

The Tourism Rules and Regulations 2022



**Tourism Council of Bhutan
Royal Government of Bhutan
Thimphu, Bhutan**

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In exercise of the power vested by Section 11 and 13 of the Tourism Levy Act of Bhutan 2022, the Tourism Council of Bhutan hereby frames and issues the Tourism Rules and Regulations 2022 as follows:

CHAPTER 1 PRELIMINARY

Title

1. These rules and regulations are the Tourism Rules and Regulations 2022.

Commencement

2. These Rules and Regulations come into force on the 28th day of Seventh Month of Water Male Tiger Year corresponding to the 23rd September 2022.

Application

3. These Rules and Regulations apply to:
 - 1) The Tourism Council of Bhutan;
 - 2) Service providers providing tourism service;
 - 3) Tourist visiting Bhutan; and
 - 4) Relevant ministries, Government agencies, civil society organisation, offices, or an individual collaborating with the Tourism Council of Bhutan in facilitating tourism activities.

Revocation

4. These Rules and Regulations shall revoke the Tourism Rules and Regulation 2017, other rules, regulations, circulars, notifications and other procedures in relation to tourism which are inconsistent with these Rules and Regulations.

Objectives

5. The objectives of these Rules and Regulations is to:
 - 1) facilitate implementation of the Tourism Levy Act of Bhutan 2022;
 - 2) provide effective and efficient services to the tourist in upholding the tourism policy of High value, Low volume;

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- 3) provide clear requirements for registration, licensing, and renewal of licence for the service provider;
- 4) provide a code of conduct for the service provider;
- 5) provide standards and processes for assessment, certification, and monitoring; and
- 6) prescribe fines and penalties.

CHAPTER 2 TOURISM LEVY

Sustainable Development Fee (SUSTAINABLE DEVELOPMENT FEE)

6. A tourist shall be liable to pay a tourism levy known as the Sustainable Development Fee of USD 200 per night.

Exemption or concession levy

7. The Tourism Council of Bhutan may provide an exemption or concessionary levy rate on the applicable Sustainable Development Fee as provided in Section 9 of the Act.
8. The preferential Sustainable Development Fee of Nu.1,200, per person per night for tourist from India will remain in effect for two years, following which it may be reviewed and revised in keeping with the principle of the preferential rate.

Payment of Sustainable Development Fee

9. A tourist or service provider who receives a payment from tourist shall pay applicable Sustainable Development Fee as per the procedure prescribed by the Department of Immigration when applying for a visa or permit, whichever is applicable.
10. A tourist or service provider who receives a payment from tourist shall pay applicable Sustainable Development Fee including extension for duration of their stay as per the procedure prescribed by the Department of Immigration.
11. A day visitor spending a night within the border towns of Bhutan or traveling beyond the designated point shall pay applicable Sustainable Development Fee.

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Tour confirmed on or before 20th June 2022

12. A tourist that confirmed their tour under the Tourism Levy Act of Bhutan 2020 on or before 20th June 2022 shall continue to benefit subject to conditions imposed under the Tourism Levy Act of Bhutan 2020 and facilitate tour as follows:
- (1) The Tour shall be arranged through the identified tour operator and facilitated upon receiving an endorsement by the Tourism Council of Bhutan;
 - (2) Tour operator shall provide adequate documents of proof which may include remittance copy of payments, email correspondences, and any other documents, substantiating the claim of having arranged the tour and made the payment;
 - (3) Tourist shall pay the applicable Sustainable Development Fee as per the Tourism Levy Act of Bhutan 2020 ;
 - (4) Tour shall be facilitated as per the Tourism Levy Act of Bhutan 2020 and as notified by the Tourism Council of Bhutan; and
 - (5) Tours shall be arranged within 31st December, 2023.

CHAPTER 3 TRAVEL ARRANGEMENT

Visa or permit

13. A tourist visiting Bhutan or service provider on their behalf shall apply for visa or permit as per the procedure prescribed by the Department of Immigration.
14. A tourist or service provider on their behalf shall submit an application for a visa or permit including delay or extension and pay the Sustainable Development Fee as per the procedure adopted by the Department of Immigration.
15. A tourist with a visa or permit shall be allowed to visit any areas, except those which fall within the restricted areas. Tourist shall be allowed to visit restricted areas identified as trekking route by the Tourism Council of Bhutan if accompanied by trekking guide.

Monument and other fee

16. An entry fee to visit sites designated and notified by the relevant agency from time to time may be levied to those visiting such sites.

Planning tour

17. A tourist visiting Bhutan shall arrange:
 - (1) Accommodation;
 - (2) Tour guide;
 - (3) Travel insurance; and
 - (4) Transportation including airport pick-up.

Online portal for booking service providers

18. A tourist may book and arrange the tourism services through an online booking portal identified by the Tourism Council of Bhutan.
19. The Tourism Council of Bhutan shall not be responsible for any booking or arrangement made by tourist outside of the identified online booking portal.

Accommodation service

20. An accommodation certified by the Tourism Council of Bhutan shall provide the accommodation services to the tourist.
21. An accommodation provider or tour operator shall arrange accommodation if requested by tourist.
22. An accommodation provider shall register the required information of the tourist.
23. In areas that do not have certified accommodation or where certified accommodation is inadequate, the Tourism Council of Bhutan may approve alternative means of accommodation with certain prescribed conditions.

Guide service

24. A tour guide shall be mandatory for all tours except from the entry point until the first hotel. A tourist shall engage a guide with relevant specialization based on the nature of the tour and shall be open to choose and change tour guide as provided in these Rules and Regulations.

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25. A minimum of one guide shall be arranged for every ten tourists in a group or maximum of 15 tourists if accompanied by a tour leader.
26. The service provider that arranges the guide shall be accountable in case of any issue if a guide acts on the directives of the service provide. A guide shall not be held liable for breach where tourist has acted contrary to the advice of the tour guide.
27. A tour operator may arrange a certified guide if requested by the tourist. Tourist may refer list of licenced guides provided by the Tourism Council of Bhutan.

Transport service

28. The transport service provider or tour operator may arrange a transport service for the tourist if requested. The Tourist may refer to a list of certified transport service provided by the Tourism Council of Bhutan.
29. Hotel help desk may arrange to pick and drop of tourist to the port of entry or exit.
30. A tourist visiting Bhutan and traveling beyond the designated point, driving their own vehicle including two-wheelers, may be facilitated upon payment of Nu. 4500 per vehicle per night and upon fulfilling the requirements provided as follows:
 - (1) payment of applicable fee at the port of entry upon verification and inspection of the vehicle as well as the required documents.
 - (2) produce the valid relevant documents issued by the competent authority of their respective country, which are mainly the following:
 - a) Original driving licence;
 - b) Vehicle registration certificate;
 - c) Vehicle insurance;
 - d) Vehicular emission and road worthiness certificate assessed by the Road Safety and Transport Authority of Bhutan; and
 - e) Any other document as per the prevailing rules during verification.
 - (3) A tourist driving a foreign tourist vehicle shall adhere to all relevant rules and regulations, including the carrying capacity and road worthiness of the vehicle adopted by the Road Safety and Transport Authority.

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(4) A tourist shall have a licenced Bhutanese tour guide as provided under these Rules and Regulations; and

(5) The foreign tourist vehicle shall be used only for their travel and transportation purposes.

31. A tourist carrying out the motor biking tour using a foreign or Bhutanese registered motorbike shall adhere to the following:

(1) Motorbikes shall not be allowed on footpaths, walking trails, mule tracks, core zone of protected areas and any other areas restricted by the Road Safety and Transport Authority and any other relevant authorities.

(2) The tourist or service provider shall ensure that the following are provided for every ten tourists per group:

a) Road captain with valid Bhutanese driving licence and sound knowledge of the road; and

b) A backup vehicle with first aid kits and emergency support arrangements.

Tour and sightseeing

32. A tour and sightseeing services shall be provided by the tour operator if requested by tourist.

Package tour

33. A tour operator registered with the Tourism Council of Bhutan may arrange a tour package if requested by a tourist.

34. A tour operator shall ensure that all agreed services in the package are provided to tourist.

Rafting service

35. A person shall conduct the rafting services as per the rafting guideline adopted by the Tourism Council of Bhutan in collaboration with the relevant agency.

Customer service policy

36. The service policy shared with the tourist shall be agreed before providing the services and receiving the payment.

Payment on the service

37. A tourist shall make the payment to the service provider as per the agreed terms and conditions.
38. The service provider shall have no obligation to provide the agreed service to the tourist if the payment has not been received by the service provider as per their terms of service.

Lack of conformity

39. When the lack of conformity affects the performance of the agreed services, a tourist may:
- (1) Seek reimbursement of the related expenses provided they were necessary, reasonable and appropriate to the services in case tourism service provider does not remedy the lack of conformity, without delay.
 - (2) Either terminate the agreed arrangement without paying any cancellation fee or seek an adequate and fair price reduction for the part of services not performed.
40. The service provider shall not be liable if it proves that the lack of conformity is attributable:
- (1) To the tourist; or
 - (2) Third-party who has no connection with the provision of the services agreed, and is unforeseeable or unavoidable; or
 - (3) Due to unavoidable and extraordinary circumstances or emergency situations which could not have been foresee.

Notice of non-performance by the service provider

41. Where the service provider is aware of not being able to fulfil part or all of its obligations, prior to the start of the performance of the agreed services, it shall notify a tourist, without undue delay as well as of possible solution and the rights to which they are entitled under applicable laws.
42. A tourist shall be entitled to a 100% refund in case of cancellation by the service provider.

Cancellation of the services

43. A tourist may cancel the agreed tourism service at any time before the start of the service or in the course of providing the services upon payment of cancellation fee. The cancellation fee shall be based on the cancellation policy of the respective service providers.
44. While the cancellation shall be in accordance with the service provider's service policy, if there are no clear provisions for cancellation and refund in the service provider's service policy, the Tourism Council of Bhutan shall facilitate the resolution of any dispute related to the cancellation and refund as provided below:
- (1) 100% refund if cancellation is within eight or more days from the effective date of service;
 - (2) 50% refund of the agreed service cost if cancellation is within four to seven days from the effective date of service;
 - (3) 20% refund of the agreed service cost if cancellation is within two to three days from the effective date of service; or
 - (4) No refund if cancellation is within 24 hours from the effective date of service or later.

Force majeure event

45. In case of force majeure events such as issues relating to Bhutanese flight to international sectors, national and international disasters, the tourist or service provider shall be entitled to the refund of:
- (1) 100% of the agreed service cost if the event happens four or more days prior to the availing of services; or
 - (2) 80% of the agreed service cost if the event happens within three days from the date of availing of services.

Process of refund

46. Service provider shall pay an applicable refund without delay, once the cancellation is confirmed and agreed upon. In case of disputes, the refund shall be paid as per the directives of the Tourism Council of Bhutan or the Dispute Settlement Committee.
47. Service provider shall bear the transfer charges where the services are cancelled by service provider although the charges for the transfer of refund shall be deducted from the amount to be refunded if cancelled by the tourist.

Conduct of the tourist

48. A tourist visiting Bhutan may seek the help of service provider or relevant agency to understand the laws of Bhutan and the code of conduct provided by the Tourism Council of Bhutan or any other relevant agencies.

Accident

49. The standard operating procedure or guideline will guide if there are any cases of serious injury or death of a tourist.

Data protection

50. The service provider shall refrain from sharing any data, including fraudulent, deceptive, misleading, or incorrect data, to agencies or persons other than the lawful authority.

CHAPTER 4 TREKKING

Trekking permit

51. A tour operator shall provide a trekking services.
52. A trekking group shall obtain a valid trekking permit from the respective agency for trekking in areas with security installations and protected areas.
53. A tour operator shall arrange a licenced trekking guide with the necessary permit to lead every trekking tour. Every trekking group shall be equipped with safety and communication equipment as required by the Tourism Council of Bhutan.
54. A tourist of 18 years and below may be allowed to trek only with their parents or guardian or with the permission of a parent or a guardian, which shall be communicated in writing.

Responsibilities of a tour operator and trekking guide

55. Tour operator shall :
 - (1) ensure that guide conduct trek only on designated trails and camp at the campsites identified, updated and notified by the Tourism Council of Bhutan from time to time;

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- (2) assign one trekking guide for every seven tourists and maximum of 15 tourists in case accompanied by a tour leader;
 - (3) ensure that the trekking group shall abide by dos and don'ts issued by Tourism Council of Bhutan from time to time; and
 - (4) provide insurance coverage for trekking guide.
56. A trekking guide may inform the Tourism Council of Bhutan of any waste irresponsibly discarded by the other group at the campsite or trail.

CHAPTER 5 TOURISM SERVICE STANDARD

Tourism product and activity

57. The tourism activity shall be permitted as provided by the relevant law unless where it is identified by any relevant authority or as per law as prohibited area or activity.
58. All Tourism products shall be registered and certified with the Tourism Council of Bhutan.

Service provider

59. A person shall require valid licence, registration or certification as applicable to provide and promote tourism services.
60. The Tourism Council of Bhutan shall maintain the record and registry of service providers.
61. The tourism service provider shall maintain the current deposit account in any of the registered banks of Bhutan to receive and make payments related to the business operation as required by the Ministry of Finance.

Name of the tourism business establishment

62. An applicant while choosing the name for the tourism business establishment shall select those names that:
 - (1) are not identical or similar to trademarks or names of other entities within or outside the country unless such name are proposed with the written consent of original owner or any name with the common tourism phrases including:

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- a) tours, treks, adventure, excursions, expeditions, travels, vacations, holidays, luxury, journey, trips, getaways, dream, exclusive, exotics, explorer, global, trails, eco-, green, mountains, Himalaya, for tour operators;
 - b) hotels, resorts, restaurants, boutiques, and cafés for hotels or restaurant; and
 - c) Thunder Dragon for general.
- (2) do not contain an element like the institution of monarchy, religious figure, national symbols, national flag and emblem;
 - (3) do not use culturally, socially and politically sensitive elements in the logo or trademark;
 - (4) do not contain or comprise of any names likely to hurt the religious susceptibilities of class or section;
 - (5) do not comprise or contain scandalous or obscene names;
 - (6) is not prohibited as per Trade & Industry Rules & Regulations;
 - (7) is not prohibited by other relevant law; and
 - (8) is not deemed inappropriate by the Tourism Council of Bhutan.
63. The service provider proposing the name shall be liable for any legal issue or grievances submitted by the third party against the approved names and the Tourism Council of Bhutan shall not be liable for any disputes arising from such concerns.

Refusal to grant technical clearance

64. The Tourism Council of Bhutan may refuse to grant a technical clearance if an applicant:
- (1) has failed to comply with the requirements of these Rules and Regulations;
 - (2) has submitted the documents fraudulently;
 - (3) is declared unsound and insolvent by competent authority;
 - (4) is prohibited to carry out business by law, agreement or nature of employment;
 - (5) is disqualified by the Tourism Council of Bhutan for having contravened any tourism laws; and
 - (6) is disqualified under any laws in force.
65. A technical clearance may be refused in case of a joint or partnership applicant where one or both partners contravenes the requirements of these Rules and Regulations.

Fees

66. An applicant or service provider availing various tourism-related services from the Tourism Council of Bhutan shall pay an applicable fee as provided in **Schedule 1** of these Rules and Regulation.

Customer service policy

67. The service provider shall share the customer service policy developed in accordance with the framework provided by the Tourism Council of Bhutan, to the tourist.

Change in name of the service provider or information

68. The service provider applying to change the name of the business establishment shall submit an application to the Tourism Council of Bhutan in prescribed form along with the required documents provided in the form.
69. The service provider shall ensure that the proposed name of the business establishment is in adherence to the name selection criteria provided in Section 62 of these Rules and Regulations.
70. The service provider shall, within seven days after the date of change in any of the following information, notify the Tourism Council of Bhutan:
- (1) Contact number including email address;
 - (2) Domain address of the website; and
 - (3) Details of the key employees.

Change of ownership

71. In case of legal transfer of the business to a new owner, the joint application requesting clearance shall be submitted to the Tourism Council of Bhutan by the licence holder and new owner in the prescribed form along with required documents provided in the form. In case of change of ownership by succession, the new owner shall submit the order of the Court validating the lawful ownership of the licence.
72. A transferee shall undergo an induction course before the licence is lawfully transferred or maintain employment of the key employee who has attended the induction course. The detail of the service provider on the portal may be suspended until the owner or key employee attends the induction course.
73. Any licence transferred under these Rules and Regulations shall be held subject to the condition on which it was originally granted.

General roles and responsibilities of the service provider

74. Notwithstanding the specific roles provided for each service provider, the service provider shall discharge the general roles and responsibilities provided as follows:

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- (1) Act as the service provider and shall in all manner conduct business operations that will contribute towards strengthening Brand Bhutan, and shall initiate activities that will promote tourism for Bhutan.
- (2) Have adequate knowledge and understanding of the relevant Acts, policies, guidelines and standard requirements, and disseminate information to tourist and service providers for them to abide by the requirements of relevant legislations at all times.
- (3) Provide feedback for the improvement of services and decision making.
- (4) Support the Tourism Council of Bhutan in monitoring activities such as reporting of any acts by other service providers, tourist or any people contravening the laws, guidelines and standards.

General code of conduct and ethics for a service provider

75. Notwithstanding the specific code of conduct and ethics provided separately, every service provider shall adhere to the general code of conduct and ethics as follows:

- (1) Exhibit Bhutanese values and uphold the tradition and culture of Bhutan in support of Brand Bhutan.
- (2) Be hospitable, reliable, dependable and trustworthy.
- (3) Act and deal with every tourist in an honest, fair and transparent manner with no discrimination in any form while providing the services;
- (4) Deal promptly and courteously with all enquiries, requests, bookings and correspondences from tourist or any other person;
- (5) Openly and transparently disclose any condition or restriction in any advertisement or promotional material on the goods or services included and offered and refrain from the false promotion of products or services that may mislead or promise beyond what can be delivered;
- (6) Ensure that all information shared with tourist is verified and validated to avoid any false information;
- (7) Ensure all tourist are treated equally and the service provided is of equal value for the equal price;
- (8) Ensure that the price quoted for goods or services shall be the total cost including any taxes or other charges payable by a tourist;
- (9) Exercise reasonable skill, care, and diligence in carrying out business;
- (10) Refrain from charging tourist for goods or services that are available for free;

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- (11) Allow tourist to buy from any retail outlet or facilitate buying goods or services, including travel services offered by another supplier;
- (12) Refrain from arbitrarily withholding money, passport, personal documents or other personal belonging of tourist;
- (13) Report and return any property or luggage to the lawful owner or notify the appropriate authorities if aware of tourist having left behind any baggage or object; and
- (14) Refrain from engaging in any form of exploitations including sexual exploitation and touting practices.
- (15) Settle all applicable dues including service provider bill, airfares, and refund within one month from the date of the departure of the tourist or as agreed between the two service providers.

CHAPTER 6 TOUR OPERATOR

Licence

76. A tour operator shall hold a valid licence issued by the Ministry of Economic Affairs and shall be authorized to operate:
- (1) inbound tour;
 - (2) outbound tour; and
 - (3) domestic tour.
77. The technical clearance issued by the Tourism Council of Bhutan shall be a prerequisite for the issuance tour operator licence.

Requirements for technical clearance

78. A person applying for a tour operator licence shall fulfil the following requirements:
- (1) Be a Bhutanese national with a minimum age of eighteen years;
 - (2) Have a minimum qualification of Class XII or equivalent, or an undertaking assuring a key employee who fulfils the minimum qualification to manage the business;
 - (3) Proposed name of the establishment;
 - (4) Attend an induction program conducted by the Tourism Council of Bhutan or any other institute identified for that purpose or send a key employee for the induction program or recruit a person who has attended the induction program in the past as a key employee; and
 - (5) Payment of fees.

Technical Clearance for Licencing and Registration

79. An application procedure for obtaining a technical clearance shall be as follows:

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- (1) An applicant shall submit an application in prescribed form along with the required documents provided in the form.
- (2) The Tourism Council of Bhutan shall verify the application and documents, and inform the status of the application within two working days from the date of submission.
- (3) The licence shall be processed within 30 days from the receipt of the technical clearance issued by the Tourism Council of Bhutan. A fee may be applicable if the technical clearance needs to be reprocessed after an expiry of validity.

Renewal of licence

80. The duration of the licence and fee shall be as set by the Ministry of Economic Affairs.
81. A tour operator shall ensure that the licence is renewed as per the renewal period.
82. The registry of the tour operator on the destination portal shall be suspended if the tour operator fails to renew the licence as required.
83. A tour operator shall process for clearance with the Tourism Council of Bhutan for the renewal of the licence.
84. A tour operator shall meet all the requirements provided under Section 78 of these Rules and Regulation for the clearance of licence renewal.

Specialization in tourism product or service

85. A tour operator may specialize in product or service offerings under the following non-exclusive categories:
 - (1) Eco-Tourism
 - (2) Adventure & Sports
 - (3) Spiritual & Wellness
 - (4) Cultural Heritage
 - (5) Meeting Incentives Conference Exhibition (MICE)
86. Notwithstanding the categories mentioned above, the certification may reflect specialization in specific products as decided by the Tourism Council of Bhutan based on the market demand.

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87. A tour operator may specialize in one or more areas of specialization. An independent team of experts may assess the level of specialization of tour operator for certification.
88. Assessment may be based on criteria provided by the Tourism Council of Bhutan, which may be subject to review from time to time.
89. A tour operator may use the specialization certificate to promote their business. The Tourism Council of Bhutan may also support in promoting the specialized tour operator on various platforms including the destination portal.
90. The certificate shall be valid for two years and shall be subject to review.
91. A tour operator shall be required to provide a self-assessment report as part of the application for a specialization certificate.
92. The certificate may be revoked and the tour operator may be barred from the certification process if found not adhering to the requirements.

Roles and responsibilities of tour operator

93. In addition to the general roles provided for service providers in Section 74 of these Rules and Regulations, the tour operator shall discharge specific roles and responsibilities as follows:
 - (1) Organize tour packages for tourist upon their request. The tour operator shall provide efficient and professional services to the tourist-based on the agreed arrangement with the tourist.
 - (2) Assist the tourist in some or all of the following areas, based on the agreement between the tour operator and the tourist:
 - a. Provision of tourism products or services;
 - b. Arrangement of transportation;
 - c. Arrangement of guide;
 - d. Arrangement of accommodation;
 - e. Payment of applicable fees;
 - f. Assisting travel plans and booking reservations;
 - g. Facilitating tourist on any other services required for the tour; and
 - h. Facilitating visa or payment of Sustainable Development Fee.

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- (3) Oversee all the day-to-day tasks and supervise, motivate and train their staff and service providers to develop the capacity to professionalize the services.
- (4) Develop and offer authentic, creative, and innovative packages or services to diversify the tourist experience.

Code of conduct and ethics for tour operator

94. In addition to the general code of conduct and ethics provided for service providers in Section 75 of these Rules and Regulations, the tour operator shall adhere to a specific code of conduct and ethics as follows:
 - (1) Ensure all employees or service providers engaged including tour guide, driver, or any other person, have a valid licence, certification or required permission to provide the goods or services, and adhere to the code of conduct specified for the respective service provider;
 - (2) Ensure that all service providers engaged are briefed on the code of conduct or all other requirements such as religious, environmental, socio-cultural, health and safety practices;
 - (3) Ensure that tourist is informed on the prevailing culture, heritage, monuments, and prerequisites while visiting tourist sites; and
 - (4) Ensure that the tourist and service provider engaged do not visit areas that fall under the restricted list adopted by the relevant authority.

CHAPTER 7 TOUR GUIDE

Categories of tour guide

95. The tour guides may be categorized into three levels of competency as follows:
 - (1) Culture tour guide - TG Level I;
 - (2) Culture and *any area of specialisation* tour guide -TG Level II;
 - (3) Tour leader- TG Level III.
96. A tour guide, upon progression to different levels of competency, shall be allowed to take up higher responsibilities as given below:
 - (1) A tour guide at Level I shall:

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- a. be the culture tour guide and treated as the beginner; and
 - b. conduct tours in small groups of maximum six tourists.
- (2) A tour guide at Level II shall:
- a. at least three years at Level I;
 - b. be considered as an Intermediate practitioner; and
 - c. conduct culture or specialised tours in small group of maximum ten tourists but seven for trekking.
- (3) A tour guide at Level III shall:
- a. be considered as the Master tour guide;
 - b. specialize in trekking and at least additional three areas
 - c. be allowed to conduct culture, trekking or any specialised tours for a group of maximum 15 tourists;
 - d. be allowed to train guides and assess competency for Level II and above (in the relevant field of expertise with a record of tours);
 - e. design and develop course materials or competency test kits (in respective areas of specialization with records of tours conducted);
 - f. participate as experts in various policy/decision-making processes;
 - g. be tour leader within Bhutan and in the region; and
 - h. be allowed to represent the country in an international or national forum.
97. A tour guide shall fulfil the following criteria to be able to progress up the competency levels:
- (1) For Level I, a candidate shall:
- a. have fulfilled the minimum requirements and completed NC2 ;
 - b. completed a course to be a culture tour guide; and
 - c. declared competent by a competent authority.
- (2) For Level II, a candidate shall:
- a. have completed NC3;
 - b. have conducted at least five culture tours annually;
 - c. completed all the annual competency tests; and
 - d. declared competent in one additional area of specialization by the competent authority.
- (3) For Level III, a candidate shall:
- a. have completed ND1;
 - b. at least practice five years at Level II;
 - c. have conducted at least five tours each in three areas of specializations at Level II;

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- d. declared competent in one additional field by a competent authority
- e. have completed all the annual competency tests in at least three areas of specialization;
- f. should have done refresher course on wilderness first responder; and
- g. led at least three large group tours of 15 tourists each.

98. A tour guide with the valid licence when adopting these Rules and Regulations shall be assessed based on the existing level issued by the Tourism Council of Bhutan.

Licence and renewal process

99. A tour guide shall initially apply in the field of culture, which shall remain the foundation for all tour guides.

100. To be a tour guide, one shall:

- (1) be a Bhutanese citizen with a minimum age of 18 years;
- (2) have successfully completed at least Class XII or equivalent;
- (3) be medically fit; and
- (4) have completed the required courses recognized by the Tourism Council of Bhutan.

101. A person applying for a culture tour guide licence shall submit an application in the prescribed form along with the required documents provided in the form and pay the applicable licence fee.

102. The Tourism Council of Bhutan shall review the application and inform the status within two working days after the date of receipt of an application.

Validity and renewal

103. A tour guide licence shall be valid for one year from the date of issue or as may be notified by the Tourism Council of Bhutan.

104. A licence issued under these Rules and Regulations shall be renewed within one month prior to the date of expiry of the validity or upon payment of the renewal fee by submitting an application in the prescribed form along with the required documents as provided in the form.

105. A tour guide who have failed to renew licence within one month from the date of expiry may be cancelled but may renew the licence as follows:

- (1) Within six months from the date of expiry: upon payment of late penalty as provided under section 66; and

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- (2) After six months until two years: upon re-assessment and payment of penalty.
106. Upon informing the Tourism Council of Bhutan in writing, a licence for the tour guide shall remain suspended when participating in any election or if elected. Tour guide shall inform the Tourism Council of Bhutan within one month from the date completion of the election process to reinstate their licence. The elected guide may process for re-instatement of their licence within one month after the completion of their tenure, which shall be subject of re-assessment upon fulfilling all the requirement.
107. A tour guide upon fulfilling other requirements shall be required to clear the competency test every three years at the respective level to be eligible for renewal of the licence. A guide failing the competency test at Level I shall be denied the renewal of licence after three attempts.
108. A tour guide at a level higher than the level I shall be allowed to renew the licence at a lower level depending on their competency and clearing of competency test of that level.

Specialization of tour guide

109. For the purpose of professionalization, the tour guide may be specialized in the following non-exclusive categories:
- (1) Cultural Heritage
 - (2) Buddhism and iconography
 - (3) Spiritual and wellness
 - (4) Trekking
 - (5) Mountaineering, below 6000 mts
 - (6) Photography
 - (7) Agri-tour
 - (8) Birding
 - (9) Nature
 - (10) River
 - (11) Arts & Craft
 - (12) Mountain biking
 - (13) Motor biking
110. The area of specialization in culture shall be the foundation for all other areas of specialization.
111. A tour guide shall be specialized in one or more areas upon fulfilling the requirement of specialization in each field.

112. A tour guide shall fulfil the following requirements to apply for specialization:

- (1) At least three years of experience as a culture guide;
- (2) Be medically fit;
- (3) Have valid security clearance; and
- (4) Have completed relevant courses in the field of the particular specialization and declared competent by a competent authority.

Language specialization

113. A tour guide may specialize in different languages of communication.

114. Language specialization shall not be included as part of the specialization of product delivery and shall be treated separately.

115. A tour guide specializing in different languages shall be subject to regular assessment systems put in place by the Tourism Council of Bhutan.

116. The Tourism Council of Bhutan shall identify and assign the task of training and assessing of language competency of tour guide to a competent body.

117. Language as an area of specialization for the tour guide shall be provided on the destination portal as part of the portfolio.

118. A tourist shall be allowed to choose a guide with the language specialization that they are comfortable with.

119. A tour guide shall be allowed to charge fees based on their language specialization depending on the market forces.

Competency Assessment and Training

120. A competency assessment system shall be instituted to professionalize the services for continuous improvement of visitor experiences and raise standards by ensuring that all tour guides keep abreast of their knowledge, skills, and abilities.

121. A tour guide shall be required to undergo a minimum of 80 hours of training per year per area of specialization. It shall include both theoretical and practical aspects of training.

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122. The Tourism Council of Bhutan shall delegate the responsibility of conducting competency assessment and training to any competent body. The competent body shall, in addition to external experts and institute instructors, engage tour guides at Proficient and Master levels to train, design tests, and carry out assessments.
123. The competent body designated by the Tourism Council of Bhutan shall be responsible for providing courses and conducting competency assessments for specialization and obtaining various levels in the areas of specialization.
124. Tourism Council of Bhutan shall conduct the competency test at least twice a year.
125. Challenges and advancement of knowledge and skills requirements shall intensify with an increase in the level of competency, with level III deemed most advanced level of assessment.
126. The Tourism Council of Bhutan or delegated competent body shall provide flexible learning opportunities through a blended learning system for the guides to attend sessions except in areas that require practical/hands-on sessions.

Roles and Responsibilities

127. In addition to the general roles and responsibilities provided for service providers in Section 74 of these Rules and Regulations, a tour guide shall discharge specific roles and responsibilities as follows:
 - (1) Familiarise tourist with in-depth knowledge of places, history, important social norms, and customs;
 - (2) Ensure the safety and security of tourist as per the safety protocols in place;
 - (3) Promote tourism products, services, and sites;
 - (4) Provide services that will contribute towards strengthening Brand Bhutan;
 - (5) Be proficient in the relevant policies, social norms, and requirements, and disseminate information to tourist to abide by the requirements at all times;
 - (6) Engage in discussions to improve services, policies, and products as and when required.
 - (7) Assist tourist in booking, registration, and payment for homestay; and
 - (8) Ensure tourist pay the entry fees and other similar payments to visit or avail of services.

Code of conduct and ethics

128. In addition to the code of conduct and ethics provided for service providers in Section 75 of these Rules and Regulations, the tour guide shall adhere to a specific code of conduct and ethics as follows:

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- (1) Abide by all relevant laws in a manner befitting of all circumstances and also ensure tourist abide by the relevant laws in force and help them in understanding the culture and etiquette;
- (2) Be sensitive to the interest and values of the tour group and refrain from sharing any personal views on controversial subjects including sex, religion, politics, and derogatory languages;
- (3) Strive to provide the highest standard of service in an honest and fair manner and shall not discriminate in rendering services to any tourist based on colour, creed, gender, ethnicity, nationality, physical disability, age;
- (4) Neither involve in promoting or selling of any prohibited item to tourist nor recommend them to buy such item;
- (5) Not solicit or accept rebates or commission from any retail shop or establishment as an inducement or reward for recommending tourist;
- (6) Maintain respect for the people besides the cultural, historical, and environmental heritage and conduct accordingly at all times, and communicate with the tourist in an engaging manner;
- (7) Not leave waste and litter places that they visit with the tourist;
- (8) Display proper demeanour in front of tourist and be punctual, reliable, honest, conscientious, and tactful at all times;
- (9) Cooperate with a tour group and other associates by maintaining ethical and professional conduct and cultivating a positive relationship with all colleagues;
- (10) Maintain good personal hygiene, dress code, and “Driglam Namzha” while on duty;
- (11) Not be under the influence of alcohol, narcotic drugs, or psychotropic substance;
- (12) Refrain from chewing “Doma and pan” while on duty and shall not smoke and advise tourist the same at places where smoking is prohibited under the law;
- (13) Neither collect gratuity by any coercive means nor exhibit dissatisfaction, provide inadequate service or refuse service because of less or no gratuity;
- (14) Not seek monetary or personal favours from the tourist during the tour or after the tour;
- (15) Accord top priority to the safety of the tourist and remind them to be mindful of their personal safety and arrange immediate medical care for the visitors and seek the immediate assistance of the tour operator or relevant agency in case of an accident;
- (16) Not have romantic involvement or sexual liaison with the tourist that results in tarnishing the tourism brand;
- (17) Display the guide licence or any other documents of identification while on duty;
- (18) Not practice guiding and driving at the same time;
- (19) Abstain from visiting areas that fall under restricted areas identified by the relevant authority;
- (20) Provide correct and true information to the tourist;
- (21) Adhere to the rules and norms of any particular premises and shall refrain from demanding any favor, free goods, or services from any service provider; and

- (22) Respect the itinerary and travel plan of the tourist.

CHAPTER 8 TOURIST ACCOMMODATION

Categories of the tourist accommodation

129. The Tourism Council of Bhutan may categorise tourist accommodation as follows:
- (1) Hotel;
 - (2) Tented accommodation;
 - (3) Homestay;
 - (4) Eco-Lodge; and
 - (5) Any other form of accommodation may be identified by the Tourism Council of Bhutan.
130. All tourist accommodations shall be certified and classified by the Tourism Council of Bhutan based on the standard and classification system set by it or any other relevant agency.
131. The duration of the licence and fee shall be as set by the Ministry of Economic Affairs.
132. An accommodation provider shall ensure that the licence is renewed as per the renewal period.
133. An information of the accommodation provider on the destination portal shall be suspended if accommodation provider fails to renew the licence on time.

Technical clearance

134. The Tourism Council of Bhutan shall approve technical clearance for tourist accommodation. The Ministry of Economic Affairs shall issue the licence to accommodation providers based on technical clearance.
135. Technical clearance shall be one of the requirements for obtaining a licence from the Ministry of Economic Affairs.
136. An applicant desiring to construct a tourist standard accommodation including extension or structural change to the existing establishment shall seek technical clearance from the Tourism Council of Bhutan. The proponent shall:

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- (1) Submit an application and architectural drawing of an accommodation to the Tourism Council of Bhutan in prescribed form along with the required documentation provided in the form; and
 - (2) Be a Bhutanese national with an exception for Foreign Direct Investment projects and a minimum of eighteen years of age.
137. Any changes to the approved design shall require an approval of the Tourism Council of Bhutan.

Issuance and validity of the technical clearance

138. The Tourism Council of Bhutan may issue a technical clearance for processing of the licence upon completing all the requirements as per these Rules and Regulations.
139. Processing of hotel licence and construction works shall begin within two years from the date of issuance of the technical clearance. The technical clearance shall be valid for a period of two years from the date of issue.

Receipt of application

140. The Tourism Council of Bhutan shall review the application and inform the status within 14 working days after the date of receipt of an application.

Renewal of technical clearance

141. An applicant shall submit an application with the following documents to the Tourism Council of Bhutan and pay applicable fee:
- (1) Copy of the previous technical clearance issued to the proponent;
 - (2) Copy of the valid construction permit issued by relevant Dzongkhag or Thromde if applicable; and
 - (3) Photograph of the ongoing construction.

Change in Design

142. An applicant shall submit changes in the design of accommodation including the extension of existing structures, to the Tourism Council of Bhutan with clear justification for issuance of new technical clearance.
- (1) Submit the new architectural drawings; and
 - (2) Copy of *Lagthram*.

Eligibility criteria for homestay

143. To be eligible for assessment, the homestay shall meet the following conditions:
- (1) An applicant for homestay shall be a Bhutanese citizen; and
 - (2) Homestays shall be in rural areas or outside the municipal boundary to minimize the impact of homestays on the tourist accommodation facilities in the urban/municipal area.
144. Notwithstanding Section 143 of these Rules and Regulation, the Tourism Council of Bhutan may allow homestays if there are no tourist accommodation facilities within the municipal boundary. Such exemption shall be reviewed from time to time based on the availability of tourist accommodation facilities in the area.
145. The homestay shall be managed by the host family with a minimum of two physically active members living in the same house and hiring of staff shall not be allowed.
146. The host family shall be a registered household of the village or the community in which the homestay is located.
147. Homestay shall:
- (1) Be in a traditional building or house and conform to the architecture of the locality; and
 - (2) Not allocate more than five rooms for guests consisting of ten beds in all and a maximum of two beds in each guest room, to ensure the quality services and effective management of homestays.
148. The leasing of the property for setting up a homestay shall not be allowed.

Operation of homestay

149. Homestay shall be operated in line with the Operation Manual adopted by the Tourism Council of Bhutan.
150. Refurbishment, up-gradation, and extension of the building shall be carried out as per the required standards of homestay with the prior approval of the Tourism Council of Bhutan.

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Applying for homestay

151. An applicant desiring to set up a homestay shall submit an application to the Tourism Council of Bhutan in the prescribed form along with the required documents provided in the form.
152. The Tourism Council of Bhutan shall review the application and inform the status within 14 working days after the date of receipt of an application.

Assessment and certification of accommodation providers

153. An applicant has completed the construction and if ready shall apply for the assessment.

Application for assessment and certification

154. An accommodation provider applying for assessment and certification shall submit an application in the prescribed form along with the required documents provided in the form.
155. The Tourism Council of Bhutan or any other agency authorized by it shall conduct the assessment of the accommodation.
156. The Tourism Council of Bhutan having received an application shall send the assessment team within three weeks from the date of receipt of a complete application.
157. An accommodation failing to meet the required standards can re-apply for assessment and may be liable to pay the applicable fees. The provider will be obliged to undertake the necessary corrective measures shared in the assessment report.

Certificate of registration

158. The certificate of registration with the validity of three years shall be issued to an accommodation achieving the required parameter and upon payment of a fee.
159. In case of reassessment after the validity, the complete assessment shall be carried out and in case of any non-conformity during the renewal assessment of the hotel, the accommodation shall have to take necessary corrective action within the timeline granted by the Tourism Council of Bhutan.
160. An accommodation shall display a certificate of registration in a prominent area.

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161. In case of loss or damage of the certificate of registration, the licence upon paying the fee shall submit an application for a new certificate and the damaged certificate shall be surrendered upon the receipt of a new one.
162. In case of suspension or cancellation of the hotel business, the certificate of registration shall be surrendered to the Tourism Council of Bhutan within 14 days after the date of the suspension or cancellation.
163. The Tourism Council of Bhutan shall maintain a record of all the certified accommodation and disseminate information to the stakeholders

Renewal of certificate

164. The certified accommodation providers shall submit an application for re-assessment within six months prior to the expiry of their existing certificate or upon payment of a late fee.

Roles and Responsibilities of the accommodation provider

165. In addition to the general roles and responsibilities provided for service providers in Section 74 of these Rules and Regulations, an accommodation provider shall discharge the specific roles and responsibilities as follows:
 - (1) Develop and implement a service policy, clearly stating the service standards of guest care, cleanliness, and services.
 - (2) Provide accommodation services to the tourist in compliance with standards and requirements to ensure the safety and comfort of the tourist.
 - (3) Provide authentic Bhutanese experience to tourist
 - (4) Undertake continuous improvement processes to strengthen standards, with robust feedback mechanisms and improvement plans.
 - (5) Support the development of the employees and staff working in the facility in view of professionalizing the services.
 - (6) Develop and provide an advertisement or promotional material about goods or services to promote the hotel and related services for tourist.

Code of conduct and ethics for accommodation providers

166. In addition to the general code of conduct and ethics provided for service providers in Section 75 of these Rules and Regulations, an accommodation provider shall adhere to a specific code of conduct and ethics as follows:

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- (1) Uphold transparency by:
 - a. Honestly and transparently declaring the rates and related costs of the services and providing payment receipts for all transactions.
 - b. Providing menus with prices for meals in English in addition to any other language.
- (2) Deal promptly and courteously with all inquiries, requests, bookings, and correspondence from visitors or any other person including refund and payment of dues;
- (3) Ensure that any offer of services, facilities, or amenities to one person shall not prejudice the provision of such services, facilities or amenities to others;
- (4) Ensure authentic Bhutanese experiences for the tourist;
- (5) Comply with all regulatory requirements and disclose conditions or restrictions applying to the supply of the goods or services;
- (6) Safely guard money, securities, jewels, or other valuable objects entrusted by tourist to hotel for safekeeping;
- (7) Refrain from installing any facilities that may violate a lodger's privacy, or engage in any behaviour that may cause disturbance to the tourist; and
- (8) Refrain from selling antiquities in their possession to the tourist.

CHAPTER 9 TRANSPORT SERVICE

Transportation Registration

167. All means of transportation catering to the tourist shall be licenced or registered and shall adhere to the set requirement. The agency with whom the service provider is registered shall share the required information with the Tourism Council of Bhutan.
168. An individual wishing to engage their vehicle in tourist transportation services including biking tours shall get the certification of tourist vehicle and fulfil requirements of commercial passenger vehicle specification or other requirement of the Road Safety and Transport Authority.

Requirements

169. A vehicle to be certified by the Tourism Council of Bhutan as a tourist vehicle shall be registered and assessed by the Road Safety and Transport Authority on the road worthiness and all other requirement as per the Road Safety and Transport regulations.

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170. The certification shall be renewed every year.
171. A person applying for certification of a vehicle shall submit an application in prescribed form along with the required documents provided in the form.

Registration of tourist vehicle driver

172. A person with the valid professional driving licence set by the Road Safety and Transport Authority may apply to be certified as a tourist vehicle driver and submit the application in prescribed form along with the required documents provided in the form.
173. The Tourism Council of Bhutan shall review the application and inform the status within two working days after the date of receipt of an application.

Validity and renewal

174. A certificate shall be valid for one year from the date of issue or as may be notified by the Tourism Council of Bhutan.
175. A certificate issued under these Rules and Regulations shall be renewed one month prior to the date of expiry of the validity or upon payment of the late renewal fee, by submitting an application in the prescribed form along with the required documents as provided in the form.

Roles and Responsibilities

176. In addition to the general roles and responsibilities provided for service providers in Section 74 of these Rules and Regulations, the transportation service provider shall discharge specific roles and responsibilities as follows:
- (1) Ensure that all transport services conform to the standards set by the relevant agency;
 - (2) Ensure the safety and security of tourist as per the safety protocols;
 - (3) Ensure all the vehicles used for the purpose of tourist transportation are certified by the Tourism Council of Bhutan;
 - (4) Ensure that the driver employed is also licenced and certified as required by the Tourism Council of Bhutan; and
 - (5) Oversee the conduct of their staff including the drivers to be fully trained in safe practices and customer service.

Code of conduct and ethics tourist vehicle driver

177. In addition to the general Code of Conduct provided for service providers in Section 75 of these Rules and Regulations, the tourist vehicle driver shall adhere specific code of conduct and ethics as follows:

- (1) Abide by the Road Safety and Transport Regulations 2021;
- (2) Exhibit utmost punctuality, reliability, and honesty at all time;
- (3) Maintain good personal hygiene, dress code, and “*Driglam Namzha*” while on duty;
- (4) Ensure that the tourist and service providers engaged do not visit areas that fall under the restricted list identified by the relevant authority;
- (5) Refrain from engaging in tour operation business unless licenced for tour operation.
- (6) Not provide the services of a guide and driving at the same time;
- (7) Not be under the influence of alcohol, narcotics drugs, or psychotropic substances; and
- (8) Refrain from chewing *Doma and pan* while on duty and shall not smoke at places where smoking is prohibited by law.

**CHAPTER 10
TOURIST RESTAURANT****Certification**

178. A restaurant applying to be certified as a tourist standard restaurant shall fulfil the set of standards provided by the Tourism Council of Bhutan.
179. A restaurant applying for certification of the restaurant shall submit an application in the prescribed form along with the required documents provided in the form.
180. The duration of the licence and fee shall be as set by the Ministry of Economic Affairs.
181. An accommodation provider shall ensure that the licence is renewed as per the renewal period.
182. The information of the accommodation provider on the destination portal shall be suspended if accommodation provider fails to renew the licence on time.

Assessment

183. The Tourism Council of Bhutan shall assess and certify the restaurant upon payment of applicable fee.

Certificate of registration

184. The Tourism Council of Bhutan upon approval of the assessment of the restaurant shall issue the certificate of registration for the restaurant. The restaurant shall pay the cost of printing the certificate.
185. The restaurant shall display a certificate of registration in a prominent area.
186. In case of expiry, loss, or damage of the certificate of registration, the licence may submit an application for issuance of a new certificate, and the damaged certificate shall be surrendered upon the receipt of a new one.
187. In case of suspension or cancellation of a tourist standard restaurant, the certificate of registration shall be surrendered to the Tourism Council of Bhutan within 14 days after the date of the suspension or cancellation.

Validity and renewal

188. A certification of registration shall be valid for three years from the date of issue or as may be notified by the Tourism Council of Bhutan.
189. Certification of registration issued under these Rules and Regulations shall be renewed six months prior to the date of expiry of the validity and an application submitted in the prescribed form along with the required documents as provided in the form.
190. A person failing to renew the certificate of registration within six months from the date of expiry shall be subject to late renewal penalty under Section 66 of these Rules and Regulations.

Roles and responsibilities

191. In addition to the general roles and responsibilities provided for service providers in Section 74 of these Rules and Regulations, the tourist restaurant shall discharge specific roles and responsibilities as follows:
 - (1) Provide efficient and professional services to the tourist based on the agreed arrangement with the tourist;

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- (2) Provide a menu with the price for all meals, describing the fare in English in addition to any other language used; and
- (3) Enhance knowledge, skills, and competencies in the operation of restaurants, including giving equal treatment to every customer inside the restaurant.

Code of conduct and ethics of tourist restaurant

192. In addition to the code of conduct and ethics provided for service providers in Section 75 of these Rules and Regulations, the tourist restaurant shall adhere to the code of conduct and ethics as follows:

- (1) Maintain a clean food preparation, equipment and utensils, premises, and environment for the health of fellow workers and customer;
- (2) Ensure that any offer of services, facilities, or amenities to one person shall not prejudice the provision of such services, facilities, or amenities to others;
- (3) Institute and inform the tourist on the complaint handling process;
- (4) Ensure that the price quoted for a good or service shall be the total cost of the service, including any tax or other charges payable by a tourist;
- (5) Disclose conditions or restrictions applying to the supply of the services in an advertisement or promotion material;
- (6) Not charge tourist for services that are available free to the public; and
- (7) Brief employed or arranged staff on the code of conduct and all other requirements.

CHAPTER 11 MONITORING AND DISPUTE SETTLEMENT

Monitoring and inspection

193. The Tourism Council of Bhutan shall carry out periodic monitoring and inspection of service providers on the requirements as provided under these Rules and Regulations.

Power of Inspection and Duty to Provide Information

194. A registered service provider or any person who acts on its behalf shall at all reasonable times and upon advance notice, give access to premises where the business is conducted to any officer authorised by the Tourism Council of Bhutan and provide:

- (1) required information; or
- (2) produce for examination such books, records, computerised documents or other documentation as may be specified in the notice.

Dispute Settlement Committee

195. Any complaint or dispute relating to the provision of tourism services shall be settled by the Tourism Council of Bhutan or the Dispute Settlement Committee as provided in the Standard Operating Procedure for Handling of Complaint adopted by the Tourism Council of Bhutan.
196. The Dispute Settlement Committee shall be convened to review the complaint received and the Dispute Settlement Committee shall function as per the procedure guideline adopted by the Tourism Council of Bhutan.

Complaint handling procedure

197. A complaint which is addressed clearly in these Rules and Regulations shall be settled by the Tourism Council of Bhutan.
198. Dispute Settlement Committee shall not decide without hearing the parties except where such party fail to appear before the Committee without a valid reason, even after receiving due notice.
199. The parties shall have the right to be accompanied by any other person.
200. Any criminal complaint received by the Tourism Council of Bhutan shall be filed with the police expediently and without unreasonable delay.
201. Completion of a criminal trial or civil suit against service providers or any other person engaged in the tourism business shall not preclude the Dispute Settlement Committee from exercising its jurisdiction under these Rules and Regulations.
202. The dealing officer shall maintain an updated list of complaints received, settled and referred to the Dispute Settlement Committee, with details of the parties involved in the dispute and any other relevant information.

CHAPTER 12 OFFENCES AND PENALTIES

Offences and penalties for service provider

203. An act or omission by the services provider, tourist and any other person contravening these Rules and Regulations shall constitute an offence and shall be liable for a penalty as provided in **Schedule 2** of these Rules and Regulations.

Enhancement of penalties

204. The service provider who is guilty of the same or similar act or omission constituting an offence, shall on the commission of the next offence or failure to act or omit as required by the Tourism Council of Bhutan, shall be liable for a penalty in the following order:
- (1) A fine of Nu.10,000 shall be enhanced to a fine of Nu.25,000
 - (2) A fine of Nu 25,000 shall be enhanced to a fine of Nu.50,000
 - (3) A fine of Nu.50,000 shall be enhanced to suspend business operations for the maximum period of six months.
 - (4) Suspension of business operation shall be enhanced cancellation of licence.
205. The Service provider may appeal to the Dispute Settlement Committee against any fine imposed and the decision of the Dispute Settlement Committee may be appealed to the Royal Court of Justice within ten working days from the date of notification.

CHAPTER 13 MISCELLANEOUS

Amendment

206. Amendments will be made to these Rules and Regulations as and when required in consideration of changing circumstances.

Definitions

207. Unless the context otherwise requires;
- (1) “**Accommodation**” means an accommodation licenced by the Ministry of Economic Affairs but certified and registered by the Tourism Council of Bhutan as per the prescribed accommodation guidelines and standards.

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- (2) “**Act**” means the Tourism Levy Act of Bhutan 2022 and its rules and regulations.
- (3) “**Certification**” means a voluntary procedure that assesses, monitors, and gives written assurance that a business, product, process, service, or management system conforms to specific requirements.
- (4) “**Dealing officer**” means an officer designated by the Tourism Council of Bhutan to handle the complaints with the authority to discharge responsibilities relating to it.
- (5) “**Designated point**” means an area identified within border towns of Bhutan and notified by the Ministry of Home and Cultural Affairs from time to time.
- (6) “**Dispute Settlement Committee**” means a committee established to discharge the function of resolving any complaints referred under these Rules and Regulations.
- (7) “**Hotel**” means an establishment in conventional, traditional or any approved structure, certified and classified during the adoption of these Rules and Regulations as three star and above, by the Tourism Council of Bhutan as per the standard and classification system adopted. Where such establishments are made available to the visitor for offering accommodation, food, and beverages and the main occupation of the premises are for carrying on trade as an hotelier.
- (8) “**Licence**” means a certificate, qualification or grade issued by a competent authority.
- (9) “**Ministry of Economic Affairs**” shall be referred to as the competent agency responsible for issuing of tourism business licence when adopting these rules and regulations but may also apply to the renamed or recognised entity with the same mandate in future.
- (10) “**Person**” includes an individual, sole proprietorship, a partnership, a company, an incorporated association and a natural person in his or her capacity as a legal representative and anybody recognized as a separate legal entity.
- (11) “**Service provider**” means any natural person or legal person (irrespective of whether privately or publicly owned) in Bhutan that principally sells, offers to sell, supplies, or undertakes to supply a tourism service to the tourist, single or combined in a package, who is acting, including through any other person acting in his name or on his behalf, for purposes relating to their trade, business, craft or profession in relation to the supply of tourism services.

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- (12) **“Sustainable Development Fee”** refers to the tourism levy on all tourist per person per night and is applicable throughout the year as a contribution towards sustainable development initiatives undertaken by the Royal Government to compensate for the negative environmental impacts associated with tourism.
- (13) **“Tour guide”** means a person with a valid licence, who in lieu of monetary compensation, describes or interprets the natural and human resources for the tourist and ensures that professional services and courtesies are laid at the disposal of the tourist.
- (14) **“Tour operator”** means a person with a valid licence, who habitually or regularly puts together a tour or package that may comprise of two or more of the following which is offered to the public, directly or through an intermediary, for an inclusive price:
- a. guided tour;
 - b. food & accommodation;
 - c. entertainment;
 - d. transport; and
 - e. Any other services related to the arrangement of tour.
- (15) **“Tourism”** refers to the activity of visitors. A domestic, inbound or outbound traveller on a tourism trip is called a domestic, inbound or outbound visitor, respectively. Furthermore, the travel of domestic, inbound or outbound visitors is called domestic, inbound or outbound tourism, respectively. Tourism is therefore a subset of travel and visitors are a subset of travellers.
- (16) **“Tourism Council of Bhutan”** shall be the competent authority identified and defined under Section 10 of the Act, when adopting these Rules and Regulation but may also apply to a renamed or reorganized entity with the same mandate in future.
- (17) **“Tourist”** means a person taking a trip which includes an overnight stay to the main destination outside his/ her usual environment, for less than a year, for purpose mainly for leisure or any tourism activities other than to be employed by a resident entity in the country or for other purpose provided in the immigration regulation.
- (18) **“Travel insurance”** shall cover minimum of accidental death, permanent disability due to accidents, emergency medical evacuation and hospital charges in case of sickness.

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**SCHEDULE 1
APPLICABLE FEES**

An applicable fee for various services provided by the Tourism Council of Bhutan shall be as follows:

SECTION	SERVICES	FEES
CHAPTER 6 TOUR OPERATOR		
79 (3)	Fee for re-processing of the technical clearance for the tour operator after having failed to process licence.	Nu.1000
CHAPTER 7 TOUR GUIDE		
101	Licence fee for tour guide	Nu.500, (Nu.200 revenue fees and Nu.300 licence printing cost)
104	Licence renewal fee	Nu.500, (Nu.200 revenue fees and Nu.300 licence printing cost)
105	Late renewal or late registration fee	Nu.50 per day including public holidays and weekends.
CHAPTER 8 TOURIST ACCOMMODATION		
141	Renewal of technical clearance on the architectural drawing (the first technical clearance will be issued without fee)	Nu.3000
142	Change in design of approved accommodation design (the first design will be reviewed without fee)	Nu.3000

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154	Assessment fee for assessment of hotel (first assessment is without fee)	
	Homestay	Nu. 1000
	3 star	Nu.15,000
	4 star	Nu.20,000
	5-star and tented Accommodation	Nu.25,000
158	Certificate for accommodation	Nu.1000
161	Loss or damage of certificate and applying for a replacement	Nu.1000
164	Late fee for renewal of a certificate	Nu.50 per day including public holidays and weekends.
CHAPTER 9 TRANSPORT SERVICES		
175	Late renewal fee for tourist vehicles and tourist vehicle driver	Nu.50 per day including public holidays and weekend
CHAPTER 10 TOURIST RESTAURANT		
183	Assessment fee for tourist standard restaurant. (First assessment is free of charge)	Nu. 3000
184	Certificate for the restaurant	Nu.1000
186	Loss or damage of certificate and applying for a replacement	Nu.1000
190	Late renewal fee for a tourist restaurant	Nu.50 per day including public holidays and weekend

**SCHEDULE 1
OFFENCES AND PENALTIES**

SECTION	OFFENCES	PENALTIES/ACTION
CHAPTER 2 TOURISM LEVY		
6, 8 and 11	A tourist who has failed to pay the applicable Sustainable Development Fee	Three times the applicable Sustainable Development Fee
CHAPTER 3 TOURISM LEVY		
20 and 23	Failing to arrange accommodation in the tourism-certified accommodation or seek necessary approval.	Fine of Nu. 10,000 per person per night. The service provider shall be liable to pay the fine where such accommodation has been arranged by the service provider.
21,27,28,33,51	Having arranged required tourism services through any person other than those allowed.	The Tourism Council of Bhutan shall not be liable to take up any grievances or complaints. Any person not identified to arrange the tourism service, arranging such services shall be fined Nu.50,000 for every service arranged.
22	Tourist having failed to provide required and correct information to the accommodation provider or tourist accommodation provider failed to keep the record of the tourist	The accommodation provider may refuse the service by forfeiting the advance payment received in case of failure to provide the required information by the tourist; Fine of Nu.10,000 per person to accommodation provider in case of failure to keep the record of the information.
24 and 25	Failure to arrange a guide or required number of guides for a group.	Fine of Nu. 10,000 per tourist. The service provider shall be liable to pay the fine

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		where the guide service has been arranged by the service provider.
30 and 31	Tourist driving their own vehicle beyond the designated point without paying the applicable fee and not adhering to the requirement.	Nu.50,000 per vehicle. The service provider shall be liable to pay the fine where service has been arranged by the service provider.
45 and 46	Service provider failing to refund as provided or directed.	The service provider shall be suspended from the operation of the business for the maximum period.
48	Tourist breaching the code of conduct.	Minimum of Nu.10,000 tourist up to a maximum of Nu.50,000 based on the severity of the offence or as may be provided under specific law.
CHAPTER 4 TREKKING		
52	Carrying out trek without a trekking permit.	Fine of Nu.10,000 per person per night.
53 and 55 (2)	Failure to provide a trekking guide or required number of trekking guides.	Fine of Nu.10,000 per person per night.
55 (1)	Trekking in the non-designated area or camping in the non-designated area.	Fine of Nu.10,000 per person per night.
CHAPTER 5 TOURISM SERVICE STANDARD		
59	Providing tourism services without a valid licence, certification or registration as required.	Fine of Nu. 50,000 per service.
70	Failure to change the required information.	The service provider shall be suspended from the operation of a business for the maximum period.

74 and 75	Failure to discharge the roles and responsibilities and adhere to the General Code of Conduct and ethics	Fine of Nu.50,000 for each incident or as may be provided under the specific law.
CHAPTER 6 TOUR OPERATOR		
89	Tour operators promoting it to be specialised in the product without any certification.	Fine of Nu.50,000 for each incident.
94	Failure by the tour operator to abide by its code of conduct and ethics	Fine of Nu.50,000 for each incident or as may be provided under the specific law.
CHAPTER 7 TOUR GUIDE		
128	Failure by the tour guide to adhere to its code of conduct and ethics.	Fine of Nu.25,000 for each incident or as may be provided under the specific law.
CHAPTER 8 TOURIST ACCOMMODATION		
166	Failure by the accommodation provider to adhere to its code of conduct and ethic	Nu.10, 000 for each incident in case of homestay and Nu.50,000 for other accommodation providers or as may be provided under the specific law.
CHAPTER 9 TRANSPORT SERVICES		
177	Failure by tourist drivers to adhere to its code of conduct and ethics	Nu.10,000 per incident or as may be provided under the specific law.
CHAPTER 10 TOURIST RESTAURANT		

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192	Failure by tourist restaurants to adhere to its code of conduct and ethics	Nu.25,000 per incident or as may be provided under the specific law.
CHAPTER 11 MONITORING AND DISPUTE SETTLEMENT		
194	Wilfully obstructing duly authorised person acting in the exercise of a right conferred by the Act, failure/delay in providing the required information or failing to report to the Tourism Council of Bhutan when asked without any reasonable justification.	Suspension for the maximum period of six months