

Tourist Service and the Legal Basis of Its Regulation

Introduction

Tourism as the important part of Business Activity, International Links or Economics of the country, needs special legal regulation. Tourism Industry is able to contribute to consolidation of peace and development in the country, with the way of Approximation of Cultures and Environment, Diversification of Economics and Revenue Growth. This sphere has been established on the contemporary stage, as the most rapidly developing field of Economics which importantly ensures the inflows of Foreign Currency, creation of jobs, Poverty Reduction, Social-Economical wellbeing of the population and accordingly, expedited development of Economics in the country. Tourism creates new jobs more quickly than other fields of Economics and gives balancing tool of growth of economic opportunities. Development of the National Strategy and reasonable introduction of legislation in this direction by the State importantly stimulates Tourism Development.

Legal Regulation of Tourism Services

Regulations of the issues connected with Tourist Service on the international level are on the basis of Conventions and International Contracts and Agreements. There was made the important solutions in International Society about Tourism Development in the Helsinki Agreement signed on August 1, 1975. The World Tourist Organization is based at United Nations Organization which was established on January 2, 1975. It is the most recognized and known organization in Tourist World. The aim of the mentioned Organization is development of such norms and rules which will simplify the tourists exchange in International Society.

Manila International Conference about Tourism held in 1980 appeared to be the important event in activities of the World Tourist Organization. Representatives of over 100 countries participated in it. The Conference reviewed such important issues as: Responsibility of States for Tourism Development; regulation of demands and proposals; training of specialists for Tourism Industry, etc. [3, 19].

In 1985 Tourism Charter and Tourist Code were accepted on the sixth Session of the General Assembly of World Tourist Organization. The Charter and the Code were recognized by the Member States of this International Organization. The Parliament of Georgia foresaw the great value of the membership of Georgia in World Tourist Organization for accelerating Tourism Development in Georgia; it adopted the resolution about Tourist Code Recognition and the Charter of World Tourist Organization on January 27, 1994 [3, 20]. Tourist Charter and Tourist Code are the important

International Agreements identifying the trends of Tourism Development and showing the place of Tourism in the life of International Community; both documents consist of 14 articles which include all directions of Tourism and the rules of a tourist's behavior.

At the first Parliamentary Conference in the field of Tourism held in April of 1989 in Hague was noted that Tourism contributes to enhancing of mutual understanding of people and individuals, it presents the most important element of consolidation of peace [3, 7].

On October 1, 1999, on the General Assembly of World Tourist Organization was adopted "Global Code of Ethics in Tourism". This document is based on the ideas of the current Codes and provides guide of Sustainable Development of the World Tourism [1, 211].

National Laws regulating Tourism are introduced in a lot of countries where are defined the basic concepts and principles of development.

As for the Institutional Arrangement and Legal Framework of the field of Tourism in Georgia: Nation Agency of Tourism of the Ministry of Economy and Sustainable Development is the Executive Authority of the field of Tourism of Georgia. The main functions of the Ministry of Economy and Sustainable Development are: ensuring Sustainable Economic Development, creating the Favorable Business Environment for undertakers, developing the infrastructure of communications, touring and transport and promote of transit potential of the country. There was realized the liquidation of Resorts and Sub-Institution-Tourism Department of the Ministry of Economy and Sustainable Development of Georgia, from August 10, 2010, by the Resolution of the Government of Georgia, and as its assignable, there was created Legal Entity of Public Law – The Nation Agency of Tourism in Georgia, whose goals and objectives are: forming and realizing the State Policy of Tourism Development in Georgia on the basis of the Tourism Development, opportunities for new employment and the growth of Export Revenues in the country, promoting Human Resource Development in the Sphere of Tourism and Infrastructure.

Now let us get acquainted with the Legal Framework of Georgia in correlation with this issue: in 1997-1999 many laws and normative acts were adopted in Georgia with the purpose of legally ensuring this field. In 1997, the Law of Georgia "On Tourism and Resorts" was adopted that is the fundamental act in Legislation of Tourism and Resorts. Although, it should be noted that at the time of adoption of the mentioned law the country was facing difficult and different from today Economic and Political Situation. Tourism is famous as the rapidly developing field in the World; it is clear that this development is followed by many changes which should be as consistent with economic and political development of the country. Regulation of Tourist Activity and Politics of Tourism Development in the country should be conducted by the Organ of Executive Government of the field – Nation Agency of Tourism of the Ministry of Economics and Sustainable Development, but outdated Legal Base restricts the ability of spectacularly directing of this activity. The Law of Georgia "on

Sanitary Protection Zones of the Place of Resorts and Health Resorts” adopted on March 20, 1998 is also very important. The law of Georgia “on Arrangement of Accounting the Tourists, who are incoming in Georgia and outgoing from Georgia” was also adopted on December 24, 1998. The Law of Georgia “on Promoting of Development of Free Tourism Zones, adopted on October 26, 2010 is also very important. Its purpose is Tourism Development and Promotion of Entrepreneurship in Georgia, for which this law establishes the conditions in Free Tourism Zones, for building and Functioning the Hotels, also Tax and other benefits. As for the Civil Legislation of Georgia: the eleventh chapter deals with exactly Tourist Service in the Civil Code of Georgia.

The document formed between a Travel Agency and a traveler is the legal tool of security for the both parties. That is why it should be profitable and safe. A traveler must know what the legal right he/she has, but a Travel Agency must know what a traveler can demand for it and what unforeseen expenses may be laid on it according to the demand of the second party of this agreement. Tourism Agreement defines the rights and responsibilities of the participants of the communication of service and regulates specific areas of service with other similar agreements of Bank Service, Transportation and Moving and Expedition Vehicle; the subject of this agreement is the provision of non-defected travel. The parties of Tourism Agreement are: on the one hand, an arranger of travel and on the other hand - a tourist. In the article 657 of the Civil Code of Georgia is marked that Tourist Enterprise presents the Travel Arrangement, ergo the legislator considers the Travel Service as the Industrial Activity; therefore, the arranger of travel may be only Enterprise, which realizes the accordance of Industrial Activity with the protection of the requirement of the Law “on Entrepreneurs” in the sphere of Tourist Service. The mentioned agreement is the bilateral consensual agreement where the one party - Tourist Enterprise has to arrange travel according to the condition foreseen with this agreement, but the second party – the tourist has to pay the respective amount to the arranger of travel in the term fixed in the agreement. The Consensual Nature of Tourism Agreement is that it is valid only after freedom of will and from the moment of signing the agreement by the parties. It should be noted, that the regulated norms (the articles 657-667 of the Civil Code) of the agreement of Tourism Service do not include the direct reference about the form of the agreement in the Civil Code of Georgia, but with the content of adequate articles and the observer practice there turns out that it must be signed in written form and even the simple written form is enough for the authenticity of such agreement. However, it is also possible to draw up such agreement with oral form, but in this case the parties will not feel themselves secure, in view of the fact, that if one side violates the taken commitments and then refuses the existence of such agreement, because of being the agreement in written form, settlement of disputes of similar type is related to the whole range difficulties in the practice.

In Georgia the biggest difficulty in Tourist Service is the fact that calculation of incomes received from Tourism cannot be implemented in our country today. Because of the lack of mechanism of regulation and appropriate Accounting System, the incomes received from rented premises by the private persons in the resorts cannot be recorded. Everything this leads to the fact that funds in fact included in the budget of the country from Tourism are very limited, or it is not in compliance with

the number of incoming tourists. The given problem can be solved by the World Tourism Organization with the other International Organization in Georgia by studying the system of Satellite Accounting of developed tourism, with adaptation for Georgia and then by its introduction in the country.

The most important instruments of the State Regulation of Activities of Tourist Organization are: standardization, licensing and certification. So the State must define the methods and criteria of evaluation of degree of activities, in order to ensure a customer the comfort and service meet strictly defined rules and standards accepted by him/her. Despite the fact that the State Politics of Tourism of Georgia is quite effective and dynamic for today, there is much work with the mentioned direction, these are: from this point of view, development of more liberal mechanism of taxation as well as introduction of strict standards of licensing is very important. Particular attention should also be given to the question of certification of hotels, which should be the guarantee of stability for an owner, but the good opportunity of supplying the information on the quality of existent service for a customer.

Conclusion

Together with all the above mentioned, we should not miss out of sight the fact that the existing legislation needs serious overview, because it no longer responds to the modern requirements and realities. In the last decade the new directions of tourism, the new technologies and the new requirements became urgent; that is why for Tourism Development in Georgia it is necessary to revise the existing law and propose the relevant amendments, in order to harmonize it with the Current Legislation of Georgia as well as with International Requirements and Agreements. It should also be noted that Tourism Development will be impossible without multi-sector cooperation; that is why it is desirable to revise the relevant sector legislation from time to time and carry out the appropriate changes. In the sphere of Tourism, in addition to legislation, it is very important to form the well-thought-out regulatory system and the documents. Regulatory Framework should be as simple as possible; although, it should foresee the protection of interests as of the State, also Users and Suppliers. Such Action Plan would bring all efforts directed towards Tourism Development in the United Coordinated System, which will increase the efficiency and save resources and time.

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