for direct delivery of services (Article 13, item (b)),
- h. Fails to provide information at the request of the customer as to their quality in market, scope of authorizations, if the entity represents other travel agencies (Article 13, item (c)),
- i. Fails to include the name of the company and the seat in all advertisements and promotional materials, as well as in all business documents, (Article 13, item (d)),
- j. Fails to maintain the confidentiality and secrecy of passengers’ data (Article 13, item (e)),
- k. Fails to deliver the services to passengers as specified in the contract or fails to perform services to the specified quality (Article 13, item (f)),

- l. Fails to provide the passengers with proper insurance against any injuries, diseases, death or loss of luggage during the travel or stay (Article 13, item (g)),
- m. For each organized package arrangement or tour, fails to publish the program with the content as specified under Article 20, Paragraphs 1 – 4 of this law, or before signing the contract on delivery of such services, fails to produce the program, the compendium or catalog (Article 20),
- n. Organizes group travels, in which fails to provide at least one tourist accompanier in line with the legal requirements for each group of 15 or more passengers, or fails to provide a professional employ (expert), fully trained in such tourist activities, if no proper tourist accompanier could be identified, or fails to provide a tour guide authorized to deliver tour guide services for places to be visited (Article 19),
- o. Sells/Delivers tourist package arrangements and excursion programs, while fails to hire at least one employee in the office in line with the requirements set out in this law (Article 22, Paragraph 1),
- p. Entrusts the duty of the tour guide to a person not qualified as per this law (Article 28, Paragraph 2),
- q. Performs the tour guide services in contradiction with the provisions of Article 30 of this law,
- r. Fails to perform the services of the tour guide in accordance with the issued certificate, or fails to display the ID (badge) of the tour guide (Article 29 and 31),
- s. Performs the tour guide services, in defiance to requirements of Article 33, Paragraph 1 of this law, or while performing the services, fails to carry the certificate on successfully passed tour guide examination (Article 35, Paragraph 2),
- t. Performs the tourist animator services, in defiance to requirements of Article 36, or while performing the services, fails to carry the certificate on successfully passed tourist animator examination (Article 37, Paragraph 2),
- u. Fails to notify in writing the person acting as the tourist agent about the authorizations and changes that have occurred (Article 38, Paragraph 2),

100.2. . For offences under Paragraph 1 of this Article, the individual or the person in charge in the legal entity shall be fined in an amount of 100 to 500 euros.

100.3. For offences under Paragraph 1 of this Article, the inspector of tourism may fine the person in charge or the manager of the legal entity on spot with a fine of 80 euros.

#### Article 101

For offences under Article 99 and 100 of this law, committed for the second time in the course of two years since the validity of the decision on earlier fine, the legal entity or an individual may also be accorded the measure of prohibition of tourist activity for duration of one year.

## Article 102

102.1. A fine ranging from 3.000 to 9.000 euros shall be applied for a legal entity in the following occasions:

- a. Fails to provide the services specified in the contract or fails to provide them to the substantial elements contain therein (Article 13, item (f)),
- b. Acts in defiance to Article 55, Paragraph 1 herein, or delivers hotel services to persons other than his employees, members, pensioners or close family members of employees and pensioners (Article 55, Paragraphs 1 and 2),
- c. The facility used for delivery of hotel services is not in compliance with the requirements of this law or other legal acts issued hereunder (Article 55, Paragraphs 1 and 3),
- d. Fails to report and register delivery of hotel services in closed-type facilities (Article 55, Paragraph 2),
- e. Conducts hotel activities, which according to legal acts, separate rules applicable to hotel activities or business practices, has no right to conduct or hotel establishment has not been defined pursuant to provisions of Article 57 of this law,
- f. The hotel establishment fails to meet the minimal technical requirements related to arrangements, equipment and maintenance of hotel establishments, requirements related to services for the given type of hotel establishment, conditions related to the personnel employed in the hotel, fails to meet the legal sanitary requirements applicable to hotel activities, or during the delivery of services under an assigned category fails to meet the standards and criteria of the assigned category, or fails to indicate the category of the hotel establishment in the prescribed manner (Article 68 and 69),
- g. The hotel establishment is not in compliance with the prescribed conditions for the type and category, but the establishment continues to operate under that category (Article 68, Paragraph 8),
- h. Offers rents rooms, apartments or houses of capacity exceeding 10 rooms or 20 beds, organizes camping for more than 10 accommodation units or 30 guests simultaneously (Article 77, Paragraph 1, items (a) and (b)),
- i. Delivers breakfast and half-pension and/or pension services violating the Article 77 Paragraph 2 herein,
- j. The facility used for delivering services fails to meet the minimal technical requirements for the given category (Article 78 ),

102.2. For offences under Paragraph 1 of this Article, the individual, the person in charge or the manager of the legal entity shall be fined in an amount ranging from 200 to 500 euros.

102.3. For offences under Paragraph 1 of this Article, the inspector of tourism may, on spot, apply a fine of 100 euros.

## Article 103

103.1. A fine ranging from 500 to 2.500 euros shall be applied for an offence to a hotel keeper or other legal entity, under Article 4 of this Law, in the following occasions:

- a. Provides accommodation services, food, or drinks, but he is not a member of the rural home business, or performs services in contradiction with provisions of Paragraph 1 Article 84 herein, or if it prepares and serves the food or hot and cold meals, drinks which are not its own produce, or if it provides food services (Article 43, Paragraph 1, 2 and 3),
- b. Fails to display in conspicuous places at the entrance of the hotel establishment, the mark indicating the type and category of the hotel establishment (Article 60, Paragraph 1, item (a)), verified by the decision of the authority or the Ministry in charge of tourism, or if it displays the mark indicating the type or category of the hotel for which has no decision of the competent authority or the Ministry in charge of tourism (Article 60, Paragraph 1, item (a)),
- c. Fails to publish the notice on working hours in a visible place at the entrance of the establishment, or if such notice is not compatible with the working hours determined by the appropriate authority (Article 60, Paragraph 1, item (b)),
- d. Fails to determine and visibly publish home rules at the reception, or fails to display an excerpt of the home rules in every room and apartment (Article 60, Paragraph 1, item (c)),
- e. Fails to determine rates on food items, drinks or fails to serve these to the quantity and quality specified by the rates, or fails to produce the rates when required by the guest (Article 60, Paragraph 1, item (d)),
- f. Fails to conspicuously display the prices of services performed at the hotel establishment, for guests to see, or fails to abide by the prices so published, or if during the provision of accommodation services fails to record the accommodation fee, and if fails to deliver a sufficient number of price lists to the guests (Article 60, Paragraph 1, item (e)),
- g. Fails to issue receipts for hotel services, indicating the type, quantity and the price of rendered services (Article 60, Paragraph 1, item (g)),
- h. Operates in defiance to the prescribed working hours (Article 60, Paragraph 1, item (h)),
- i. Fails to deliver the rates for verification with the Ministry in charge of tourism, or begins their implementation before their approval (Article 60, Paragraph 1, item (i)),
- j. Fails to maintain the book of guests in the tourist facility used for accommodation (Article 60, Paragraph 1, item (j)),
- k. Fails to maintain the book of complaints to the form, contents and the manner prescribed, and fails to abide by the time limit procedures governing the appeal process related to guests complaints, as required under this law (Article 60, Paragraph 1, item (k)),
- l. Serves alcohol to guests younger than 18 years of age (Article 61),
- m. Delivers basic mobile hotel services, but serves the packed food, soft drinks, and ice-cream in defiance to hygienic requirements, or serves alcoholic beverages, conducts

- the sale on prohibited locations, or performs basic mobile hotel services, but has failed to meet the minimal requirements (Article 62, Paragraphs 2, 3 and 4),
- n. Fails to appoint a manager in accordance with the Article 71, Paragraph 1, of this law,
  - o. The manager (director) of the hotel establishment does not meet the requirements (Article 71, Paragraph 3 and 4),
  - p. Fails to perform mobile hotel services to the prescribed manner, or fails to meet the prescribed conditions, or performs the mobile services at the location not specified by the competent authority (Article 74, Paragraphs 1, 3 and 5),
  - q. Fails to perform hotel services under a tent, on benches, etc... in the prescribed manner (Article 75, Paragraphs 1, 2 and 4),
  - r. Organizes camping outside of the defined camp confines, or erects a tent, camp-house, camp-carriage or other camping equipment outside the camp borders (Article 76, Paragraphs 1 and 2),
  - s. Delivers services under Article 43 and 78 of this law, but fails to meet the minimal technical requirements i.e. the conditions and the category, or delivers such services without the proper permission from the competent authority of the administration, except for cases described under Article 83, Paragraph 2 of this law (Article 43, Paragraphs 4 and 5, Article 79 Paragraph 1, Article 78 Paragraph 1),
  - t. Fails to conspicuously place the mark indicating the type and the category of the hotel, as determined by the decision of the competent administration (Article 80, Paragraph 1, item (a)),
  - u. At the entrance of the establishment, or somewhere near, fails to visibly publish the services it renders, using appropriate signs (Article 80, Paragraph 1, item (b)),
  - v. Fails to determine the rates for food, drinks, acts in defiance to such rates, and fails to produce the rates at the request of the guests (Article 80, Paragraph 1, item (c)),
  - w. Fails to conspicuously publish the price of the services it renders, as required, and acts in defiance to such prices (Article 80, Paragraphs 1 item (d) ),
  - x. Fails to deliver the invoice indicating the type, quantity and the prices of services for each rendered services, and fails to indicate the fee applicable for the accommodation services (Article 80, Paragraph 1, item (e)),
  - y. Fails to register the guests (Article 80, Paragraph 1, item (f)),
  - z. Fails to send the rates to the appropriate Ministry for approval, or fails to send these within the specified time frame (Article 80, Paragraph 1, item (g)),
  - aa. Becomes an employer and avails of the labor of persons other than his members of his family home business (Article 81, Paragraph 2),
  - bb. The members of the individual's family home business, assisting in performing the services, act in defiance with the health provisions applicable to work in the hotel establishments, as specified by separate legal acts (Article 79),



103.2. For violations under Paragraph 1 of this Article the individual or the person in charge in the legal entity, shall be fined in an amount of 100 to 500 euros.

103.3. For violations under Paragraph 1 of this Article the inspector of tourism may cite on-spot fines amounting to 80 euros, for the person in charge or for the manager in charge of legal entity.

#### Article 104

If during the reviewing of the penalty for violation on Article 102 and 103 of this Law, is determined that the hotel-businessman has previous penalty that were determined by above mentioned articles, beside cash- penalty he/she will be given a protections measures of forbidding of conduction of hotel activities for a year.

#### Article 105

The incomes that are generated from the application of provisions of this law are deposited to the Kosovo Consolidated Budget.

### VI. PROVISIONAL AND FINAL PROVISIONS

#### Article 106

106.1. The legal entities and individuals operating as a travel agency shall, at the day when this law becomes effective, resume their work. However, in the course of one (1) year after this law becomes effective, shall harmonize their business with the provisions of Article 8, 22 and 23 of this law.

106.2. If legal entities or individuals under Paragraph 1 of this Article fail to harmonize their business with the provisions of Articles 8, 22 and 23 of this law in line with the prescribed deadline, the competent authority shall issue a decision prohibiting their operations as travel agencies.

#### Article 107

107.1. Persons, who presently do not meet the requirements of Article 23 item 3 of this law, may continue to operate as office mangers, provided that they pass the professional examination in the course of 2 years after this law becomes effective.

107.2. Exceptionally, the appropriate Ministry may exempt from passing the examination persons, who have more than 10 years of uninterrupted experience in the management position in tourist or hotel activities.

#### Article 108

108.1. Hotel and/or guest-house owners delivering hotel services shall, at the day when this law becomes effective, obtain the decision as required under Article 72, Paragraph 2 and Article 68, Paragraph 3 of this law, in the course of one (1) year, from the day when the provisions of Article 63, Paragraph 2 of this law become effective.

108.2. The permit to run hotel operations in the hotel establishment shall be withdrawn if the hotel owner or manager fails to obtain the permit under Paragraph 1 of this Article.

108.3. The competent authority or the Ministry in charge of tourism shall approve the decision on prohibition of activities for the hotel establishments under Paragraph 2 of this Article.

#### Article 109

109.1. Legal entities and individuals under Article 55, Paragraph 1 of this law providing services in vacation houses, buildings dedicated for food or similar buildings shall report to and register with competent authority of the local administration in the course of one (1) year from the date of entry into force of this law.

109.2. Enterprises or other legal entities and entrepreneurs providing accommodation services for members, pensioners or their respective family members pursuant to the conditions specified by this law and other by-laws issued thereof, in the closed-type facilities (vacation houses, etc.) whose seat or residence is not in Kosovo, shall duly register for delivery of such services in accordance with this law, until 31.12.2004.

#### Article 110

110.1. Individuals, who on the day when this law becomes effective, perform hotel services in home businesses, shall provide a permit indicating their compliance with minimal requirements for the category of their establishment, in the course of one (1) year, upon entry into force of the provisions of Article 78, Paragraph 2 of this law.

110.2. The right of performing hotel services in the establishment shall cease if the individuals fail to provide the permit under Paragraph 1 of this Article.

110.3. The competent authority of the local administration shall issue the decision on prohibition of operations for the said establishment in accordance with Paragraph 2 of this Article .

#### Article 111

111.1. The hotel owners, who on the day when this law enters into force, perform hotel services or provide hotel services from kiosks, shall continue their activity, provided that they obtain the working permit, the latest 6 (six) months after entry into force of this law.

111.2. The right of the hotel owner for conducting out hotel services in facilities under Paragraph 1 of this law shall cease, if he does not obtain the permit under Paragraph 1 of this Article.

111.3. The competent authority shall approve the decision for cessation of hotel services under Paragraph 2 of this Article.

#### Article 112

Until the decision act derived from Paragraph 1 of Article 111 will be approved, it is mandatory to apply standard requirements for services delivered to the hotel business environment and/or alpinist houses determined the local authority.

#### Article 113

113.1. The hoteliers are liable to nominate the managers for each tourism business unit within a 2 years period of time by the date this Law enters into force.

113.2. The existing staff and managers which do not comply with terms and conditions stated in Article 78 of this Law, may follow up in their management positions while being dedicated to promote professionally themselves within a 2 years time period by the date this law enters into power.

113.3. Exclusively the Ministry in charge on tourism affairs can deliberate from being liable on mandatory professional training those persons who do have more than 10 years experience of working in tourism and hotel services.

#### Article 114

The competent authority of local administration is liable to issue respective by-laws in the course of 1 year, upon entry into effect of this law.

#### Article 115

All by-laws and legal acts authorized and derived by this Law shall be issued by the Ministry in charge on tourism affairs within 6 (six) month from the date this law enters into force.

#### Article 116

116.1. This Law and all related By-Laws will substitute all previously existing laws in this domain in Kosovo governing the area of tourist and hotel industry activities in Kosovo.

116.2. Previously existing laws and by-laws shall be considered null in Kosovo after the entry of this law into force.

#### Article 117

The present law shall enter into force after adoption by the Assembly on the date of its promulgation by the Special Representative of the Secretary-General.

**Law No.2004 / 16**  
**27 May 2004**