

THE LEGISLATION REGARDING THE SETTING OFF AND THE FUNCTIONING OF A HOTEL

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Abstract

The touristic activity is sustained by a valuable touristic potential different from one country to another, according to the way in which different types of tourism are organized: the bathing tourism, the mountainous tourism and for winter sports, exhibition tourism, festival tourism, sports tourism.

“The hotel industry, well known as a distinct component of the economy, expressed with enough rigor by the group of services hotels and restaurants, has as a domain of reference the totality of the processes developed in the unities of homologated accommodation generated by the receiving, the staying and the departure of the tourist. The hotel is the commercial society of homologated accommodation that offers fully equipped rooms or apartments to be rented. It includes elements that are mandatory for the correct perception of the word hotel, i.e. the fact that we speak about a commercial society, whose main product is accommodation, the fact that we are dealing with a specialized hospitality unit, excluding the residential or accidental forms of renting and the fact that not every shelter can offer accommodation.”

Key words: hotel industry, legislation, tourist accommodation, classification certificate

INTRODUCTION

The organization and the development of the travel activity in Romania is settled by the Government decree nr 158/1998, which defines the following in chapter 1, article 2:

- The tourism – branch of the national economy, with complex functions, which unites a group of goods and consuming services offered to people who travel outside their natural environment along a period not longer than one year and whose main reason is other than doing a paid activity within the visited place;
- The structure of travel receiving – any construction and arrangement destined, through projection and execution to the accommodation of the tourists, the serving of the meals, leisure activities, special transport for the tourists, bathing tourism for the tourists and other typical activities.
- Travel area – territory characterized through as concentration of travel resources, which can be strictly divided into offer, organization and tourist protection;
- Area of peri urban recreation – area situated right outside the city which has attractive surroundings and offers the adequate equipment for leisure activities (especially at weekends);

- Travel objective- element of the travel resource, individualized and introduced in the travel circuit;
- Travel point- travel objective and the suitable conditions for the activity of tourist welcoming
- Travel place – urban or rural area with travel functions developed on the basis of the specific offers
- Travel resort - place or part of an area with typical travel functions where the economical activities sustain exclusively the accomplishment of the travel product
- Travel function – the qualitative and quantitative expression of the travel services, determined by the structure, the volume and the qualities of the resources;
- Travel offer – the totality of the services that highlight the travel heritage, by using specialized personnel;
- Travel product: complex of material goods and services, concentrated in a typical activity and offered as a packet for tourists;
- Service package – a pre-established combination of at least two of the following elements: accommodation, meals, transport, bathing tourism, leisure, other services representing a significant part of the package, when they are sold or offered for sale at a global price and when these services last more than 24 hours

RESULTS AND DISCUSSION

The economical agents with tourism activity have the following rights:

- a) To offer and sell travel services, within the law;
- b) To receive specialty assistance and general information regarding the strategy and the programs of travel development from the Tourism Minister and from the institutions under its command;
- c) To be included at request in the programs of professional training initiated by the Tourism Minister;
- d) To participate at the promotion, national and international actions and to be included in catalogues, guides and other ways of launching the national offer of travel services;
- e) To benefit from facilities given by the state and other bodies and organizations, according to the legal aspects, in order to stimulate the travel activities
- f) To obtain the classification certificate for each unit, as a consequence of the improvements brought to the equipment level and to the quality of the services
- g) To obtain the reclassification of their units, as following the improvements done at the level of equipment and quality of services

The economical agents in tourism have the following obligations:

- a) to offer travel services at the level of that unit's category, according to the classification certificate;
- b) to function only with classified structures of travel accommodation;
- c) to function with authorized personnel, according to the laws and special regulations of the Ministry of Tourism
- d) to display, in a visible and clear way, the list of services and prices.

The following facts are considered contraventions within the travel activity:

- a) To offer, to commercialize and to sell services and packages of travel services, but also to create travel products as unauthorized economical agents by the Ministry of Tourism;
- b) To develop travel activities in unclassified accommodation structures that are according to the legal regulations;
- c) To write untrue information in the promotion materials, on the frontispiece of the travel structures and the travel agencies.

The decision no. 1328/2001 from 27/12/2001- regarding the classification of touristic accommodation structures

- The touristic accommodation structures, regardless te form of property and organisation, are classified according the constructive characteristics, the quality of equipments and the provided services.
- In order to protect the tourists it is compulsory to ensure quality accommodation and meal services only in classified units.
- According to the present regulations,by classified touristic units, we mean those buildings or designs destined, to provide for tourists.
- The accommodation structures include:
 - a) tourist accommodation structures: hotels, hostels- appartments, motels, youth hotels, hostels, villas, chalets, bungalows, holiday villages, campings, appartments or rooms for rent with families or other buildings, ships, hostels and agrotouristic hostels and other accommodation units;
 - b) touristic accommodation structures for meal serving: food units within the accommodation structures, food units in towns, routes and resorts.

The classification of accommodation structures is done by The Ministry of Tourism that issues the certificate. The economic agent, owner or manager of accommodation structures will solicit to the Ministry of Tourism their classification at least 60 days before the giving them in use. In 60 days time starting from the registration date of the solicitation, The Ministry of Tourism will do the necessary evaluations and it will issue the classification certificate. In case the criteria are not fulfilled for the minimum category of classification, The Ministry of tourism will let the economic agent know the reason why the accommodation structure cannot be classified. When there are alterations that modify the conditions that granted the certificate, the economic agent has to solicit another

classification of the structure in 30 days starting appearance of alterations. The certificates issued will be exchanged every 3 years. The economic agent will solicit the exchange of the certificate at least 60 days before the expiry date of the 3 year period from its issue. In 60 days from the registration date of the solicitation of exchanging the certificates, The Ministry of Tourism will begin the reevaluation of the accommodation structure and in will issue a new certificate, if the minimum criteria correspond to the respective category. If not the accommodation structure will have an inferior classification. If the criteria are not fulfilled for a minimum category, the certificate will be withdrawn. It is forbidden that the accommodation structure function without certificate, or expired classification certificates or with other disposition of the spaces than that established in the annex of the classification certificate. In order to protect tourists and alignment with European standards regarding the quality of services, the economic agents, owners or managers of travel structures have the obligation to ensure observing the following basic rules:

- a) maintenance of toilets in good working order and cleanliness;
- b) supply hot water to toilets and production facilities of accommodation structures where this criterion is mandatory according to rules specified in Art. 6;
- c) ensure a minimum temperature of 18 ° C during cold season accommodation and food services;
- d) holding permits: sanitary, veterinary, environmental and fire fighting – which is case of the units which, by law, must obtain them;
- e) program of the night clubs or other music program units, outdoor activities do not exceed 1.00 o'clock at night
- f) operation of tourist accommodation structures only sanitary buildings with painted facades and well maintained ones;
- g) avoidance of noise, in pursuit of the maximum noise level established by specific regulations;
- h) compliance with legal regulations concerning the structure of the receiving activity tourism;
- i) exposure to visible the type and name of the company and also the unit insignia on the classification category.

The Ministry of Tourism will carry the declassification of accommodation structures where non-compliance with the criteria for classification. The following deeds, if not committed under such circumstances that, according to criminal law, are criminal offenses:

- a) the pursuit of tourist reception facilities unclassified classification expired certificates or with a different structure than the premises established by the certificate of classification
- b) failure criteria were the basis for classification;

- c) the incorrect display of the telephone number of the Ministry of Tourism and National Authority for Consumer Protection;
- d) inclusion of false information on the accommodation structure type and level of classification in promotional material, on the displays or signs.
- e) continuing conduct of business in tourist accommodation structure after withdrawal of the classification or the refusal of presentation, at the request of the regulatory body, of the classification documents.

Rules concerning the classification of tourist accommodation structures

Established in accordance with Art. 6 of Government Decision no. 1.328/2001 on Classification of travel, establish norms and criteria for classification methodology for all types of tourist accommodation structures and functions catering accommodation in Romania. The methodological rules are mandatory for all operators owners and / or managers of establishments of tourist reception turistic. The receiving structures are classified by stars, respectively, if agrotouristic, by flowers, depending on structural characteristics, features and quality of services they offer. The classification of receiving structures has as primary interest to protect tourists, representing a coded form of summary of the level of comfort and service offer. The classification of receiving structures is made by The Ministry of Tourism, the only institution authorized to engage in the tourism authority. The trader is an authorized person or family association, individual or family firm, company or other entity that carries on accommodation and / or through a catering tourist accommodation structures. Documentation required for issuance of the classification and grading certificate exchange:

- a) application for the license classification
- b) affidavit,
- c) a copy of the certificate acknowledging the Trade Register Office, showing the point of working structure that tourist accommodation and CAEN code corresponding activity;
- d) copy of registration certificate from the Trade Register,
- e) copy of the operating license, for authorized people and individual and family licensed businesses according to Government Ordinance nr.44/2008 on economic activities by authorized individuals, businesses individual and family businesses;
- f) statement on nominal classification of the accommodation block,
- g) job classification of tourist reception with functions of eating according to
- h) opinion on the specific target site and functionality, issued by the Ministry of Tourism for new construction;
- 1) copy of the patent Desk of the person who runs the tourist accommodation structure and copy of the individual employment contract,

registered under the law, if applicable;

Issue and withdrawal of the classification certificate

The documentation is sent to the Ministry of Tourism to verify/check and establish they met the criteria for classification and grading certificate, nominal record on employment and accommodation, namely, job classification structures of accommodation with catering functions. The economic operator will ask DGAP Classification of tourist accommodation and / or tourist reception structures catering functions at least 60 days before entry into service. On-site verification of the criteria is done by specialists from the Ministry of Tourism - DGAP, with the support and cooperation of specialists appointed by the county councils, local councils and representatives of professional associations and organizations, in the presence of the trader who carries on accommodation and / or catering, concerned. Depending on the specific conditions found in the receiving tourist structures checked may offer exceptionally some compensation for facilities and services for granting or maintaining the category. Issue of classification is made no later than 60 days from the time of reception of complete classification documentation. An economic operator may put into service on oath the structure of tourist reception the number of stars (flowers) requested and at the actual receipt of the certificate of classification to continue its work in the category entered on the classification obtained. Commissioning is subject to obtaining regulatory approvals: health, veterinary and environmental, as appropriate, for each structure of tourist accommodation that is subject to classification or declaration on oath registered in the Register of Commerce of the operating conditions set specific legislation in the health and environmental sanitarveterinary, according to Law no. 359/2004, as amended and supplemented, and obtaining authorization for preventing and extinguishing fires.

CONCLUSIONS

Tourist reception facilities do not meet verification on at least the minimum criteria for the category is not classified and therefore can not conduct business accommodation and / or catering. The motivation of the declassification shall be recorded in the note written in two copies, one being handed over to the legal representative of the operator. Operators are required to observe the entire period of operation of tourist accommodation structures, conditions and classification criteria, including those who have started their activity at their own risk. The tourist serving staff at the travel reception facilities will wear specific clothing, as determined by the economic operator concerned, differentiated according to the conditions of

business, including full name and badge, and other personnel will wear work equipment specific for their activity. The marks on the classification category of the establishment is entered on a plaque mounted outside the unit in a visible place for tourists and the stickers applied at the points of access to tourists. Stickers and platelets are made of weather resistant material (metal categories 4 and 5 star) with a size of 30/30 inches.

In all structures of accommodation is required:

- the display in a visible place the phone numbers for tourists of the owner and / or administrator of the structure concerned and of the Ministry of Tourism and National Authority for Consumer Protection in order to enable tourists to report any complaints about the services offered;

- maintain order, public peace, morals, cleanliness and strict compliance with sanitary norms and the prevention and extinguishing of fires,

- providing qualified and irreproachable conduct,

- providing a diverse range of additional services included in room price or paid separately, as follows:

- units 4 and 5 stars - at least 18 services;

- 3-star units - at least 15 services;

- units of two stars - at least 10 services;

- units of a star - at least 5 services;

The existence in all accommodation spaces of written material, made aesthetic and printed in Romanian and in at least two international languages, including useful tourist information on:

- phone instruction manual,

- national and international rates for telephone calls;

- list of additional services offered and fee rates for those with information on how to request room service;

- Price-list with room-service dishes;

- Price-list for the products from the minibar, where appropriate,

- instruction manual for the TV, air conditioning installation, if necessary - information on area of interest or locality;

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