

## THE HOTEL CONTRACTS

\*Chebeleu Ioana Camelia

\*University of Oradea, Faculty of Environmental Protection, 26 Gen. Magheru St., 410048 Oradea, Romania, e-mail: [chebeleuioanacamelia@yahoo.com](mailto:chebeleuioanacamelia@yahoo.com)

### **Abstract**

*The existence of a wide variety of contracts in the hotel domain, is justified both by the legal safety of the contract, as is done in accordance with the law, as well as the need to provide clients with the highest quality services.*

**Key words:** legislation, contract, contracting parties, marketing

### INTRODUCTION

The contract is the best known and most used legal act in the practice of law. He represents the agreement of will between two or more people over some provisions of the contract.

Being concluded by two or more persons is a legal act which give rise to obligations between the Contracting Parties. The terms "contract" and "agreement" are synonymous.

At the conclusion of a contract is the agreement of will that aims to reconcile the divergent interests of the parties and to achieve a common goal endorsed by them.

The contracts are civil or commercial legal documents, sale agreement between two or more persons, with the aim to create, alter or extinguish each other rights and obligations.

Although related to marketing, promotional activities, advertising, public relations and communication, will be presented only to the extent of clauses relating there to are contained in distinct chapters.

The contract for the provision of the service provider and the use by the recipient of the services forming part of the contract. The International Association of Universalea Federation of hotels and tourism agencies and Associations ceased to operate on 14 June 1987. Many existing National Convention currently follows closely the provisions of the Convention IHA/UFTAA.

## **MATERIAL AND METHODS**

A few States have already introduced the essential provisions of their national law in. Accordingly, perhaps this adhesion to the law and practice of contracting will avoid any risk in the case of divergence between the commercial and contractual affairs, such as leaving hoteliers and tour agents in a state of uncertainty with regard to their rights and obligations.

To the extent that the terms of the Convention lay down what remains common practice, courts and tribunals will have to apply the same principles, where the terms of the contract were released by non-confrontational agreement between the parties.

For non-execution in whole or in part, for the execution of the obligations laid down in the contract, the parties due to damages, as annexed to the contract.

Modification of a contract can be made with the agreement of both sides, the legal conditions and the party seeking the amendment will bear financial consequences arising therefrom.

Contracts or relationships between end consumers in general are natural persons, on the one hand and service providers or intermediaries on the other hand, are mainly regulated by legal provisions or rules at international level or departmental.

he contract is governed by the principle of contractual freedom since any agreement is the creation of a human disposition. The contract, as well as any legal act, shall end when the parties concurring will meet the conditions of validity required by law, or consent, capacity, object, matter and form.

The contract ends upon completion of the agreement of will of the parties regarding the terms of the contract, which is achieved by meeting her for accepting the offer.

Offer and acceptance are two sides of the will to contract and whose appointment form the agreement will mean the consent of the parties to the contract end. Meeting with bid acceptance process is being preceded by the well-known complex negotiation

The principle of contractual freedom is expressed by the fact that a person can enter into any kind of contract, may determine by his will and that contractual effects of the contract are going to produce.

If a convention is lawfully made, she employs a "force of law between the parties."

The profound meaning of the contract as a means of establishing the various relationships between individuals and businesses is evident in all areas, from the more natural and simpler activities, up to the leadership of the national economy and international relations.

It is commercial unit accommodation approved rooms or furnished apartments to be rented, either a full clientele (weekly or monthly)-anyway to release your own rental home.

It can be explored throughout the year, or just over one or more many seasons each year. Meet the accommodation needs of travellers, namely the need for shelter.

Tourism is travel for pleasure, for recreation. This has been extended in recent years to include any travel outside the area where someone lives or works, from day trips to vacation abroad.

Tourism is among the few phenomena that were imposed in the contemporary era, his development as a characteristic feature of 20TH and 21ST centuries.

Hotel units have, in general, a familiar structure, their total autonomy. In recent years, many independent hotels or accommodation providers geared for some forms of Association. The most common affiliation at a volunteer hotel chain.

It consists in joining a number of hotels that retains its full name, self sufficiency, which adds its name to join chain, in order to achieve some common marketing activities, purchase of training to its employees.

The obligation of each owner of hotels consist in the payment of dues to finance joint activities, affiliation (integration) and hotel units in a hotel chain, each functioning as a hotel or a distinct entity branch. Hotels are explored directly from a hotel group, have the same unique logos (hotel chain) and are dependent on financial & legal hotel group which owns the controlling package (the mother company); building a mixed society between a hotel and a proprietary chain of hotels. T

his form of association is more common in the field of activity of the motels and in case of great hotels.

The joint venture is especially if the owner of the motel (or hotel) provides the location of the capital, mostly in construction, and the chain motelier (hotels) participate with the financing of the purchase of furniture, equipment, expenses before the opening of the moteliere unit (with management and strategy development).

Mixed participation rate and profit rate is established by the two sides. The advantages of this form of association arise from the membership of the chain that owns a private investor and the possibility of financial support by the society of mixed moteliere chain, if the business is not profitable for a certain period of time.

Throughout the world there are hundreds of types and models of contracts. All are adapted to the area in which they are built, being influenced by the legislation in force, and will use usages specify what parts you devise.

**Type of contract:**

- ▶ franchise contract
- ▶ management contract
- ▶ the contract of representation
- ▶ time sharing agreement
- ▶ the hotel contract
- ▶ contract of collaboration
- ▶ the contract between service providers and intermediaries in tourism
- ▶ the contract between hotel and tourism intermediaries
- ▶ employment contract
- ▶ fee contract between service providers and travel agencies
- ▶ leasing contract
- ▶ contract of sale-purchase
- ▶ administration contract
- ▶ commercial agency contract
- ▶ insurance contract
- financial assistance agreement
- contract of fee
- commercial pledge contract
- advertising contract
- sponsorship contract
- the contract of carriage goods
- the mortgage contract
- service contract
- loan agreement
- the contract of mandate

**CONCLUSIONS**

Reviewing a hotel contracts can be time-consuming, confusing, and frustrating. As a meeting manager, you are seeking a fair agreement that accurately and comprehensively covers your meeting arrangements. Yet the contract you receive from the hotel may be one-sided in favor of the hotel, vague in many places, and missing essential language.

The hotel contract is a contract under which the hotelier complex undertakes, for a fee, to rent a temporary housing area with housing destination to take the luggage deposit and to provide certain services for the entire duration of the lease. Hotel contract includes, therefore, specific elements of three different agreements contents: warehouse rental and

service. Each of these involves rights and obligations on behalf of specific parties, all but the same agreement springing up and forming in their interdependence, unique content, complex, of the same legal act is the hotel contract. This contract is proof of consensus can be done only through the entry that confirms the payment in return for pledges that the hotelier, the entry shall contain, in addition to words relating to payment, and some parties identification data (name, family name and domicile of the client's name, etc.), as well as certain details of the subject matter and the duration of the contract, the rights and obligations that make up the content of this contract pursuant to the provisions of the law or commitments entered into by the hotel offers to the public, advertising.

#### **REFERENCES**

1. Camelia Stănciulescu , *Manual de drept civil general*, Ed. Hamangiu, București 2009
2. C. Stănescu, C. Bîrsan, *Teoria generală a obligațiilor. Drepturile reale*, Ed. Didactică și Pedagogică, București, 1970
3. [http://www.primatours.ro/C\\_Contract-de-asociere-hotelierea\\_\\_449.html](http://www.primatours.ro/C_Contract-de-asociere-hotelierea__449.html)
4. <http://www.scribd.com/doc/13134779/Proiect-Clasa-a-13-A>
5. <http://www.experient-inc.com/solution/publications/convene/Conferon.chap.04.pdf>
6. [http://www.crispedia.ro/Contract\\_hotelier](http://www.crispedia.ro/Contract_hotelier)