

**LAW ON CATERING AND TOURISM**  
**(Official Gazette of the Republic of Macedonia no.23/95)**

**I. GENERAL PROVISIONS**

**Article 1**

This Law determines the conditions and manner of performing catering and tourist business activities.

**Article 2**

According to this Law, catering comprises: preparing and serving food, alcohol, beverages, hot and cold drinks and accommodation services.

**Article 3**

According to this Law, tourist business activities comprise: organizing and carrying out tourist trips, excursions, picnic trips and other kinds of tourist arrangements in the country and abroad; providing tourist information; selling and mediating in selling catering and other tourist services; renting houses, flats and rooms for tourists and performing services with tourist guides.

Besides services pertaining to paragraph 1 of this Article, performers of tourist activities may provide other services, as well: selling travel tickets and travel insurance for tourists and passengers; tourist marketing; promotion and presentation of tourist offers; organizing cultural and sports happenings; foreign exchange services; renting vehicles, floating objects; selling souvenirs, tourist literature and other goods that are usually present in tourist trade, as well as selling tickets for cultural, sports events and other kinds of performances, lottery tickets, lottery payments as well as sport betting..

**Article 4**

Catering and tourist business activities may be performed by enterprises and other legal entities, shops that are not legal entities, as well as associations of citizens (hereinafter: performers of catering, i.e. tourist business activities).

The citizens may rent their houses, flats, accommodation rooms, i.e. may provide accommodation and board.

**Article 5**

For the performing of catering and tourist business activities the minimum technical conditions must be prescribed for accommodation and food service, as well as for classification criteria for the tourist facilities offered.

The Minister of Economy shall prescribe the minimum conditions pertaining to paragraph 1 of this Article.

Besides the conditions pertaining to paragraph 1 of this Article, the performer of catering and tourist business activities needs to obtain a proof for technical inspection, as well as a license for use of the facility, i.e. to fulfill the hygienic and sanitary conditions and conditions prescribed by the Law on Investment Constructions, the Law on Safety at Work, the Law on Environment Protection and the Law on Noise and Fire Protection.

### **Article 6**

Catering and tourist businessmen may not start their business activities, if they do not fulfill the conditions pursuant to Article 5 of this Law.

If during the performance of the activity, an authorized inspection discovers certain irregularities, the businessman may not perform catering and tourist business activities until the irregularities are eliminated.

### **Article 7**

A Board of three members who have deputies in case of their absence shall carry out categorization of tourist facilities. The Board shall be established by the Minister of Economy and it shall constitute from representatives of ministries, in charge of catering and tourism, health, labor and social policy.

The member of the Board from paragraph 1 of this Article, who has been selected from the Ministry of Economy, shall be a Chairman of the Board.

After carrying out facility categorization, the Board shall make a Draft Decision.

### **Article 8**

Against the Decision pertaining to paragraph 3 of Article 7 of this Law, an appeal may be filed to the Minister of Economy within 15 days, from the receipt of the decision.

### **Article 9**

The performer of catering and tourist business activity shall report each change in the categorization of the catering facility, to the Board for categorization of catering facilities, within 30 days from the day when the changes have commenced.

### **Article 10**

The catering and tourist facilities for food and accommodation, tourist information bureaus and services may operate each working day, during weekends and holidays.

The schedule, opening and closing hours in the filed of catering and tourism shall be arranged according to the type of facility and the character of work, as follows:

1. Catering accommodation facilities (hotels, motels, pensions, tourist settlements, hostels, lodgings, camping sites and health resorts), information bureaus and services may work from 00:00 to 24:00 hours.

2. Catering facilities, disregard the facility type, may work from 07:00 to 23:00 hours, with the exception of:

2.1. Restaurants and entertainment premises, which are integral part of the catering/accommodation facility, may work from 00:00 to 24:00 hours;

2.2. Restaurants disregard the facility type, located in tourist places during the season (summer from 15<sup>th</sup> May to 15<sup>th</sup> September) and (winter from 15<sup>th</sup> December to 15<sup>th</sup> March) may work from 07:00 to 02:00 hours;

2.3. Restaurants, disregard the facility type, may work from 07:00 to 24:00 hours on Fridays, Saturdays, Sundays, the days before national holidays and during the national holidays;

2.4. Facilities, such as – nightclubs, cabarets and disco clubs, which are not a part of the catering/accommodation facility, may operate as follows: nightclubs and cabarets – from 20:00 to 03:00 hours; disco – clubs from 18:00 to 01:00 hours, and;

2.5. Catering facilities, disregard the facility type, located on border crossings, airports, railway stations and intercity bus stops, may work from 00:00 to 24:00 hours.

The performer of the tourist/catering business independently determines the working hours of his/her own facility according to his/her business interests, characteristics of the region and customers' demands.

The working hours mentioned in the previous paragraph shall be publicly displayed at the entrance of the facility, and shall be in the frame of time limits stated in paragraphs 1 and 2 of this Article.

#### **Article 11**

Provisions of this Law shall not refer to accommodation and board services in enterprises, which organize accommodation and food services for their own employees, educational institutions, penitentiaries, welfare institutions, health and other institutions, as well as accommodation and board facilities of the Army of Republic of Macedonia and the facilities of the Ministry of Defense and other units of the defense.

#### **Article 12**

Activities from the sphere of catering and tourism, their development and promotion, tourist offer, general tourist marketing and information, shall be performed by the Directorate for Tourism as body, which is part of the Ministry of Economy.

The Directorate for Tourism shall have the capacity of a legal entity.

### **II. CATERING BUSINESS ACTIVITIES**

#### **Article 13**

Catering business performers shall be obligated:

- 1) to perform catering business activities according to commonly accepted business customs in the field of catering, besides the conditions and manner determined by this Law.
- 2) to display prices and services in a place accessible to guests.
- 3) to issue a cash register bill, or a receipt with an evidence number.
- 4) to adopt principles for providing certain types of meals, drinks and beverages, and serve them in quantity and quality according the aforementioned principles.
- 5) to publicly display catering facility type, name and category.

Provisions pursuant to this Article do not refer to catering services in the holiday and recreation facilities for children and youth.

#### **Article 14**

Catering business activities shall be performed during the whole year, or only during a determined period (seasonal).

Catering business activities shall be considered as seasonal only if catering facilities operate continuously for 5 months the most, during the year.

#### **Article 15**

Catering business activities shall be performed in business premises and business areas, which are assigned and equipped for providing catering services (catering facilities).

Catering business activities may also be performed in premises and places out of the catering facility into which other kind of activity is performed, as long as the prescribed requirements for performing catering business activities are met, according to the provisions of this Law.

#### **Article 16**

The name of the catering facility shall be determined according to the catering services mainly provided in that facility.

Catering facilities, according to the type of catering services provided shall have the following name: hotel, motel, pension, tourist village, lodging, holiday resort, camping site, restaurant, self-service restaurant, express restaurant, dairy restaurant, garden restaurant, summer garden restaurant, national cuisine restaurant, kebab-restaurant, caffè, tavern, nightclub, cabaret, snack-bar, coffee bar, brewery, pizzeria, cake-shop, buffet, tea-pub, kiosk, disco-club, and mobile catering facility.

The catering facility from paragraph 2 of this Article may have only one name.

According to the type of catering services rendered, the catering facilities may have trade names other than those determined in paragraph 2 of this Article.

#### **Article 17**

The catering facilities shall be divided into:

- 1) catering/accommodation facilities and
- 2) restaurants.

#### **Article 18**

The catering accommodation facilities shall be divided into:

- 1) basic catering facilities, such as hotels, tourist apartments and residences, pensions and other facilities, and
- 2) complementary facilities, such as holiday resorts, holiday resorts for children and youth, houses, flats, rooms and other complementary objects.

#### **Article 19**

The restaurants shall be divided into:

- 1) restaurants and other facilities providing similar services, and
- 2) other catering facilities.

Restaurants and other servicing facilities, disregard the business name, shall be those catering facilities in which the personnel serves the guests on a table.

Other catering facilities, disregard the business name, shall be those catering facilities where the guests serve themselves.

#### **Article 20**

Catering facilities shall be prohibited to serve alcoholic drinks from 06:00 to 10:00 a.m.

#### **Article 21**

Catering facilities shall be prohibited to serve alcoholic drinks to minors, under the age of 18 years.

#### **Article 22**

Catering and tourist facilities shall be prohibited to sell, offer or consume, or enjoying substances or preparations proclaimed as delusive drugs or psychotropic substances.

#### **Article 23**

Catering businessmen may perform other kinds of complementary catering activities that may contribute to better utilization of facility capacities that brings bigger turnover, as long as they meet the prescribed conditions for practicing such activities.

### **ACCOMMODATION AND FOOD SERVICES DONE IN HOUSES, FLATS AND RENTED ROOMS**

#### **Article 24**

Citizens may rent their houses, flats and rooms for the purpose of providing accommodation services, i.e. accommodation and board services to passengers, tourists, as well as to other persons under conditions prescribed by this Law.

Accommodation and board services in the facilities pertaining to paragraph 1 of this Article shall be performed on the basis of an issued approval.

#### **Article 25**

Citizens shall be obligated to publicly display the prices and category of accommodation and board services in the room where such services are provided.

#### **Article 26**

An application for approval for providing accommodation, i.e. accommodation and board services in houses, flats and rooms shall be submitted to the Ministry of Economy.

Citizens shall state the house, flat and room category in the submitted application form for approval pertaining to paragraph 1 of this Article, as well as a proof that they do not suffer from any contagious diseases.

The Ministry of Economy shall be obligated to answer within 8 days from the day when the application pertaining to paragraph 1 of this Article has been received.

If the Ministry of Economy does not answer within the period pertaining to paragraph 3 of this Article, it shall be deemed that the citizen has acquired the right to perform the services pertaining to paragraph 1 of this Article.

## **CAMPING**

### **Article 27**

The term camping, in this Law is deemed to be staying of people in tents, camping houses, caravans or other similar facilities in order to have holiday and entertain.

### **Article 28**

The camping resort needs to have specific home rules.

A camping plan (scheme) shall be displayed at the entrance of the camping resort, or on some other adequate place, as well as a price list for using the camping area, camping category and other services provided by the camping resort.

## **CATERING SERVICES FOR NUDISTS**

### **Article 29**

Catering services for nudists can be provided in catering facilities and camping sites. Beside the displayed firm of the facility at the entrance of the catering facility, it needs to be specifically stated that the catering services given there are for nudists.

## **II. TOURIST BUSINESS ACTIVITY**

### **Article 30**

Performers of tourist business activity may mediate in the tourist turnover on their behalf and for their own account, on their behalf and for account of a third person, and act on behalf of other firms while mediating in the tourist turnover.

### **Article 31**

Performers of tourist services in the process of mediation in the tourist turnover shall be obligated:

- 1) to announce the type and price of each separate service in a way accessible to tourists, passengers and other persons;
- 2) to provide services according to previously agreed terms and prices, and;
- 3) to issue a registry bill to each customer for each service provided.

### **Article 32**

Organizing and providing tourist services such as trips and excursions shall be realized according to a certain program.

The program usually contains: traveling route and time table of the trip and stay, way of transportation, means of transportation, type and category of transportation

means, stay services, category of the accommodation facility, border formalities, foreign exchange, tourist guide services, minimum number of passengers, price list of services and other services important for the required trip.

The program pertaining to paragraph 2 of this Article shall be signed and certified by an authorized person with the provider of the tourist service. (travel agency)

### **Article 33**

For rendering tourist services according to the program, the tourist service providers and customers shall conclude an agreement.

## **TOURIST GUIDE**

### **Article 34**

A tourist guide, according to this Law, shall be a person who has the capacity to present natural beauties, rarities, culture and historical monuments, fine arts, ethnographic and other kinds of well-known sights, as well as the social framework and economic achievements of the country to domestic and foreign tourists.

### **Article 35**

A person who performs museum, library or archive activities, and activities of culture monuments preservation or natural rarities protection, when performing its duties in the framework of its own working assignments, as well as the person who accompanies a group of tourists, shall not be considered a tourist guide.

### **Article 36**

The tourist must meet the following requirements:

- 1) to be a citizen of the Republic of Macedonia;
- 2) to have a residence on the territory of the Republic of Macedonia;
- 3) not to be prohibited from practicing tourist guide activities with a final court sentence or with a sentence for minor offences, and
- 4) not to be convicted for a criminal offence such as: unauthorized production and distribution of delusive drugs and narcotics, mediating in prostitution, and production and dissemination of pornographic materials.

### **Article 37**

The tourist guide must have completed at least the secondary education and to have passed the vocational exam for a tourist guide.

### **Article 38**

The vocational exam for tourist guides shall be realized before an Examination Board.

The Faculty for catering and tourism or other associations from the field of catering and tourism may establish the Examination Board.

The vocational exam for tourist guides shall be held according to a previously determined program.

The Faculty for catering and tourism shall draft the program for the vocational exam upon a prior opinion from the Ministry of Education and Physical Culture.

The program pertaining to paragraph 3 of this Article shall be published in the “Official Gazette of Republic of Macedonia”.

#### **Article 39**

The costs for passing the vocational exam for tourist guides shall be paid the candidate. Tourist and catering enterprises, as well as other institutions can reimburse the costs pursuant to paragraph 1 of this Article and organizations interested in tourist guide services.

#### **Article 40**

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

A university institution for catering and tourism services shall prescribe the form of the certificate from paragraph 1 of this Article.

#### **Article 41**

A tourist guide capacity shall be proven by a specific identity card.

The Minister of Economy shall prescribe the form of the identity card pertaining from paragraph 1 of this Article.

A university institution for catering and tourism, or associations from the field of catering and tourism that have examined the candidate shall issue the identity card from paragraph 1 of this Article to the candidate.

### **IV. SUPERVISION AND ADMINISTRATIVE MEASURES**

#### **Article 42**

Supervision over the realization of the provisions of this Law shall be carried out by: trade, sanitary, health and labor inspection, as well as the organs authorized for controlling the noise and bodies from the Ministry of Internal Affairs.

#### **Article 43**

If the premises, areas, land and equipment which serve for providing catering and tourist business activities do not fulfill the minimum prescribed technical conditions and the conditions for categorization of the tourist offer, the Republic Market Inspector shall bring a decision for elimination of such deficiencies, determining the time period, in which the elimination should take place.

If the discovered deficiencies are not eliminated in the given period pertaining to paragraph 1 of this Article, the Republic Market Inspector shall prohibit the performance of that catering activity until the elimination of the deficiencies.

If the discovered deficiencies regarding the health-hygienic conditions may cause severe health problems and diseases to customers, then the sanitary and health inspection will immediately make a decision in order to prohibit the use of the facilities and equipment in performing the activity, i.e. prohibition for rendering services until elimination of the aforementioned deficiencies.



## **V. PENALTY CLAUSES**

### **Article 44**

For considering the activities pursuant to Article 22 of this Law, beside the penalty anticipated by the Criminal Law of the Republic of Macedonia, a protective measure shall be sentenced – prohibition from practicing catering and tourist activities in duration from 3 to 10 years.

### **Article 45**

Enterprises or other legal entities shall pay a fine of 6 to 18 salaries, if:

- 1) the prescribed minimum technical conditions and the conditions for categorization of the facilities of tourist offer are not satisfied, (Article 5, paragraphs 1 and 3)
- 2) it does not report the change in the category of the catering facility (Article 9);
- 3) it practices catering activities contrary to the provisions of this Law and business customs in the catering industry (Article 13, paragraph 1, item 1);
- 4) alcohol drinks are served in the catering facilities from 06:00 to 10:00 hours (Article 20), and;
- 5) alcohol drinks are served to minors, below 18 years of age. (Article 21).

For activities pertaining to paragraph 1, items 4 and 5 of this Article, beside the monetary fine, a protective measure shall be sentenced – prohibition from practicing catering and tourist activities in duration from 6 months to 1 year.

For misdemeanor pertaining to paragraph 1 of this Article, the responsible person of the enterprise shall be sentenced, as well, with a fine amounting from one third of a salary to three salaries.

For activities pertaining to paragraph 1, items 4 and 5 of this Article, beside sentencing the responsible person with a fine, a protective measure will be sentenced – prohibition from practicing catering and tourist activities in duration from 6 months to 1 year.

### **Article 46**

Enterprises or other legal entities shall be fined with 4 to 12 salaries, if:

- 1) services price list is not accessible to guests (Article 13, paragraph 1, item 2);
- 2) a receipt or a bill with evidence number is not issued to the customers for the services rendered (Article 13, paragraph 1, item 3);
- 3) principles for serving certain kind of meals, drinks and beverages are not adopted, or if the above mentioned is not served according to regulated quality and quantity set in the principles (Article 13, paragraph 1, item 4);
- 4) the type, the name and the category of catering facility is not publicly displayed (Article 13, paragraph 1, item 5);
- 5) the time table is not respected, as well as the opening and closing hours, from Article 10 of this Law;
- 6) house rules are not established in the camping resort (Article 28, paragraph 1);

- 7) there is no camping plan at the entrance of the camping resort, or on other adequate place, as well as if there is no price list for use of the camping area, camping category and other services provided by the camping resort (Article 28, paragraph 2);
- 8) there is no name of the facility at the entrance of the catering facility, specifically stating next to the name that catering services provided there are given to nudists. (Article 29, paragraph 2);
- 9) the type and kind of each service rendered, is not displayed in a way accessible to tourists, passengers and other persons (Article 31, paragraph 1, item 1);
- 10) a receipt is not issued to each customer for each tourist service rendered. (Article 31, paragraph 3);
- 11) the program does not contain the data pertaining to Article 32, paragraph 2 of this Law;
- 12) the program is not certified and signed by an authorized person from the provider of tourist services (Article 32, paragraph 3).

For misdemeanor pertaining to paragraph 1 of this Article, the responsible person of the enterprise shall be fined with one fifth of a salary to two and a half salaries.

For activities pertaining to paragraph 1, items 3, 9, 11 and 12 of this Article, besides sentencing the responsible person with a fine pursuant to paragraph 2, a protective measure will be sentenced – prohibition from practicing activities and tasks in duration from 3 months to 1 year.

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

- 1) for a legal entity – two salaries;
- 2) for a responsible person – one and a half salary, and
- 3) for a citizen – up to one fifth of a salary.

#### **Article 47**

A performer of catering and tourist activities without the capacity of a legal entity, for the actions pertaining to Articles 45 and 46 of this Law shall be fined with one fifth to three salaries.

For activities pertaining to paragraphs 1, 2, 4, 6, 7, 8 and 10 of Article 46 of this Law, the Market Inspector may fine the performer of catering and tourist activity without the capacity of a legal entity on the spot with a fine amounting one half of a salary.

#### **Article 48**

An individual shall be fined with one fifth to one half of a salary if:

- 1) The minimum prescribed technical requirements and conditions for categorization of the facilities of the tourist offer are not fulfilled, related to the renting of houses, flats and rooms by citizens, pursuant to Article 24 of this Law (Article 5, paragraph 1);
- 2) The provided accommodation and board services are done without approval (Article 24, paragraph 2);

- 3) The category and price list for accommodation and board services are not displayed visibly to guests (Article 25);
- 4) The tourist guide services are performed contrary to the provisions of Article 35 of this Law, and
- 5) The tourist guide performs services without having passed the professional examination (Article 37).

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 49**

Pending applications submitted before entering into force of this Law shall be decided upon according to the provisions of this Law.

### **Article 50**

The performers of catering and tourist business activities shall be obligated to harmonize their work according to the provisions of this Law within two years from the day of entering into force of this Law.

### **Article 51**

The minimum prescribed technical requirements and conditions for categorization of facilities of the tourist offer pertaining to Article 5 of this Law shall be adopted within three months from the day of entering into force of this Law.

### **Article 52**

The program for passing the vocational tourist guide examination from Article 38, paragraph 4 of this Law, the form of the certificate for the passed vocational tourist guide exam pursuant to Article 40, paragraph 2 of this Law and the identity card for tourist guides form pursuant to Article 41, paragraph 2 will be adopted within three months from the day of the enactment of this Law.

### **Article 53**

Until the adoption of regulations in compliance with the provisions of this Law, the existing regulations that have been valid until the entering into force of this Law will be applied.

### **Article 54**

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

### **Article 55**

This Law shall enter into force on the eighth day after its publication in the “Official Gazette of Republic of Macedonia”.

## **AMANDEMENTS TO THE LAW ON CATERING AND TOURISM (Official Gazette of the Republic of Macedonia no.33/00)**

### **Article 1**

Article 10 of the Law on Catering and Tourist Activities (“Official Gazette of RM” No. 23/95), is amended as follows:

“Catering facilities for board and accommodation, tourist information bureaus and services can operate each working day, during weekends and holidays.

The schedule, opening and closing hours in the catering and tourism shall be arranged according to the type of facilities and character of work in the following way:

1. Catering/accommodation facilities (hotels, motels, pensions, tourist settlements, hostelries, lodgings, camping sights and holiday resorts), also information bureaus and services may work from 00:00 to 24:00 hours.

2. The restaurants, disregard the facility type, may work from 07:00 to 24:00 hours, with the exception of:

2.1. The premises for board and entertainment, which are integral parts of the catering/accommodation facility, may work from 00,00 till 24,00 hours;

2.2. The restaurants, disregard the facility type, during the period – June 1<sup>st</sup> to August 31<sup>st</sup> may work from 07:00 to 02:00 hours;

2.3. The restaurants, disregard the facility type, may work from 07:00 to 01:00 hours in Fridays, Saturdays, the days before national holidays and during the national holidays;

2.4. Catering facilities, such as – nightclubs, cabarets and disco clubs, which are not part of a catering accommodation facility, can operate as follows: nightclubs and cabarets – from 20:00 to 03:00 hours; disco – clubs from 18:00 to 01:00 hours.

The catering facilities, such as disco-clubs can operate from 18,00 till 02,00 hours on Fridays, Saturdays, the days before national holidays and during national holidays, in the period – June 1<sup>st</sup> till August 31<sup>st</sup>.

The catering facilities, such as – nightclubs, cabarets and disco clubs may not operate if located in a business facility, which is a part of a residential facility, unless otherwise determined by the urban plan for certain parts of residential areas, if not determined differently.

2.5. The catering facilities, disregard the type, located at border crossings, airports, railway stations and intercity bus stops, may work from 00:00 to 24:00 hours.

The performer of catering/tourist business shall independently determine the working hours of its own facility according to his/her business interests, the regional characteristics and the demand of the customers for such services.

The working hours from paragraph 3 of this Article shall be visibly displayed at the entrance of the facility, and shall be within the time limits determined in paragraph 2 of this Article.

### **Article 2**

This Law shall enter into force on the eighth day after its publication in the “Official Gazette of Republic of Macedonia”.