Regulations

the Committee for Reviewing Violations of Tourism Law and its Regulations



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Ministry of Tourism

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Chapter One: Definitions

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Article 1

In these Regulations, the following terms and phrases shall have the meanings assigned thereto, unless the context requires otherwise:

- **Law:** Tourism Law.
- **Implementing Regulations:** Regulations issued for the implementation of the Law.
- **Regulations:** Regulations for the committee on reviewing violations of the Tourism Law and its Regulations.
- **Ministry:** Ministry of Tourism.
- **Minister:** Minister of Tourism.
- **Committee:** The Committee for Reviewing Violations of the Law and its Regulations, as stipulated in Article 15(1) of the Law.
- **Secretariat:** The general secretariat of the Committee.
- **Tourism Inspector:** Any person appointed, whether individually or with others, pursuant to a decision by the Minister to assume inspection duties as per the Law and its Regulations.
- **Visit Report:** A paper or electronic document comprising inspection results.
- **Violation:** Any incident violating the Law or its Regulations.
- **Violator:** Any person with a natural or legal capacity that commits a violation.
- **Schedule of Violations and Penalties:** A table issued by the Minister, classifying violations of the Law and its Regulations and indicating their corresponding penalties.
- **Damage:** Financial losses sustained by an affected person as a result of the violation.
- **Compensation:** An amount paid to redress the damage resulting from a violation, including the costs of rectifying conditions and rehabilitation incurred by the violator if rehabilitation is not possible.
- **Rehabilitation:** Any action or measure to remove or mitigate the effects of the damage that occurred as a result of the violation and to restore things to their original condition, if possible.

- **Tourism Activities:** Activities that fall under the Ministry's competence, including tourist guiding, travel and tourism services, management or operation of accommodation facilities, providing tourism consultations, trial activities, and the like, which are determined by the regulations of the Law, as determined by the Regulations of the Law, as well as activities, determined, pursuant to a Council of Ministers Resolution, to be subject to licensing by the Ministry.
- **Technological Means:** All electronic means approved by the Ministry for the purpose of implementing the Law and its Regulations.
- **Procedural Guides:** A document that includes instructions, guidelines, criteria, or others to specify the detailed procedures complementary to these Regulations, in accordance with the provisions of the Law and its Regulations.
- **Official Address:** The address registered in the license or permit, the national address, or the contact information of the activity practitioner, whatever their types, as obtained by the Ministry.



Chapter Two: Committee Formation and Membership

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Article 2

1. Pursuant to a decision by the Minister, a committee, or more, shall be formed of at least 3 members, one of whom shall be specialized in law. Said decision shall designate the committee chairman and vice-chairman, and shall name substitute members, if any. The committee shall commence its work as of the date specified in the decision.
2. The committee's membership term shall not exceed three years, renewable pursuant to a decision by the Minister.
3. The Minister may specify in the committee formation decision its competence to consider violations related to one or more tourism activities, or to consider violations committed within specific places.

Article 3

1. Committee membership shall terminate with the death of the committee member or pursuant to a decision of the Minister in the following cases:

a. If the member requests to discontinue his membership;

b. If the member is absent for five consecutive meetings, or eight non-consecutive meetings, without a reasonable and acceptable excuse;

c. If the member's interests conflict with his duties and responsibility in the committee.

2. The committee's vice-chairman shall replace the chairman in his absence in all matters necessary to carry out the committee's work.
3. The committee shall be reconstituted pursuant to a decision of the Minister if the number of committee members no longer satisfies the necessary quorum stipulated in Article 2 of these Regulations.

Article 4

The Minister shall determine the following:

1. 1. The remuneration of committee members, including disbursement thereof and entitlement thereto.
2. 2. The minimum and maximum number of violations to be reviewed in each meeting.

Article 5

A committee member shall:

1. Avoid disclosure of any confidential information that they become privy to by virtue of their position, even after the termination of their membership;
2. Disclose any relation (up to the fourth degree), interest, or conflict with the violator and refrain from considering the violation; said action shall be recorded in the meeting record.
3. The committee chairman shall, in the event that any of the cases referred to in Paragraph (2) of this Article applies to the chairman or to any committee member for whom a substitute member could not be appointed, report the matter to the Minister to take the necessary measures to appoint a substitute member in his place, or refer the violation to another committee, if any.

Article 6

The committee chairman shall undertake the following tasks:

1. Distribute duties and tasks among committee members and organize same to ensure implementation thereof;
2. Chair the committee's meetings in accordance with the provisions of these Regulations;
3. Address the Ministry or other concerned authorities to request the necessary documents or clarifications regarding issues presented to the committee;
4. Report to the Minister – or his designee – on any obstacles facing committee work, and submit proposals to address same.



Chapter Three: Committee's Competencies and Powers

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Article 7

The committee shall have the following competencies:

1. Consider violations of the provisions of the Law and its Regulations and impose the penalties stipulated in Article 16 of the Law, with the exception of instant fines that are issued by the tourism inspector pursuant to the Schedule of Violations and Penalties;
2. Order the violator to remove the violation as per its type and nature within an appropriate period to be determined by the committee;
3. Obligate the violator to rehabilitate the impacts resulting from the damage caused by the violation, if any, as per its nature within an appropriate period to be determined by the Committee;
4. Obligate the violator to pay compensation for the damage resulting from the violation, if any, as per its nature and consequences;
5. Order the violator to return the amounts or gains obtained as a result of the violation to their owners, or to the public State treasury; and
6. Refer any incident, violation or crime beyond its competence to the competent authority.

Article 8

The committee shall have the following powers:

1. impose a fine for each day the violator continues to commit the violation after being notified of the committee's decision, provided that the amount of the fine be charged from the date specified by the decision and that the nature of the violation committed and its gravity in each case, as well as the aggravating and mitigating circumstances thereof, be taken into consideration;
2. Double the penalty imposed on the violator in the event of a repeat violation, as per the Schedule of Violations and Penalties. The violation shall be deemed repeated if it occurs within one year from the date of committing the previous violation;
3. Include in the penalty decision a requirement to publish its content at the violator's expense in accordance with the Law, provided that the publication comprises the following elements:

a. The violator's name and trademark, if any;

b. The violation committed; and

c. The penalty imposed.

The committee may include any additional item not listed in this paragraph, in accordance with the relevant laws.

Article 9

The committee may, in order to perform its duties, carry out the following:

1. Request a statement from the Ministry's sectors and departments, or from other agencies, regarding any document, data, information, or studies related to the issues presented thereto;
2. Carry out the inspection required to consider the issues presented thereto, or assign one or more of its members to do so, provided that a report of the results is prepared and delivered to the committee within 5 working days from the date specified for the inspection;
3. Call on the tourism inspector who prepared the visit report, or the person against whom the report was prepared, or other persons to hear their statements or to provide written or electronic responses pertaining to the issues reviewed by the committee. If, for any reason, the statements could not be heard, the chairman may postpone reviewing the issue until such statements are heard, or the responses are received; and
4. Seek the assistance of a technical expert or specialist to provide advice or opinion about the issues reviewed by the committee, without having the right to vote on the committee's decisions. Stakeholders shall incur all relevant expenses if the violation is established.



Chapter Four: Committee's Meetings and Decisions

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Article 10

1. The committee shall hold its meetings confidentially at the specified venue, and it may convene elsewhere whenever the need arises. It may also hold its meetings and take decisions by technological means.
2. A committee meeting shall not be deemed valid unless attended by at least three members, including the committee chairman or his deputy. No person other than committee members may attend said meetings except with the approval of the committee chairman.

Article 11

1. Minutes shall be prepared for each meeting; in these minutes, the attending members, meeting's opening time, meeting venue, issues discussed, procedures and incidents reviewed, and decisions made – shall be recorded.
2. The committee chairman, attending members, and any individual whose statement was heard during the meeting, shall sign the meeting minutes; electronic signatures shall be deemed valid if used.

Article 12

Committee decisions shall be passed by the majority vote of attending members. In case of a tie, the chairman of the meeting shall have the casting vote. A dissenting member may request his objection and reasons therefor to be entered into the meeting minutes.

Article 13

1. The committee shall abide by the provisions of the Schedule of Violations and Penalties upon reviewing violations.
2. The committee shall, upon reviewing the violation, consult its records and those of the Secretariat to determine whether or not the violator has previously committed the same violation, and to determine the decisions taken in this regard, in order to take such precedents into consideration upon determining and doubling the penalty. The violation shall be deemed repeated if it is definitely established to have occurred within one year from the date of committing the previous violation;

Article 14

The Secretariat shall approve a standard form for committee decisions, including the following main elements:

1. The violator's name and other relevant information, including his identification number or commercial register number, number of license or permit issued by the Ministry, if any, the trademark, if any, and the number and date of the visit report;
2. The statutory provision that was violated, a description of the committed violation, a summary of the relevant facts, and the operative part of the decision and reasons therefor;
3. The decision number and date, and the chairman's signature; electronic signatures shall be deemed valid if used;
4. Providing for the violator's right to appeal the penalty decision in accordance with the relevant regulatory procedures;
5. Specifying a timeframe by the committee for removal of the violation, if any, and stipulating that the violator is required to notify the Ministry immediately after implementing the decision;
6. Providing for specifying the date at which the fine for continuing the violation shall be calculated, and determining its amount, if any.

The committee shall have the right to add any item not stated in this Article.

Article 15

Subject to Article 14(5) and (6) of these Regulations, the implementation of the penalty decision shall be verified by the tourism inspector whenever the violator notifies the Ministry of implementation or after the lapse of the period specified in the penalty decision, provided that establishing whether or not the decision was implemented be stated in the visit report.



Chapter Five: Administrative and Technical Duties Required for Conducting Committee Work

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Article 16

A general secretariat for the committee shall be formed by a decision of the Minister, or his designee. Said decision shall determine its secretary and administrative affiliation. The Secretariat shall provide full support to the committee in administrative and technical work, and shall have a sufficient number of employees.

Article 17

The General Secretariat shall provide the necessary administrative and technical services to carry out committee work, including the following:

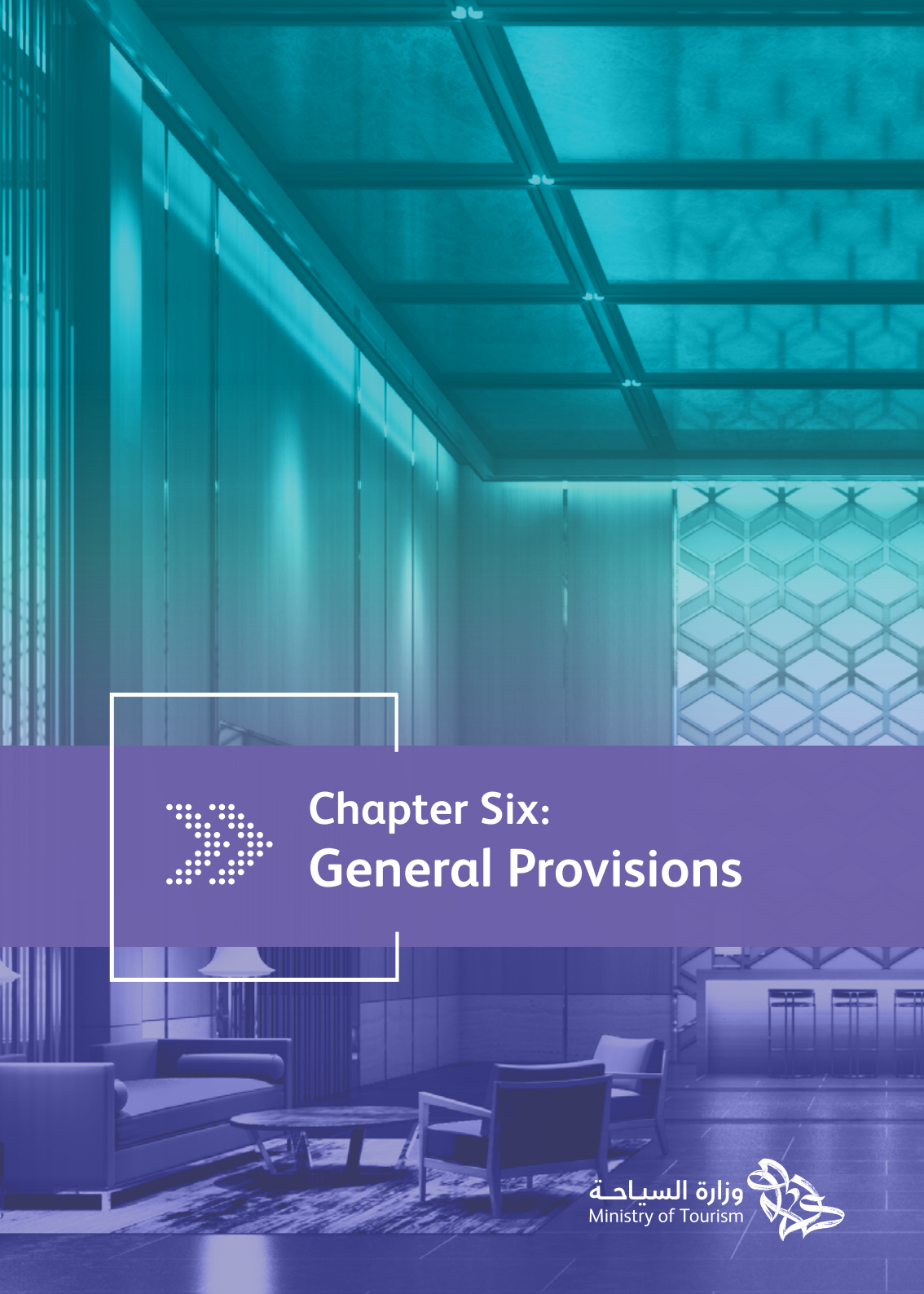
1. Receive and record the issues referred or addressed to the committee, and notify the committee chairman thereof;
2. Examining the recorded issues, request completion of the necessary data and attachments related thereto, and coordinate with the committee chairman when necessary;
3. Prepare, as decided by the committee chairman, for consideration of the issues subject to the competence of the committee upon completing the relevant data and attachments;
4. Organize the committee's agenda and meetings, and invite members thereto, in coordination with the committee chairman;
5. Prepare and archive the committee's meeting minutes, decisions, and speeches, using the forms approved for such purposes;
6. Take the necessary measures to keep the visit report and its attachments, return said report to the Ministry or refer same to the competent authorities, as decided by the committee;
7. Issue the penalty decision;
8. Notify the violator and stakeholders of the penalty decision issued by the committee at their official addresses;
9. Archive all documents received and issued by the committee, and the judgments of the competent courts issued in connection with its decisions, in a special record;
10. Prepare the committee's letters addressed to the Ministry's sectors and departments, or other agencies;
11. Inform the competent departments of the Ministry of the committee's decisions and appendices, and coordinate in this regard with the committee chairman; and
12. Carry out other administrative and technical tasks assigned thereto within its competence.

Article 18

Without prejudice to the relevant laws, if the Ministry fails to obtain the official address of the violator required to be notified, or if it is not possible to notify him, the Ministry may, through the Secretariat, notify him in any other way by which notification is achieved.

Article 19

The Secretariat shall prepare a detailed report to be presented to the Minister on an annual basis, including the committee's achievements, and proposed recommendations for developing its performance and facilitating its work.



Chapter Six:
General Provisions

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Article 20

The committee shall apply the rules and procedures for rehabilitation and payment of compensation for any damage resulting from the violation, as approved by the Minister, or his designee.

Article 21

The procedural guides required to implement the provisions of these Regulations shall be issued pursuant to a decision of the Minister or his designee, upon the recommendation of the Ministry, and shall be updated in the same manner.

Article 22

Any correspondence sent by the Ministry to stakeholders at their official addresses shall be deemed an official notification.

Article 23

These Regulations shall be issued pursuant to a decision by the Minister, shall be published in the Official Gazette, and shall enter into force as of the date of publication thereof.


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