

**Decree n° 2009-1934 dated 9 June 2009, classifying the tourism establishments of musical animation.**

The President of the Republic,

On a proposal from the Minister of Tourism,

Having regard to law n°59-147 dated 7 November 1959, governing the bars and similar establishments and all amending and completing texts and notably law n° 2001-27 dated 8 March 2001,

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 and notably article 2,

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 law n° 91-64 dated 29 July 1991, relating to competition and prices and all amending and completing texts notably law n° 2005-60 dated 18 July 2005,

Having regard to the territorial development and urbanism code promulgated by law n° 94-122 dated 28 November 1994 and all amending and completing texts notably law n° 2009-9 dated 16 February 2009,

Having regard to law n° 98-17 dated 23 February 1998, relating to the prevention of the nicotinism damages,

Having regard to law n° 2004-75 dated 2 August 2004, suppressing the authorizations and reviewing the administrative requirements relating to certain commercial, tourism and leisure activities,

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° 76-977 dated 11 November 1976, fixing the attributions and the operating procedures of the Tunisian National Office of Tourism and all amending and completing texts and notably decree n° 86-89 dated 8 January 1986,

Having regard to decree n° 89-432 dated 31 March 1989, relating to the classification of the restaurants of tourism,

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

Having regard to decree n° 2007-457 dated 6 March 2007, relating to the classification of tourism establishments providing accommodation services,

Having regard to the opinion of the Administrative Court,

Having regard to the opinion of the Competition Council.

Decreases the following:

Article one - Are considered establishments of tourism, the tourism establishments of musical animation which receive tourism customers in arranged areas, closed or in the open air, and which essentially services of music, recorded or presented by a musical band with amplification of sounds, dance and any kind of show, accompanied or not by food and drinks services.

The provision of the services of food and drinks fermented or alcoholic within the tourism establishments of musical animation is ensured in accordance with the regulations in force.

Art. 2 - The tourism establishments of musical animation are classified, according to their material characteristics and the contents of their services, in four groups as follows:

- cabarets,
- nightclubs,
- discotheques,
- tourism restaurants which provide artistic shows or which diffuse amplified music.

Art. 3 - The dimensional, functional and management of the tourism establishments of musical animation minimal standards will be fixed by order of the Minister in charge of Tourism.

Art. 4 - Is considered "cabaret ", the tourism establishment of musical animation which only opens the night, and which is arranged in a closed area to provide artistic shows and programs and leisure, with the consumption of food and alcoholic and nonalcoholic drinks.

Art. 5 - Is considered "nightclub ", the tourism establishment of musical animation which only opens the night, and which is arranged in a closed area, to allow the customers to dance and consume alcoholic and nonalcoholic drinks.

Art. 6 - Is considered "discotheque ", the tourism establishment of musical animation which opens the night as well as the day and which is arranged in a closed or in the open air area, to present artistic shows and to allow the customers to dance and consume food and alcoholic and nonalcoholic drinks.

Are excluded from the provisions of the first paragraph of this article, the music and dancing educational establishments.

Art. 7 - Is considered Tourism establishment of musical animation, the tourism restaurant classified in accordance with the regulations in force and which provides among its basic activities, artistic shows or which diffuses amplified music.

Art. 8 - The construction of the tourism establishments of musical animation is submitted to the legislation and regulations in force, and this, in accordance with the provisions of the decree-law n° 73-4 dated 3 October 1973, the provisions of the territorial development and urbanism code and the provisions of the code of security and prevention of the hazards of fire, explosion and panic in the buildings, referred to above.

Art. 9 - The tourism establishments of musical animation are submitted to the legislation and regulations in force relating to the sale of alcoholic drinks, with the fixing of the places assigned to the collective use in which it is interdict to smoke, the fixing of the opening hours of the premises intended for the exercise of certain tourism and leisure activities and the participation of foreign artists in artistic shows.

Art. 10 - The requests for classification of the tourism establishments of musical animation are addressed to the Tunisian National Office of Tourism and this, before the operation of the establishment.

Any request for modification of classification is addressed in accordance with the same procedures.

The tourism establishments of musical animation operated before the entry into force of the decree herein shall present to the Tunisian National Office of Tourism their request for classification in accordance with the provisions of the decree herein, and this, within a maximum six-month deadline as of its entry into force.

At the end of this period, the departments of the Tunisian National Office of Tourism carry out the obligatory classification of the above mentioned establishments in accordance with the provisions of the decree herein.

Art. 11 - The classification or modification of classification of the tourism establishments of musical animation is carried out by decision of the director general of the Tunisian National Office of Tourism, and this, on the basis of report presented for this purpose by the agents of the tourism administration in charge of the inspection and after opinion of the commission of the tourism establishments classification providing accommodation services provided for by decree n° 2007-457 dated 6 March 2007 referred to above.

Art. 12 - The commission secretariat is ensured by the departments of the Tunisian National Office of Tourism.

The commission works is consigned in the meetings minutes and inscribed in a special register held by the commission secretariat.

Art. 13 - The opinions of the commission are taken with the majority of votes of the present members and in the event of a tied vote, the president vote is casting. The commission may validly deliberate only in the presence of all its members. In the event of absence of the one of them, the commission sits within a ten-day deadline and validly deliberates whatever the number of the members present is.

Art. 14 - Any tourism establishment of musical animation is bound to affix at its principal entrance a sign delivered by the Tunisian National Office of Tourism indicating its classification group.

Art. 15 - The Minister of Tourism shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 9 June 2009.

**Zine El Abidine Ben Ali**