

TURISMO DE PORTUGAL LAUNCHES THE PORTUGUESE TOURISM REGISTRY ON THE INTERNET

THE FIRST PHASE COVERS RESORTS AND TOURIST ANIMATION
AGENTS

In the wake of Decree-Law No. 191/2009, 17 August (the “National Tourism Policy”) **on 15 January 2010 the Portuguese Tourism Registry (“RNT”) began operation. Its purpose is to provide information at a national level on tourism business ventures in operation in the country.**

Previously, Decree-Law No. 39/2008, 7 March (the “Legal Regime for the Installation, Operation and Functioning of Resorts” or “RJET”) had created the **National Resorts Registry (the “RNET”)**, which was made available on the website of Turismo de Portugal, I.P. and consists of a **list of resorts with a valid opening title**. The list includes the names, classification, capacity and location of the resorts, periods of operation and identity of their operators. The timeliness of RNET is met because pursuant to the RJET, any facts constituting an amendment to the registry need to be communicated by the operator to Turismo de Portugal, I.P., within 10 days of verification. The expiry of the authorization of use for touristic purposes determines the cancellation of the tourism venture's registration with RNET.

Decree-Law No. 228/2009, 14 September, changed and republished the RJET. In addition to extending the deadline for conversion of resorts with respect to classifications and categories established in RJET prior to 31 December 2010, Decree-Law No. 228/2009 establishes that it is the responsibility of Turismo de Portugal, I.P., to register the reconverted resorts with the RNET.

On 15 June 2009, the new “Legal Regime of Tourist Animation Companies and Maritime-Tour Operators” or “RJAT” entered into force, (Decree-Law No. 108/2009, 15 May), which established the conditions of access and operation of tourist animation companies and maritime-tour operators and created the **National Registry of Tourist Animation Agents (“RNAAT”)**, in which registration by agents is a condition precedent to the exercise of the pertinent activity. This registry is organized and made available online by Turismo de Portugal, I.P. It comprises **an updated list of tourist animation companies and maritime-tour operators with valid titles for the exercise**

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BRIEFING

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of such activities and for operating in the market, thus allowing the monitoring and follow-up regarding the evolution of the sector and better supervision by public authorities. Companies licensed on the date of entry into force of the RJAT are considered registered under it, its license number having automatically been converted into the company's registration number in the RNAAT, provided that the required legal guarantees are still valid. As for maritime-tour operators licensed as such at the date of entry into force of the RJAT, these companies had to request their registration in the RNAAT with Turismo de Portugal, I.P., without additional charges within six months from the publication of the RJAT. As with the RNET, any change of particulars must be communicated to Turismo de Portugal, I.P. within 30 days. This communication is intended to update the RNAAT, and may lead to the modification of the particulars recorded, may include an amendment to the registry or may lead to the suspension or cancellation of the registry. It is the responsibility of Turismo de Portugal, I.P., to communicate the change of the particulars of the registration to the competent authorities.

Hence, and as foreseen in the National Tourism Policy, the RNT, of the responsibility of Turismo de Portugal, I.P., is intended to centralize and make available for access information regarding resorts and tourism companies operating in Portugal. The information of the RNT is of the responsibility of the user, the private operator but it is monitored by Turismo de Portugal, I.P. The user is obliged to keep the information up to date.

According to Turismo de Portugal, I.P., hotels, resorts, touristic apartments, rural tourism facilities, camping and caravan sites and tourist animation agents - tourist animation companies and maritime-tour operators are required to register with the RNT and this requirement is to be extended later to other activities such as local accommodations, travel agencies, etc.

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legally operate*

Regarding Tourist Animation Agents their registration is a necessary condition for the exercise of their activity. The current list of registered agents includes companies that are legally allowed to exercise their activities in accordance with the RJAT. **A Tourist Animation Agent that is not registered cannot legally operate.**

The non-presentation of a request for the revision of the classification of the resort with the required legal anticipation and the lack of presentation of the requirement needed for the reconversion of the classification under the RJET constitute an administrative infraction

Concerning resorts, the list of resorts will only be completed when all existing resorts have been reconverted under the RJET. **In accordance with the RJET, the non-presentation of a request for the revision of the classification of the resort with the required legal anticipation and the lack of presentation of the requirement needed for the reconversion of the classification under the RJET constitute an administrative infraction** punishable with a fine ranging from €5.000 to €25.000. Considering the seriousness of these infractions and their repetition, as well as the guilt of the agent, ancillary penalties may be applicable, such as: a) confiscation of the means used to carry out the infraction; b) suspension, for a period of up to two years, of the exercise of the activity directly related with the infraction at hand; c) closing, for a period of up to two years, of the resort or the facilities where the not duly licensed services are being provided - when this last ancillary penalty takes place, the permit, if such exists, is voided and confiscated by the relevant municipality, as a result of an own-initiative procedure or at the request of Turismo de Portugal, I.P., or of the Portuguese Authority for Food and Economic Safety ("ASAE").

Finally, we want to note that access to the RNT is made from the website of Turismo de Portugal, I.P., under "Serviços na Web" (available only in Portuguese). The security of the registration and of the access to the registry is guaranteed with the adoption of the Finance Ministry authentication system, through a tax number and password associated with it.

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