

Decree n° 2009-1935 dated 15 June 2009, fixing the conditions of obtaining the preliminary authorization to the exercise of the touristic accommodation in time-share activity.

The President of the Republic,

On a proposal from the Minister of Tourism,

Having regard to decree-law n° 73-3 dated 3 October 1973, ratified by law n° 73-58 dated 19 November 1973 relating to the control of the tourism establishments management, as amended and completed by law n° 2006-33 dated 22 May 2006 simplifying the procedures in the field of the administrative authorizations relating to the tourism sector,

Having regard to decree-law n° 73-4 dated 3 October 1973, ratified by law n° 73-59 dated 19 November 1973 relating to the control of the tourism establishments construction,

Having regard to the insurances code promulgated by law n° 92-24 dated 9 March 1992, all amending and completing texts notably law n° 2008-8 dated 13 February 2008,

Having regard to law n° 2008-33 dated 13 May 2008, relating to the touristic accommodation in time-share and notably article 6,

Having regard to the code of security and prevention of the hazards of fire, explosion and panic in the buildings promulgated by Law n° 2009-11 dated 2 March 2009,

Having regard to decree n° 2005-2122 dated 27 July 2005, fixing the attributions of the Ministry of Tourism,

Having regard to decree n° 2006-2215 dated 7 August 2006, fixing the conditions of qualification for the exercise of the activity of tourism establishment of the providing accommodation services director,

Having regard to the opinion of the Administrative Court,

Having regard to the opinion of the Competition Council.

Orders the following:

Article one - The decree herein fixes the conditions of obtaining the preliminary authorization to the exercise of the touristic accommodation in time-share activity.

Art. 2 - The company wishing the obtaining of the authorization mentioned in article one of the decree herein shall be constituted in accordance with the provisions of the commercial companies code and to be owner of a touristic accommodation unit completely achieved.

Art. 3 - The legal representative of the company of touristic accommodation in time-share shall deposit a request for obtaining the preliminary authorization to the exercise of the touristic accommodation in time-share activity at the departments of the Tunisian National Office of Tourism.

The aforementioned request shall be accompanied by the following documents:

- Memorandum and articles of association of the company, whose subject shall only relate to the exercise of the touristic accommodation in time-share activity,

- a certificate of opening of an tourism establishment delivered in accordance with the provisions of decree-law n° 73-4 dated 3 October 1973 referred to above,

- a certificate delivered by the conservation of the land property for the registered building, notifying in the land title that the building on which the unit is built is submitted to the regime of touristic accommodation in time-share,

- a descriptive statement of the components of the unit of touristic accommodation in time-share, material of the apartments and their equipment,

- a copy of the internal regulation fixing the characteristics of the accommodation unit, its collective equipments and the general conditions of its exploitation,

- a conform copy of the insurance contracts according to provisions of the insurances code referred to above,

- a conform copy of the certificate of prevention delivered by the departments of civil protection in accordance with the provisions of the code of security and prevention of the hazards of fire, explosion and panic in the buildings referred to above,

- the list of the personnel accompanied by the justifications of their required professional competences,

- a copy of the declaration relating to the deposit of the specifications specific to the unit director,

- a copy of the uninterrupted banking guarantee mentioned in article 7 of law n° 2008-33 dated 13 May 2008 referred to above,

- a valid certificate of affiliation in an international stock exchange of holidays in time-share.

Art. 4 - The departments of the Tunisian National Office of Tourism proceed to the study of the requests of the exercise of the touristic accommodation in time-share activity and answer them within a deadline not exceeding a month as from the date of the request comprising all the documents provided for in article 3 above-mentioned.

If the request or the documents which are annexed to it are incomplete or irregular, the applicant is informed by writing within a deadline not exceeding a month starting from the date of the request in order to withdraw the request, regularize it or complete it.

The applicant shall regularize his request within a deadline not exceeding a month starting from the date of his notification. Passing this deadline without answer, the request is considered null.

Art. 5 - The Minister of Tourism shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 15 June 2009.

Zine El Abidine Ben Ali