

**Law n° 2008-33 dated 13 May 2008, relating to the  
touristic accommodation in time-share (1).**

In the name of the People,  
The Chamber of Deputies and the Chamber of Advisors  
having adopted,  
The President of the Republic enacts the following law :

(1) Preparatory works :

Discussion and adoption by the Chamber of Deputies during  
its session held on 6 May 2008.

Discussion and adoption by the Chamber of Advisors during  
its session held on 8 May 2008.

CHAPTER ONE  
GENERAL PROVISIONS

Article one - The law herein governs the activities of tourism accommodation in time-share.

Art. 2 - The Touristic accommodation in time-share is the enjoyment of a right of accommodation for a limited duration in a touristic establishment arranged for this purpose, and this, in accordance with the provisions of the law herein.

This right may be transmitted by assignment, loan, rent, exchange and inheritance.

Art. 3 - The duration of enjoyment of the right of accommodation in time-share can not be less than a week per year over a minimum five -year period.

This right may be renewable by agreement between the company of touristic accommodation in time-share and the beneficiary. The agreed upon period of enjoyment may also be modified within the limit of the unit capacities.

Art. 4 - The contracts of enjoyment of the right of touristic accommodation in Time-share are not subjected to the legislation governing the real estates operations.

Chapter II  
**Provisions specific to the companies of  
touristic accommodation in time-share**

Art. 5 - Touristic accommodation in time-share is practiced within the framework of commercial company established in accordance with the code of the commercial companies and the provisions of the law herein.

The company cannot commercialize or sell the weeks of touristic accommodation in time-share before the total realization of the project of construction of the units of touristic accommodation in time-share, or if it is not the owner of these units. It is prohibited to it to resort to subcontracting in the marketing operations.

Art. 6 - The touristic accommodation companies mentioned above in article 5, shall obtain a prior authorization of the Minister charged of Tourism.

The conditions of obtaining this authorization are fixed by decree.

Art. 7 - These companies shall provide an uninterrupted banking guarantee as a guarantee of their professional obligations towards the customers.

The value of this guarantee and the conditions of its management are fixed by order of the Minister charged of Tourism and the Minister charged of Finance.

Art. 8 - It is prohibited to the companies of touristic accommodation in time-share to cumulate the activity of touristic accommodation in time-share and the ordinary activity of accommodation.

Art. 9 - In case where the touristic unit reserved for touristic accommodation in time-share is built upon a registered building, the promoter shall require the inscription on the land title that the building is subjected to the regime of touristic accommodation in time-share.

Chapter III  
**Provisions relating to the contracts of  
assignment**

Art. 10 - All the operations relating to the assignment of a right of enjoyment of touristic accommodation in time-share, shall be concluded in writing, in accordance with a standard contract, notably comprising the following mentions:

- identities of the contracting parties,
- the reference of the agreement of the Minister charged of Tourism for the realization of the project,
- a detailed description of the residence and flat subject of the contract,
- rights and obligations generated to both parties by the contract within the meaning of the law herein,

The writing shall imperatively be established in Arabic language and in another language on the choice of the customer and in four copies, at least.

The standard contract is approved by order of Minister charged of Tourism.

Art. 11 - It shall be granted to the beneficiary of the right of accommodation in time-share, a 15-day deadline starting from the date of the signature of the contract, called " consideration deadline ". During this deadline, the beneficiary has the right to retract unconditionally, without justifying the reasons and supporting any expense. However, the beneficiary shall inform of his retraction decision by a mean leaving a written record.

It is prohibited to the companies of touristic accommodation in time- share to perceive during the consideration deadline any financial advance or payment commitment of whatever nature.

The contract shall mention this article in capital letters.

Art. 12 - The company shall obligatorily remit to the beneficiary, a specimen of the internal regulation and the signed contract. The internal regulation shall fix the characteristics of the accommodation unit, its collective equipments and the general conditions of its exploitation.

Art. 13 - In the event of assignment or rent of the right of enjoyment of accommodation in time-share, the new beneficiary shall notify the company of touristic accommodation in time-share within a one-month deadline, the date of the contract conclusion.

The new beneficiary enjoys all the rights and advantages arising from the initial contract and is subjected to the same obligations.

Chapter four  
**Exploitation of the units of touristic  
accommodation in time-share**

Art. 14 - To commercialize their products on the international level, the companies promoters of the projects of touristic accommodation in time-share are affiliated, without prejudice to the legislation and the regulation

relating to the exchanges and the foreign trade, to an international market of exchange of holidays in time-share.

Art. 15 - The companies of touristic accommodation in time-share shall be managed by a director meeting the conditions provided for by the legislation and the regulation in force relating to the directors of touristic establishments providing the accommodation services.

Art. 16 - The establishments created in accordance with the law herein are subjected to the legislation and the regulation in force relating to the control of the management of the establishments of tourism.

Art. 17 - The beneficiary of a right of accommodation is bound to exercise and enjoy it, in a peaceful and ordinary way, and shall respect the good neighborliness rules.

Art. 18 - The beneficiary can exchange his right of enjoyment of accommodation with another beneficiary in the same unit or in other similar units, whether within the country or abroad.

Art. 19 - The company of touristic accommodation in time-share shall deposit a copy of the contract of assignment concluded between it and the beneficiary at the concerned competent departments of the Ministry of Tourism against receipt, and this, within a deadline not exceeding 30 days as of the date of the signature of the contract.

Art. 20 - The beneficiary of the right of accommodation shall annually pay the common expenses necessary to the maintenance and upkeep of the touristic accommodation units.

The amounts relating to these expenses and the methods of their payment are fixed by the internal regulation in the form of an annual lump sum reviewable each two years according to the inflation rate.

the Non-payment by the beneficiary of the right of accommodation of the common expenses during two successive years involves the suspension of his right of enjoyment until payment of the expenses.

If the beneficiary does not pay the expenses during the year which follows the suspension of his right, the company of touristic accommodation can ask for the termination of the contract after notification of the beneficiary by registered letter with acknowledgement of receipt, by granting him a three-month deadline, at least, to regularize his situation.

## Chapter V Sanctions

Art. 21 - Any infringement of the provisions of the law herein is noticed by minutes established in accordance with the provisions of the criminal proceedings code by the judicial police officers mentioned in paragraph 3 and 4 of article 10 of the aforesaid code and the sworn agents of the tourism administration charged of the control of the touristic establishments or any other agent duly authorized for this effect.

The minutes are directly submitted to the Minister charged of Tourism who transmits them to the Public

prosecutor sitting in the competent Tribunal of first instance.

Art. 22 - Whoever exercises the activity of touristic accommodation in time-share without the prior authorization provided for by article 6 of the law herein is punished of a fine of 20 thousand dinars and of an immediate closure of his establishment. The Tribunal can order the publication of the contents of the judgment in the daily newspapers at the expense of the sentenced person.

Art. 23 - Is punished of a fine of 15 thousand dinars, the company of touristic accommodation in time-share which:

- Cumulates the activity of touristic accommodation in time-share and the ordinary activity of accommodation,

- Or is not managed by a director meeting the conditions provided for by the legislation and the regulation in force relating to the touristic establishments directors providing accommodation services,

Or did not deposit a copy of the assignment contract provided for by article 19 of the law herein at the competent departments of the Ministry of Tourism.

Art. 24 - Is punished of a fine of 10 thousand dinars, the company of touristic accommodation in time-share which:

- concludes an assignment contract of the right of enjoyment of accommodation in time-share ignoring the standard contract provided for by article 10 of the law herein,

- Or which perceives a financial advance or commitments of payment during the consideration deadline.

Art. 25 - In the event of relapse, the fines provided for by articles 22, 23 and 24 of the law herein are doubled.

Art. 26 - Is punished of the sanctions provided for by article 291 of the penal code, whoever who presents fictitious promises of donations or gifts or who makes use of tricks or cunning to attract customers.

Art. 27 - The Minister charged of Tourism can temporarily suspend the activity of the offending establishment for a period not exceeding six months, after the hearing of its legal representative, and this in the following cases:

- Infringements of the provisions relating to the assignment contracts provided for by article 10, 11 and 12 of the law herein,

- breach of one of the conditions relating to the exploitation of the touristic accommodation units in time-share provided for by articles 14 and 15 of the law herein,

- breach of the maintenance obligation,  
- the plurality of the activity of touristic accommodation in time-share and the ordinary activity of accommodation.

- the default of deposit of a copy of the assignment contract provided for by article 19 of the law herein.

Art. 28 - In the event of temporary closure of the establishment, the promoter assumes the stay expenses of the beneficiaries during the period of closure in a hotel or a unit of the same category within the same region, unless the parties otherwise agreed upon.

Art. 29 - In the event of serious proven violations, the tribunal may pronounce the definitive closure of the establishment. In this case, the contracts concluded with the concerned company of accommodation are automatically terminated. The beneficiaries can ask for the repayment of the due amounts without having benefited from a counterpart and this, notwithstanding their right to the compensation for damages due to the closure of the establishment.

## Chapter VI Transitory provisions

Art. 30 - Whoever having commercialized a product of touristic accommodation in time-share before the promulgation of the law herein shall regularize his situation in accordance with its provisions within a one-year deadline starting from the date of its entry into force, while

respecting the provisions of the contracts concluded between the beneficiaries and the companies of touristic accommodation in time-share.

All the authorizations granted before the promulgation of the law herein are automatically cancelled within the one-year deadline indicated above. In this case, the beneficiaries can ask for the repayment of the due amounts without having benefited from a counterpart and this, notwithstanding their right to the compensation for damages due to the closure of the establishment.

Art. 31 - All prior and contrary provisions to the law herein and notably law n° 97-46 dated 14 July 1997 relating to the touristic accommodation in time-share shall be repealed.

The law herein shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 13 May 2008.

**Zine El Abidine Ben Ali**