

## LEGISLATION REGARDING THE FUNCTIONING AND THE SET UP OF A 2\*\* RECEPTION UNIT

**Bacter Ramona**

*University of Oradea – Faculty of Environmental Protection , Gen Magheru, nr. 26*

### **Abstract**

*While a tourist travels a lot of activities are done in order to satisfy his/her needs, according to what s/he prefers. In order to satisfy these requests there is the need for specialized units with an important role in the touristic activity and which can represent for the tourist, at the same time, a temporary home capable of offering the comfort during the sejour. The Herculan Spa is situated in the south west part of the country in a very pitoresque area from the west extremity of the Meridional Carpathians. The Hercules chain of hotels is part of the Hercules LTD which has as a main activity tourism (accommodation, meals, treatment, entertainment) and organizing and sale of touristic programs (trips, relaxation programs and balnear treatment).*

*The Hercules Hotel offers services related to the pre-arrival, arrival and actual accommodation of the tourists; it also offers meal services for the customers, it ensures the leave of the latter.*

*The Hercules Hotel has a techno-material base specific to its activities. The average stay at the Hercules Hotel increased from 2.46 days in 2005 to 2.86 days in 2008.*

**Key words:** tourism, legislation, hotel

Geographically, as well as due to the diversity of the products, Romania is one of the most visited countries in the south east of Europe. An important factor that attracts foreign tourists is the rural tourism, which is in a continuous development, Romanians being known for keeping traditions and customs. This is an important factor that helps maintain and increase the touristic flow.

### **1. THE JURIDICAL REGULATION OF THE TOURISM ACTIVITY**

#### **1.1. THE NATURAL FRAMEWORK**

The juridical regulation of the tourism activity in Romania is explicit through the Government Ordinance no. 58 from the 21st of August 1998 – related to the organization and the ongoing of the tourism activity, published in the Romanian Official Monitory no. 309/26 in August 1998.

According to this act, TOURISM represent a priority field of the national economy (article 1, alignment 1).

The introduction of the "Natural framework" in the economical exploitation, through tourism, has varied forms that originate in the tourist's

expectations from nature itself. Still, on the other hand, there are natural aspects not accessible to ordinary tourists and valuing this resource means huge intervention in the structure of the objective itself (for example caves' arrangement). The strategy applied in such cases is minimum or zero modifications of the initial features of the landscape still trying to ensure a dynamic balance meant to protect and preserve the objective. Between the three factors: the human, the natural and the economical there are not only inter conditioning relations but the three of them are definitely necessary for the existence of the touristic activity. Without these three elements there would be no tourism activity.

A. The reception structures that have ACCOMODATION FUNCTIONS:

- Hotels, apartment-hotels, hostels, touristic villas, chalets/huts, bungalows, holiday villages, camping areas, rooms for rent in family houses, touristic and agro-touristic board and lodgings, cruise ships, other units that have accommodation functions.

B. Reception structures that have PUBLIC NOURISHMENT FUNCTION:

Nourishment units from within the receiving structures that have accommodation function, nourishment units situated in touristic spas, those administered by the touristic companies regardless their place and location ( restaurants, bars, fast-food units, confectionary units, pastry shops, etc)

C. Reception structures that have ENTERTAINMENT FUNCTION:

- clubs, casinos, sport establishments, installations and devices specific to the touristic entertainment

D. Reception structures that have a TRANSPORT FUNCTION:

- For road transportation: minibuses, buses; for railway transportation: trains, cog-rail trains, etc; for cable transportation: teleski, telecabin, etc.; for sea and river transportation: ships, boats, etc.

E. Reception structures that have BALNEAR FUNCTION:

- Service units for balnear treatment; integrated or adjacent units of the balnear touristic unit chain ( buildings that include touristic structures of: accommodation, meals and treatment and entertainment)

## 1.2. LEGAL BOUNDARY

1. Law no. 755/2001 for the approval of the G.O no. 58/1998 related to the organization and the ongoing touristic activities in Romania has come in force in November 1998.

According to this G.O tourism is declared a priority activity of the national economy and the Ministry of Tourism is considered the highest authority in tourism. The same G.O. defined the terms specific to tourism as ,,"tourism", "receiving structures", "spas", "touristic packs". The G.O. mentions the legislation for the registering of the touristic activities, it has settlements for the control and protection of spas,

including the winter spas. The G.O. established the functions of the ministry of Tourism (development control, promotion, professional degree and research). The G. O. Settles how the ongoing authorization can be obtained, the classification and the professional qualification needed in tourism, these being under the authority of the Ministry of Education and of that of the Ministry of Tourism. The G.O. defines the role of the local authorities in tourism as well as the obligations and rights of the tour operators (touristic agencies, service providers, etc). The G.O. defines the conditions the security firms are financed and mentions that the latters are under the authority of the local administrations.

The same G.O. mentions the sanctions and the penalties in the following situations: unauthorized touristic agents that offer, sell or create touristic products; unclassified hotels that ongo touristic activities; false information; the operators do not indemnify the tourists in case of a poor quality service; tour operators or touristic agents without insurance.

1. Resolution no. 413/2004 related to the organization and ongoing of The National Authority for Tourism has come in force on the 1st of February 2006.

The law established the reinstauration of the National Authority for Tourism as a public institution subordinated to the Ministry of Transport, Construction and Tourism, financed from the state's budget through the budget of the Ministry of Transport, Construction and Tourism.

In 1998 the touristic organization functioned as an independent ministry (The Ministry Of Tourism) having an Advisory Tourism Committee later being transformed in The National Authority for Tourism and being subordinated to the Government. Starting with the year 2002, there have been many changes- functioning as a ministry, NAT subordinated to a Ministry, as a Ministry,NAT subordinated to the Ministry of Transport, Construction and Tourism and recently as a department within the Ministry of Trade, Small and Big Enterprises and of Free Profession.

Implementing the policy and the strategies of national tourism;

- Promoting Romania as a touristic destination on the intern as well as on the international market, on the basis of the funds approved by the ministry.
- Organization of the registration and of the authorization, the use and the protection of the touristic patrimony according to the law;
- Establishing the policies and the annual marketing and development programs;
- Authorizing the tour operators, the touristic guides, etc, classification of the accomodation units, promoting the quality control of all the touristic services.;

- Approval of arrangements and of buildings in all the touristic areas and spas ;
- Coordinating the touristic technical assistance programs offered by the European Union, by the World Tourism Organization and by other organizations.

2. Resolution no. 1328 from the 27th of December 2001 regarding the classification of the touristic reception structures and Order no. 510 from the 28th of June 2002 establish the process of classification for the touristic reception structures and the criteria of the latters.

The legal regulations define as a main aim for the classification the tourists' protection. If regulations are not followed penalties are applied accordingly.

A classification solicitor must lay down documents containing the following:

- Registration of the company;
- The sanitary-veterinarian authorization;
- Environment authorization;
- Fire safety authorization;
- Labour protection authorization;
- Management and staff competences;

Order 510 allows the solicitors, under certain circumstances, that between a certain period of time, to make adjustments in order to keep or to obtain the category in which they had fitted.

Order 510 mentions the criteria and the number of points that must be obtained for each category, including the length of the beds, the minimum temperature, information for clients and display of the maximum prices in Euro.

The following categories are mentioned:

- Hotels 5-1 stars
- Apartment hotel 5-2 stars;
- Motels 3-1 stars;
- Youth hotels 3-1 stars;
- Hostels 3-1 stars;
- Villas 5-1 stars;
- Bungalows 3-1 stars;
- Touring hut, hunting chalet, fishing chalet 3-1 stars;
- Holiday villages 3-2 stars;
- Campings 4-1 stars;
- Camping huts 3-1 stars;
- Inns 2-1 stars;
- Urban hostels 5-1 stars;
- Rural hostels 5-1 daisies;

- Apartments or rooms for rent in houses or buildings 3-1 stele;
- Accommodation on river ships or ships 5-1 stars.

Structures of food stuffs are clasified in 5 categories: restaurants, bars, fast-foods, tearooms/confectioneries and pastry shops. These are subclassified in 16 categories, and the restaurants are subdivided in 10 subcategories.

3. The decision no. 238/February 2001, the decision no. 305/march 2001, the Order no. 170/april 2001 and The decision no. 631/may 2003 respecting touring licensing and patents of touring/travel agents, touring guides, hotels and senior staff in tourism.

This legislation includes provisions respecting the licensing of touring guides licensing and the professional certification (patents) of senior staff in tourism and accommodation, as well as the certification of touring guides.

The certifications are issued for a limited period of time, but they can be suspended or revoked by the ANT, for violating the terms of agreement. Licentele sunt emise pentru o perioada de ani, dar ele se pot suspenda sau revoca de ANT pentru incalcarea conditiilor de acordare.

The criteria of licensing are detailed to the agencies and of certificates to the operators and the senior staff in tourism and according to the legislation these are issued following the professional references of branch associations and of unions. Sunt detaliate criteriile de acordare a licentelor catre agentii si a certificatelor catre operatori si personalul de conducere si, conform legislatiei, acestea se acorda ca urmare a consultarii asociatiilor profesionale din sector si a sindicatelor.

The certificates are necessary for the following incumbents: Sunt necesare certificate pentru detinatorii urmatoarelor functii:

- Tourism manager;
- Tour-operator manager/agency;
- Tour-operator manager/retail agency;
- Hotel, motel and camping manager, with more than 100 beds;
- Restaurant manager in first class and luxury structures with a capacity of over 50 seats.;
- Chalet manager.
- The decision no. 305/2001 – introduces the requirement of the agencies to use only qualified guides, who are qualified for specific touring categories in Local guide, covering a limited location
- National guide, covering the entire seaside territory and abroad;
- The decision no. 631/2003 – had extended the issue of the certificates for the guides( who work in Romania) and for the citizens of the European Union and of the European Economic Territory.
- The applicants of these types of certificates have to prove the issued qualifications of authorized institutions from countries of residence.

- The order no. 235/2001 respecting the tourists' assurance in case of the insolvency or the bankruptcy of the touring agency.
- The tour-operators and the touring agencies must constitute assurances to cover the costs for the return or for the refund for those who bought a travel package, in case of insolvability or bankruptcy.

The assurance amounts provided are of 50.000 \$ for the tour operators and of 10.000 \$ for the touring agencies.

The order provides that the insurers must have the approval of the Ministry of Tourism (ANT), with reference from the Surveillance Commission of Assurances and the obligativity of the insurers to convey recurrently to the ministry details of insurance policies conclude by all authorized agencies. By not concluding the assurances for selling the travel packages might be penalized by the withdrawal of the license.

There are also mentioned, in the order, the rights and obligations of the insurers and the insurance policy holders, as well as methodology and the period for payments according to a schedule

5. The decision no. 237/February 2001 for the approval of the rules respecting the access, the evidence and the tourists' protection in accommodation structures. pentru aprobarea

The decision provides that all the structures, the hotels, motels and hostels etc., should offer lodging to „tourists” if there are available rooms. The structures of accommodation must solicit all guests to fill in a form at their arrival and at their departure. In case of rural hostels a register may be used, instead of standard forms. The legislation provides the necessary info and the fact the forms must be kept for a period of 5 years and made available for the authorities when solicited.

Also, it is provided that the accommodation structures should assure peace keeping, public order, security and intimacy of the guests, as well as the insurance of their goods. The minors under 14 years cannot be checked in unless they are accompanied by their parents or their legal representative

They are provided forfeits for not accomplishing the legal conditions by the accommodation structures..

4. The decree no. 107/July 1999 with modifications brought by the Law no.631/november 2001 respecting the activity of marketing the packages of touristic services.

5. The decree with the alterations brought by the law no. 631/2001, aligns the legislation to the provisions of „The EU directive respecting the travel packages in Romania in order to travel in Romania or abroad.

6. There is also mentioned in the decree that a touristic package must contain at least 2 of the following components: transport, accommodation and another customer service which does not represent a significant part of transport or accommodation. There are specified the obligations of the

provider towards the consumer- buyer in terms of the clarity of the offer, info connected to visas and other paper work/formalities, itineraries, the type and the accommodation standard, contractual details, compensational terms and components replacement.

7. The order no. 491/October 2001 for the rules respecting the approval, the planning, the maintenance and the exploitation of ski slopes for recreational resort.

The order confirms The Ministry of Tourism as the authority empowered to certificate the ski slopes and the recreational ski trails and establishes the criteria and the conditions of approval, planning, maintenance and exploitation. Also, it establishes rules of conduct for skiers and other people on the ski slopes and on the recreational ski trails.

8. The decree no. 129/2000 respecting adults' training, issued by the decision no. 522/2003 and modified by the decision no. 1829/2004 establishes the general provisions, including the organization of the training, the licensing and financing of the training and the art.26/The decree no. 58/1998.

The laws seem adequate for the assurance and the control of the professional education. But, the control of the training institutions seems insufficiently implemented. There are complaints respecting the very weak standards which prevail in numerous private training institutions

## REFERENCES

1. Bacali L.(coordonator), Luca G., Manual de inginerie economică- marketing, Simionescu G., Șuteu S., Ucenic C.,Editura Dacia, Cluj-Napoca 2000, Mironeasa C., Pop D., Mărgin A., Mironescu R., Foriș A.
2. Bran F., Dinu M., Tamara Simon Economia turismului si mediului inconjurator, Editura Economica, Bucuresti 2002
3. Begul S. Statistică internațională Editura AHBeck, București 1999
4. Dumitrescu L. Marketingul serviciilor Editura Imango, Sibiu 1998
5. Florescu C. Strategii in conducerea activității întreprinderii Editura Științifică și Enciclopedică, București 1987
6. Florescu C., Patriche D. Prospectarea pieței Editura Științifică, București 1973
7. HOTĂRÂRE nr.1.328 din 27 decembrie 2001 privind clasificarea structurilor de primire turistice - Textul [actului](#) publicat în M. Of. nr. 17/15 ian. 2002
8. Ordonanta de Urgenta a Guvernului nr. 152 / 2002 privind organizarea si funcționarea societăților comerciale de turism balnear si de recuperare
9. ORDONANȚĂ nr. 58 din 21 august 1998 privind organizarea și desfășurarea activității de turism în România - Textul [actului](#) publicat în M.Of. nr. 309/26 aug. 1998
10. Statistica in turism - Nicoleta Palau, Ed. Albastra.