

The Tourism Rules and Regulations of Bhutan 2022



Tourism Council of Bhutan

Table of Contents

CHAPTER 1	2
PRELIMINARY	2
CHAPTER 2	3
TOURISM LEVY	3
CHAPTER 3	4
TRAVEL ARRANGEMENT	4
CHAPTER 4	10
TREKKING	10
CHAPTER 5	11
TOURISM SERVICE STANDARD	11
CHAPTER 6	16
TOUR OPERATOR	16
CHAPTER 7	19
TOUR GUIDE	19
CHAPTER 8	26
TOURIST ACCOMMODATION	26
CHAPTER 9	30
TRANSPORT SERVICES	30
CHAPTER 10	33
TOURIST RESTAURANT	33
CHAPTER 11	35
MONITORING AND DISPUTE SETTLEMENT	35
CHAPTER 12	36
OFFENCES AND PENALTIES	36
CHAPTER 13	37
MISCELLANEOUS	37

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. This Rules and Regulations come into force on the.....day of.....month of theyear corresponding to the..... 2022

Application

3. This Rules and Regulations apply to:
 - 1) The Tourism Council of Bhutan;
 - 2) Service provider 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.

Supersession

4. This Rules and Regulations shall supersede existing rules, regulations, circulars, notifications and other procedures which are inconsistent with this Rules and Regulations.

Objectives

5. The objectives of this Rules and Regulation are 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;
 - 3) Provide clear requirement for registration, licensing and renewal of licence for the service provider;
 - 4) Provide code of conduct for the service provider;
 - 5) Provide standards and process for assessment, certification and monitoring; and

- 6) Prescribe fines and penalties.

CHAPTER 2 TOURISM LEVY

Sustainable Development Fee (SDF)

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

Exemption or concession levy

7. The Tourism Council of Bhutan (TCB) may provide an exemption or concessionary levy rate on the applicable SDF as provided in the Act.
8. The preferential SDF of Nu.1,200 per person per night shall be levied to tourists of Indian national, which may be reviewed and revised in keeping with the principle of the preferential rate after two years.

Payment of SDF

9. A tourist shall pay applicable SDF as per the procedure adopted by the Department of Immigration for applying for a visa or permit, whichever is applicable.
10. The Department of Immigration shall collect SDF from the tourist when issuing the visa or permit.
11. A day visitor spending a night within the border towns of Bhutan or travelling beyond the designated point shall be subject to payment of applicable SDF.

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 Tourism Levy Act of Bhutan 2020 and facilitate tour as follows:
 - (1) Tour shall be arranged through the identified tour operator and facilitate 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 SDF 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 shall arrange a visa or permit as per the immigration laws of Bhutan.
14. A tourist shall submit an application for 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 valid visa or permit shall be allowed to visit any areas, except those which fall within the restricted areas.
16. A tourist shall pay the applicable entry fee to visit designated 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 shall book and arrange the tourism services only through the online booking 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 online booking platform.

Accommodation service

20. A tourist shall stay in accommodations certified by the Tourism Council of Bhutan.

21. A tourist may arrange accommodation by directly contacting an accommodation provider or through the tour operator.

22. A tourist shall provide required information to the accommodation provider.

23. In areas that do not have the certified accommodation or where certified accommodation is inadequate, the Tourism Council of Bhutan may approve alternative means of accommodation with certain terms and conditions.

Guide service

24. A tour guide shall be mandatory for all tours. 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 this Rules and Regulations.

25. A tourist shall arrange a minimum of one guide for every ten tourists in a group.

26. A tour guide shall be responsible for the overall safety and experience of the tourist, even when the guide is not shadowing the tourist.

27. A tourist may contact the guide or arrange guide service with the help of a tour operator. Tourist in availing the guide service may refer to the list of licenced guides provided by the Tourism Council of Bhutan.

Transport service

28. A tourist may contact the transport service or arrange a transport service with the help of a tour operator. Tourist in availing the transport service may refer the list of certified transport service provided by the Tourism Council of Bhutan.

29. Hotel help desk may arrange pick and drop of tourist to the port of entry or exit.

30. A tourist visiting Bhutan and travelling beyond the designated point, driving their own vehicle including two- wheelers, may be facilitated upon payment of Nu. 4500 (*subject to discussion with GoI*) and upon fulfilling the requirements provided as follows:

- (1) Payment of applicable fee at the port of entry upon verification and inspection of vehicle as well as the required documents.
- (2) A tourist driving a foreign tourist vehicle shall produce the relevant documents issued by the competent authority of their respective country, which are mainly following:
 - a) Original driver's licence;
 - b) Registration certificate;
 - c) Vehicle insurance;
 - d) Vehicular emission and road worthiness certificate; 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 as adopted by the Road Safety and Transport Authority.
- (4) The foreign tourist vehicle shall not be more than ten years from the date of registration;
- (5) A tourist shall have a licenced Bhutanese tour guide as provided under this Rules and Regulations; and
- (6) Foreign tourist vehicles shall be used only for travel and transportation purposes.

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

- (1) Motorbike shall not be allowed on footpaths, walking trails, mule tracks, national parks and any other areas restricted by the Road Safety and Transport Authority and any other relevant authorities.
- (2) A maximum of 10 people per group shall be allowed for motorbike tours.
- (3) The tourist or service provider shall ensure that the following are provided for the group:
 - a) Road captain with valid Bhutanese driving licence and sound knowledge of the road; and

- b) Backup vehicle with a licensed mechanic, first aid kits and emergency support arrangements.

Tour and sightseeing

- 32. A tourist shall arrange a tour and sightseeing on their own or through a registered tour operator.

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 relevant agency.

Customer service policy

- 36. A tourist availing any service of a service provider, shall agree to their service policy before availing the service or before making 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 the 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 foreseen or forestalled.

Notice of non-performance by 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 100% refund in case of cancellation by the service provider.

Cancellation of the services

43. A tourist shall have the right to cancel the agreed tourism service at any time before the start of the service upon payment of an appropriate, reasonable and justifiable cancellation fee to the service provider based on service policy of the service providers.
44. The service policy of the service provider shall include clear provisions on cancellation of the services. If events arise where there is no clear provisions of cancellation and refund in the service policy of the service provider, the Tourism Council of Bhutan shall facilitate settlement of any dispute related to the cancellation and refund as provided below:
- (1) 100% refund if cancellation is within 8 or more days from the effective date of service;
 - (2) 50% refund of the agreed cost if cancellation is within 4-7 days from the effective date of service;
 - (3) 20% refund of the agreed cost if cancellation is within 2-3 days from the effective date of service;
 - (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 national flight, national and international disaster, the tourist shall be entitled to the refund of:
- (1) 100% of agreed cost if the event happens 4 or more days prior to the availing of services;
 - or
 - (2) 90% of agreed cost if the event happens within 3 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. In case of disputes, refund shall be paid as per the directives of the Tourism Council of Bhutan or the Dispute Settlement Committee. Charges for the transfer of refund shall be deducted from the amount to be refunded.

Conduct of the tourist

47. A tourist visiting Bhutan shall abide by the relevant laws of Bhutan and code of conduct provided by the Tourism Council of Bhutan or any other relevant agencies.

Accident

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

Domestic tourism

49. The domestic tourism shall be conducted as per the Guidelines for the Management of Domestic Tourism adopted by the Tourism Council of Bhutan.

Outbound Pilgrimage tours

50. The outbound pilgrimage tours shall be conducted as per the Package Pilgrimage Regulation adopted by the relevant agency.

Data protection

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

CHAPTER 4 TREKKING

Trekking permit

52. A tourist shall avail the trekking service with the help of a tour operator.
53. A tourist shall require a valid trekking permit from the respective agency for trekking in areas with army installations and national parks.
54. 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.
55. A tourist of 18 years and below may be allowed to trek only with their parents or guardian or with the permission of parent or guardian, which shall be communicated in writing.

Responsibilities of tour operator and trekking guide

56. Tour operator shall :
 - (1) Ensure that guide shall conduct trek only on designated trails and shall camp at the campsites identified by the Tourism Council of Bhutan as set out in **Schedule**, which shall be updated from time to time;
 - (2) Assign one trekking guide for every seven tourists;
 - (3) The trekking group shall abide by dos and don'ts issued by TCB from time to time
57. 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

58. The tourism activity shall be permitted as provided by the relevant law except where it is identified as the prohibited areas or activity by law or any relevant authority.

59. All Tourism products shall be required to be registered and certified, if applicable, with the Tourism Council of Bhutan.

Service provider

60. A person shall require registration or certification as applicable to provide and promote tourism service.
61. The Tourism Council of Bhutan shall maintain the record and registry of service providers.
62. The tourism service provider shall maintain the Current deposit account in any of the registered bank of Bhutan to receive and make payment related to the business operation.

Name of the tourism business establishment

63. An applicant while choosing the name for the tourism business establishment shall select those names that:
- (1) Is not identical or similar to trademarks or names of other entity within or outside the country except the common tourism phrases including below:
 - a) tours, treks, adventure, excursions, expeditions, and travels for tour operators;
 - b) hotels, resorts, restaurant, boutique, and café for hotels or restaurant; and
 - c) **Bhutan, Druk, 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 contains or comprises of any names likely to hurt the religious susceptibilities of class or section;
 - (4) Do not comprise or contain scandalous or obscene name;
 - (5) Are prohibited by relevant law; and
 - (6) Are deemed inappropriate by the Tourism Council of Bhutan.
64. 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

65. The Tourism Council of Bhutan may refuse to grant a technical clearance if an applicant:
- (1) Has failed to comply the requirement of this 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 relevant laws; and
- (6) Is disqualified under any laws in force

66. A technical clearance may be refused in case of joint or partnership applicant where one or both partners contravenes the requirements of this Rules and Regulations.

Fees

67. An applicant or service provider availing various tourism-related services from the Tourism Council of Bhutan shall be liable to pay the applicable fee as provided in **Schedule 2** of this Rules and Regulation.

Business bond

68. The service provider shall provide the business bond in the form of a Bank Guarantee drawn in favour of the Tourism Council of Bhutan or any other agency identified for that purpose and payable at banks located in Thimphu as follows:

- (1) Nu. 500,000 for tour operator, at the time of application for technical clearance for the tour operator; and
- (2) Nu. 500,000 for hotels, at the time of application for registration with the Tourism Council of Bhutan.

69. The business bond, submitted to the Tourism Council of Bhutan, shall be valid and renewed before expiry.

70. The validity of the Bank Guarantee for business bond shall be for a minimum of one year.

71. The Bank Guarantee shall provide, in the event of dissolution of the establishment, to meet financial or contractual obligations in relation to providing of tourism services to the tourist as agreed, a sum of money may become available to the Tourism Council of Bhutan to be applied for the benefit of tourists or other service providers.

72. In case where service provider fails to make the refund or payment as required, the business bond may be applied for all or any of the following purposes:

- (1) To refund a tourist for any reasonable expenses necessarily incurred due to inability or failure of the service providers' contractual obligations in relation to providing of services;
- (2) To defray any reasonable expenses incurred by the Tourism Council of Bhutan for having arranged the services after service providers failed to provide services as per the services agreed; and
- (3) To pay the fines imposed by the Tourism Council of Bhutan.

73. The business bond amount shall be revised from time to time as deemed appropriate by the Tourism Council of Bhutan.

74. The service provider whose business bond has been made accessible for any of the purposes specified in **Section ...** of this Rules and Regulations shall ensure that the business bond is kept at the required amount at all times to provide tourism services.

75. Service providers shall be eligible to withdraw the business bond either upon the voluntary cancellation of the licence or dissolution of an establishment, unless there are penalties and outstanding bills to be paid, which shall be adjusted from the business bond. However, in the case of termination, the Tourism Council of Bhutan shall forfeit the business bond and payment of outstanding bills from the business bond shall not be entertained.

Customer service policy

76. The service provider shall share with tourists the customer service policy developed in accordance with the framework attached as **Schedule....**

Registration on tourism portal

77. The service provider shall, upon receiving the licence issued by the Ministry of Economic Affairs and within two weeks, apply for the formal registration on the tourism portal with the Tourism Council of Bhutan through online portal with a copy of the licence and required documents.

Change in name of service provider or information

78. The service provider applying to change the name of the business establishment shall submit an application to the Tourism Council of Bhutan in **Form No.....** along with the required documents provided in the form.

79. The service provider shall ensure that the proposed name of the business establishment is in adherence to the name selection criteria provided in **Section** of this Rules and Regulations.
80. 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

81. In case of legal transfer of 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 **Form No.....** 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.
82. 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 where applicable. The information of the company may remain suspended from the destination portal until it is assured that either the owner or key employee has attended the induction course.
83. Any licence transferred under this Rules and Regulations shall be held subject to the condition on which it was originally granted.

General roles and responsibilities of the service provider

84. Notwithstanding the specific roles provided for each service providers, the service provider shall adhere to general roles and responsibilities provided as follows:
 - (1) Act as the service provider and shall in all manner conduct business operation that will contribute towards strengthening Brand Bhutan, and shall initiate activities that will lead to promotion of 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 to abide by the requirements of relevant legislations at all times.
 - (3) Provide feedback for the improvement of services and decision making.

- (4) Support 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 service provider

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

- (1) Exhibit Bhutanese values and uphold 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 false promotion of products or services that may mislead or promise beyond what can be actually delivered;
- (6) Ensure that all information shared with tourists is verified and validated to avoid any false information;
- (7) Ensure all tourists are treated equally and service provided is of equal value for equal price;
- (8) Ensure that 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;
- (11) Allow tourists 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 to notify the appropriate authorities after becoming aware that a tourist has left behind any baggage or object; and
- (14) Refrain from engaging in any form of exploitations including sexual exploitation and touting practices.

CHAPTER 6 TOUR OPERATOR

Licence

86. A tour operator shall hold a valid licence issued by the Ministry of Economic Affairs and shall be authorised to operate:

- (1) Inbound tour;
- (2) Outbound tour; and
- (3) Domestic tour.

87. The technical clearance issued by the Tourism Council of Bhutan shall be a prerequisite for issuance tour operator licence.

Requirements for technical clearance

88. A person applying for tour operator licence shall fulfil the requirement provided as follows :

- (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 programme conducted by the Tourism Council of Bhutan or any other institute identified for that purpose or send a key employee for the induction programme or recruit a person who has attended the induction programme in the past as a key employee.
- (5) Payment of fees and submission of business bond as determined by the Tourism Council of Bhutan from time to time.

Technical Clearance for Licencing and Registration

89. The procedure for application for issuance of technical clearance shall be as follows:

- (1) The applicant shall submit an application in **Form no.....**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 technical clearance issued by the Tourism Council of Bhutan shall be valid for 30 days from the date of issuance, within which the licence has to be processed. A fee will be applicable if the technical clearance needs to be reprocessed on expiry of validity.

Renewal of licence

90. The duration of licence and fee shall be as set by the Ministry of Economic Affairs.
91. A tour operator shall ensure that the licence is renewed as per the renewal period.
92. The registry of the tour operator on the destination portal shall be suspended automatically if the tour operator fails to renew the licence on time.
93. A tour operator shall process for clearance with the Tourism Council of Bhutan for the renewal of licence.
94. A tour operator shall meet all the requirements provided under the Section of this Rules and Regulation for the clearance of licence renewal.

Specialization in tourism product or service

95. A tour operator may specialize in product or service offerings under following categories:
 - (1) Nature & Eco Tourism
 - (2) Adventure & Sports
 - (3) Spiritual & Wellness
 - (4) Culture
 - (5) MICE
96. Notwithstanding categories mentioned above, the certification may reflect specialization in specific products as decided by the Tourism Council of Bhutan based on the market demand.
97. 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 operators for certification.
98. Assessment will be based on criteria provided in **Schedule** of this Rules and Regulations, which may be subject to review from time to time by the Tourism Council of Bhutan.
99. A tour operator may use the specialization certificate to promote their business. Tourism Council of Bhutan may also support in promoting the specialized tour operator on various platforms including destination portal.
100. The certificate shall be valid for two years and shall be subject to review.

101. A tour operator shall be required to provide a self-assessment report as part of application for specialization certificate.

102. 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

103. In addition to the general roles provided for service providers in **Section..** of this Rules and Regulations, the tour operator shall discharge specific roles and responsibilities as follows:.

- (1) Organize tour packages for tourists upon their request. The tour operator shall provide efficient and professional services to the tourist based on agreed arrangement with the tourist.
- (2) Assist the tourist in some or all of the following areas, based on the discussion and 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, and
 - g) Facilitating tourists on any other services required for the tour.
- (3) Oversee all the day-to-day tasks and supervise, motivate and train their staff and service providers to develop capacity to professionalise the services.
- (4) Develop and offer authentic, creative and innovative packages or services to diversify tourist experience.

Code of conduct and ethics for tour operator

104. In addition to the general code of conduct and ethics provided for service providers in Section...of this Rules and Regulations, the tour operator shall adhere to specific code of conduct and ethics as follows:

- (1) Settle all applicable dues including (1) service provider bill, airfares and refund within five working days from the date of the departure of the tourists.

- (2) Ensure all employees or service providers engaged including tour guide, driver or any other person, have a valid licence/certification/required permission to provide the goods or services, and adhere to the code of conduct specified for respective service provider;
- (3) 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;
- (4) Ensure that tourist is informed on the prevailing culture, heritage, monuments and prerequisites while visiting tourist sites;
- (5) 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

105. Tour guide may be categorised into four levels of competency as follows:

- (1) TG Level I (Beginner)
- (2) TG Level II (Intermediate)
- (3) TG Level III (Proficient)
- (4) TG Level IV (Master)

106. 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:
 - a. Be the culture tour guide and treated as the beginner;
 - b. Conduct tours of small groups; and
 - c. Only assist the lead tour guide in large group tours.
- (2) A tour guide at Level II shall:
 - a. At least two years at Level I;
 - b. Be considered as an Intermediate practitioner;
 - c. Specialise in two areas; and
- (3) A tour guide at Level III shall:
 - a. Be considered proficient tour guide;

- b. Specialise in three areas;
- c. Be facilitator in providing training and carry out competency assessment for Level I

(4) A tour guide at Level IV shall:

- a. Be considered as the Master tour guide;
- b. Specialise in at least four areas;
- c. Be allowed to train guides and assess competency for Level II and above (in relevant field of expertise with record of tours);
- d. Design and develop course materials or competency test kits (in respective areas of specialisation with records of tours conducted);
- e. Participate as experts in various policy/decision making processes; and
- f. Be allowed to represent the country in an international/national forum.

107. 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;
- 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 conducted at least five culture tours;
- b. completed all the annual competency tests; and
- c. Declared competent in one additional area of specialisation by the competent authority.

(3) For Level III, a candidate shall:

- a. Have conducted at least five tours each in two areas of specialisation at Level II;
- b. Have led at least two large group tours;
- c. Have completed all the annual competency test in at least two areas of specialisation; and
- d. Be declared competent by a competent authority in one additional field of specialisation.

(4) For Level IV, a candidate shall:

- a. Have conducted at least five tours each in three areas of specializations at Level III;
- b. Declared competent in one additional field by a competent authority; and
- c. Led at least three large group tours.

Licence and renewal process

108. Anyone wishing to be a tour guide shall apply initially in the field of culture, which shall remain as the foundation for all tour guides.

109. 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.

110. A person applying for a culture tour guide licence shall submit an application in **Form no....** along with the required documents provided in the form and pay the applicable licence fee.

111. 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

112. 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.

113. Licence issued under this Rules and Regulations shall be renewed one month prior to the date of expiry of the validity, subject to the payment of renewal fee and an application submitted in **Form no.....** along with the required documents as provided in the form.

114. A guide failing to renew the licence within one month from the date of expiry shall lead to cancellation of the licence and shall be subject to penalty under **Section ...** for renewal.

115. A tour guide upon fulfilling other requirements, shall be required to clear the competency test 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.

116. A tour guide at a level higher than level I shall be allowed to renew the licence at lower level depending on their competency and clearing of competency test of that level.

Specialisation of tour guide

117. For the purpose of professionalisation, the tour guide may be specialised in the following categories:

- (1) Culture
- (2) Spiritual
- (3) Trekking
- (4) Photography
- (5) Agri-tour
- (6) Birding
- (7) Eco-tourism
- (8) Rafting/kayaking
- (9) Fishing
- (10) Arts & Craft

118. While culture can be treated as an area of specialisation, it will be required by all and will be the foundation for all other areas of specialisation.

119. A tour guide shall be specialised in one or more areas upon fulfilling the requirement of specialisation in each field.

120. A tour guide shall fulfil the following requirements to apply for specialisation:

- (1) At least two years of experience as a culture guide;
- (2) Served a minimum of 5 tours;
- (3) Be medically fit;
- (4) Have valid security clearance; and
- (5) Have completed relevant courses in the field of the particular specialisation and declared competent by competent authority.

Language specialisation

121. A tour guide may specialise in different languages of communication.

122. Language specialisation shall not be included as part of the specialisation of product delivery and shall be treated separately.

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

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

125. Language as an area of specialisation for the tour guide shall be provided on the destination portal as part of the portfolio.
126. A tourist shall be allowed to choose a guide with the language specialisation that they are comfortable with.
127. A tour guide shall be allowed to charge fees based on their language specialisation depending on the market force.

Competency Assessment and Training

128. Competency assessment system shall be instituted to professionalise the services for continuous improvement of visitor experiences, and raise standards by ensuring that all tour guides keep abreast of the knowledge, skills and abilities.
129. A tour guide shall be required to undergo a minimum of 80 hours of training per year per area of specialisation. It shall include both theoretical and practical aspects of training.
130. 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 level to train, design tests and carry out assessment.
131. The body shall be responsible for providing courses and conduct competency assessment for specialisation and obtaining various levels in the areas of specialisation.
132. Conduct the competency test at least twice a year.
133. Challenges and advancement of knowledge and skills requirement shall intensify with increase in the level of the competency, with level IV being deemed as the most advanced level of assessment. Annual test objectives and assessment at each level shall remain the same though there shall be change in question patterns and contents.
134. 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

135. In addition to the general roles and responsibilities provided for service providers in Section ...of this Rules and Regulations, a tour guide shall discharge specific roles and responsibilities as follows:

- (1) Familiarise tourists with in-depth knowledge of places, history, important social norms and customs.
- (2) Ensure the safety and security of tourists 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 tourists to abide by the requirements at all times.
- (6) Engage in discussions to improve services, policies and products as and when required.
- (7) Assist tourists in booking, registration and payment for homestay.
- (8) Ensure tourist pay the entry fees and other similar payments to visit or avail services.

Code of conduct and ethics

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

- (1) Abide by all relevant laws in a manner befitting at all circumstances and also ensure tourists 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 tourists in an engaging manner;
- (7) Not leave waste and litter places that they visit with the tourist;
- (8) Display proper demeanour in front of tourists 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 of Doma while on duty and shall not smoke 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 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 relevant authority;
- (20) Provide correct and true information to the tourist and
- (21) Adhere to the rules and norms of any particular premises and shall refrain from demanding any favour, free goods or services from any service provider.
- (22) Respect the itinerary and travel plan of the tourist.

CHAPTER 8

TOURIST ACCOMMODATION

Categories of the tourist accommodation

137. The Tourism Council of Bhutan may categorise the tourist accommodation as follows:

- (1) Hotel;
- (2) Tented accommodation;
- (3) Homestay; and
- (4) Any other form of accommodation as may be identified by the Tourism Council of Bhutan.

138. All tourist accommodation shall be certified and classified based on the standard and classification system set by the Tourism Council of Bhutan.

Technical clearance

139. 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.

140. Technical clearance shall be one of the requirements for obtaining a licence from the Department of Industry, Ministry of Economic Affairs.
141. 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:
- (1) Submit an application and architectural drawing of the hotel and tented accommodation to the Tourism Council of Bhutan in **Form no.....** along with the required document provided in the form; and
 - (2) Be Bhutanese national with exception for Foreign Direct Investment project and minimum of eighteen years of age.
142. Any changes to the approved design should be made with prior approval of the Tourism Council of Bhutan.

Issuance and validity of technical clearance

143. The Tourism Council of Bhutan may issue a technical clearance for processing of licence upon completing all the requirements as per this Rules and Regulations.
144. In the case of a hotel, the processing of 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

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

Renewal of technical clearance

146. An applicant shall submit an application to the Tourism Council of Bhutan with clear justification on renewal of technical clearance and pay the applicable fees:
- (1) Copy of the previous technical clearance issued to the proponent; and

(2) Copy of the valid construction permit issued by relevant Dzongkhag or Thromde if applicable.

(3) Photograph of the ongoing construction.

Change in Design

147. An applicant shall submit changes in design of an accommodation including 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

148. To be eligible for assessment, homestay shall meet the following conditions:

(1) An applicant of homestay shall be a Bhutanese citizen;

(2) Homestay shall be in rural areas or outside the municipal boundary to minimise the impact of homestay on the tourist accommodation facilities in the urban/municipal area.

149. Notwithstanding **Section ...** of this Rules and Regulation, the Tourism Council of Bhutan may allow setting up of homestay where 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.

150. 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.

151. The host family shall be a registered household of the village or the community in which the homestay is located.

152. Homestay shall:

(1) Be in a traditional building or house and conform to the architecture of the locality;

(2) Not allocate more than 5 rooms for guest consisting of 10 beds in all and a maximum of 2 beds in each guest room. This is to ensure the quality of services and effective management of Homestay; and

(3) Not use the altar room as a guest room.

153. The leasing of the property for the purpose of setting up homestay shall not be allowed.

Operation of homestay

154. Homestay shall be operated in line with the Operation Manual adopted by the Tourism Council of Bhutan.

155. 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.

Applying for homestay

156. An applicant desiring to set up a homestay shall submit an application to the Tourism Council of Bhutan in **Form no.** along with the required documents provided in the form.

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

Assessment and certification of accommodation providers

158. An applicant having completed the construction and if ready shall apply for the assessment.

Application for assessment and certification

159. An accommodation provider applying for assessment and certification shall submit an application in **Form no...** along with the required documents provided in the form.

160. The Tourism Council of Bhutan or any other agency authorised by it shall conduct the assessment of the accommodation.

161. 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.

162. 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

163. The certificate of registration with the validity of 3 years shall be issued to an accommodation achieving the required parameter and upon payment of fee.
164. 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.
165. An accommodation shall display a certificate of registration in a prominent area.
166. In case of expiry, loss or damage of certificate of registration , the licensee upon paying the fee shall submit an application for a new certificate and the damaged certificate shall be surrendered upon the receipt of new one.
167. In case of suspension or cancellation of hotel business, the certificate of registration shall be surrendered to the Tourism Council of Bhutan within fourteen days after the date of the suspension or cancellation.
168. The Tourism Council of Bhutan shall maintain a record of all the certified accommodation and disseminate information to the stakeholders

Renewal of certificate

169. Certified accommodation provider shall submit an application for re-assessment within six months prior to expiry of their existing certificate or upon payment of late fee.

Roles and Responsibilities of accommodation provider

170. In addition to the general roles and responsibilities provided for service providers in **Section ..** of this 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 tourists
 - (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 professionalising the services.
- (6) Develop and provide advertisement or promotional material about goods or services to promote hotel and related services for tourists

Code of conduct and ethics for accommodation providers

171. In addition to the general code of conduct and ethics provided for service providers in Section ...of this Rules and Regulations, an accommodation provider shall adhere to specific code of conduct and ethics as follows:
- (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 enquiries, requests, bookings and correspondence from visitor 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 to the tourist.
 - (5) Comply all regulatory requirements and disclose conditions or restrictions applying to the supply of the goods or services.
 - (6) Failing to properly guard money, securities, jewels or other valuable objects entrusted by hotel tourist for safekeeping.
 - (7) Installing facilities that may violate a lodger's privacy, or engaging in any behavior that may cause disturbance to the tourist.

CHAPTER 9 TRANSPORT SERVICE

Transportation registration

172. 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 the Tourism Council of Bhutan.
173. An individual wishing to engage their vehicle in tourist transportation services including biking tours shall get the certification of tourist vehicle set by the Tourism Council of Bhutan and fulfil requirements of commercial passenger vehicle specification of Road Safety and Transport Authority.

Requirements

174. A vehicle to be certified by the Tourism Council of Bhutan as the tourist vehicle shall:
- (1) Be certified and registered with the Road Safety and Transport Authority.
 - (2) Have valid documents as required by the Road Safety and Transport Authority and fulfil all the requirements for commercial passenger vehicle specification.
 - (3) Not older than 7 years from the date of registration with the Road Safety and Transport Authority.
 - (4) Fall under any of following categories:
 - a) Electric Vehicle (40 kWh of battery pack)
 - b) **Luxury** SUVs (above 1900 cc)
 - c) **Luxury** bus (above 2400 cc)
 - (5) Be equipped with a minimum of one fire extinguisher for SUV and two fire extinguishers for bus.
 - (6) Have a functional air conditioning system and other amenities.
 - (7) Have valid comprehensive insurance.
175. The certification shall be renewed every year.
176. A person applying for certification of vehicle shall submit an application in **Form no....** along with the required documents provided in the form

Registration of tourist vehicle driver

177. A person of 25- 56 years with the driving experience of minimum 3 years applying to be certified as tourist vehicle driver shall submit the application in **Form no.....** along with the required documents provided in the form.
178. 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

179. A certificate shall be valid for one year from the date of issue or as may be notified by the Tourism Council of Bhutan.
180. A certificate issued under this Rules and Regulations shall be renewed one month prior to the date of expiry of the validity or upon payment of late renewal fee by submitting an application in **form no.....** along with the required documents as provided in the form.

Roles and Responsibilities

181. In addition to the general roles and responsibilities provided for service providers in Section .. of this 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 Tourism Council of Bhutan.
- 2) Ensure the safety and security of tourist as per the safety protocols in place.
- 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 certified for that purpose by TCB as per the prevailing rules.
- 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

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

- (1) Shall abide by the Road Safety and Transport Regulations 2021
- (2) Exhibit utmost punctuality, reliability and honesty at all times.
- (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) Must refrain from engaging in tour operation business unless licensed for tour operation.
- (6) The tourist driver shall not provide services of a guide at the same time.
- (7) shall not be under the influence of alcohol, narcotics drugs, or psychotropic substances.
- (8) Refrain from chewing of *Doma* while on duty and shall not smoke at places where smoking is prohibited by law.

CHAPTER 10 TOURIST RESTAURANT

Certification

183. A person applying to be certified as the tourist standard restaurant shall fulfil the set of standards provided by the Tourism Council of Bhutan.

184. A person applying for certification of restaurant shall submit an application in **Form no....** along with the required documents provided in the form.

Assessment

185. The Tourism Council of Bhutan shall assess and certify the restaurant.

Certificate of registration

186. The Tourism Council of Bhutan upon approval of the assessment of the restaurant shall issue the certificate of registration for the restaurant. The cost of printing the certificate shall be borne by the restaurant.

187. The restaurant shall display a certificate of registration in a prominent area.

188. In case of expiry, loss or damage of certificate of registration, the licensee may submit an application for issuance of a new certificate, and the damaged certificate shall be surrendered upon the receipt of new one.

189. In case of suspension or cancellation of tourist standard restaurant, the certificate of registration shall be surrendered to the Tourism Council of Bhutan within fourteen days after the date of the suspension or cancellation.

Validity and renewal

190. A certification of registration shall be valid for three year from the date of issue or as may be notified by the Tourism Council of Bhutan.

191. Certification of registration issued under this Rules and Regulations shall be renewed six month prior to the date of expiry of the validity and an application submitted in **Form no.....** along with the required documents as provided in the form.

192. A person failing to renew the certificate of registration within six month from the date of expiry shall be subject to penalty under **Section ...** for renewal.

Roles and responsibilities

193. In addition to the general roles and responsibilities provided for service providers in Section ... of this 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 agreed arrangement with the tourist.
- (2) To 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

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

- (1) To maintain a clean food preparation, equipment and utensils, premises and environment for the purposes of fellow workers and customer's health and to care towards the environment sanitation
- (2) To provide an honest restaurant service in any conditions, from customer interaction to food preparation, services, and menu pricing.
- (3) Provide a menu with price for all meals, describing the fare in English in addition to any other language used.
- (4) Ensure that any offer of services, facilities or amenities to one person shall not prejudice the provision of such service, facilities or amenities to others.
- (5) Institute and inform the tourist on the complaint handling process.
- (6) Ensure that the price quoted for good or service shall be the total cost of the service, including any tax or other charges payable by a tourist.
- (7) An advertisement or promotional material about services shall disclose conditions or restrictions applying to the supply of the services.
- (8) Shall not charge tourists for services that are available free to the public.
- (9) Staff employed or arranged staff shall be briefed on the code of conduct or all other requirements.
- (10) Comply with relevant international and local legislation

CHAPTER 11 MONITORING AND DISPUTE SETTLEMENT

Monitoring and inspection

195. The Tourism Council of Bhutan shall carry out periodic monitoring and inspection of service providers on the requirements as provided under this Rules and Regulation.

Power of Inspection and Duty to Provide Information

196. The Tourism Council of Bhutan may by written notice require service provider registered or any person who acts on its behalf at all reasonable times to give access to premises where the business is conducted to any officer authorised by the Tourism Council of Bhutan in the notice and to furnish to the officer:
- (1) With such information; or
 - (2) To produce for examination such books, records, computerised documents or other documentation as may be specified in the notice.

Dispute Settlement Committee

197. Any complaint or dispute relating to the provision of tourism services shall be settled by the Tourism Council of Bhutan or Dispute Settlement Committee as provided in the Standard Operating Procedure for Handling of Complaint adopted by the Tourism Council of Bhutan.
198. 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

199. A complaint which is addressed clearly in this Rules and Regulations shall be settled by the Tourism Council of Bhutan.
200. 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.
201. The parties shall have the right to be accompanied by any other person.
202. Any criminal complaint received by the Tourism Council of Bhutan shall be filed with the police expediently and without unreasonable delay.
203. Completion of a criminal trial or civil suit against service providers or any other person engaged in tourism business shall not preclude the Dispute Settlement Committee from exercising jurisdiction under this Rules and Regulations.
204. 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

Service providers

205. An act or omission by the services provider, tourist and any other person contravening this Rules and Regulations shall constitute an offence and shall be liable for a penalties as provided in **Schedule 1** of this Rules and Regulations.

Enhancement of penalties

206. A service provider who is guilty of same or similar act or omission constituting offence, shall on the commission of next offence or failure to act or omit as required by the Tourism Council of Bhutan, shall be liable for penalty in the following order:

- (1) Fine of Nu.10,000 shall be enhanced to fine of Nu.25,000
- (2) Fine of Nu 25,000 shall be enhanced to fine of Nu.50,000
- (3) Fine of Nu.50,000 shall be enhanced to suspension business operation for the maximum period of six months.
- (4) Suspension of business operation shall be enhanced cancellation of licence.

CHAPTER 13 MISCELLANEOUS

Amendment

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

Definitions

208. Unless the context otherwise requires;

- (1) **“Accommodation”** means accommodation registered and licensed by the competent authority as per the accommodation guidelines adopted by the Council and made available to visitors.
- (2) **“Act”** means the Tourism Levy Act of Bhutan 2022 and its rules and regulations.
- (3) **“Certification”** means voluntary procedure that assesses, monitors, and gives written assurance that a business, product, process, service, or management system conforms to specific requirements

- (4) **“Complainant”** means any member of the general public including tourist, licence holder or an establishment recognized by the Tourism Council of Bhutan who lodges a complaint against tourism service rendered in accordance with this Rules and Regulations.
- (5) **“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.
- (6) **“designated point”** means an area identified by the Government within border towns of Bhutan as follows:
- a. Phuntsholing: Border checkpoint until Rinchending
 - b. Samdrup Jongkhar : Border checkpoint until Pinchina
 - c. Gelephu: Border checkpoint until AWP Gate on the Gelephu-Tsirang highway and Shershong Zam/Tashiling constituency on the Gelephu-Zhemgang highway
 - d. Samtse
- (7) **“Dispute Settlement Committee”** means a committee established to discharge the function of resolving any complaints referred under this Rules and Regulations.
- (8) **“Hotel”** means an establishment certified 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, beverages. The main occupation of the premises must be for the purpose of carrying on trade as a hotelier.
- (9) **“Licence”** means a certificate, qualification or grade issued by a competent authority.
- (10) **“Licencee”** means any person who is holding the licence issued by the competent authority.
- (11) **“Person”** includes an individual, sole proprietorship, a partnership, a company, incorporated association and a natural person in his or her capacity as a legal representative and anybody recognized as a separate legal entity.
- (12) **“Sustainable Development Fee (SDF)”** refers to the tourism levy on all tourists per person per night and applicable as per the Tourism Levy Act of Bhutan 2022, as a contribution towards sustainable development initiatives undertaken by the Government and to compensate for the negative environmental impacts associated with tourism.
- (13) **“Service provider”** means any natural person or legal person (irrespective of whether privately or publicly owned) 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.

- (14) **“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 tourists and ensures that professional services and courtesies are laid at the disposal of the tourist.
- (15) **“Tour operator”** means a person with the valid licence, who habitually or regularly puts together tour or package comprising 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; and
 - d. transport
- (16) **“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.
- (17) **“Tourist”** means a person taking a trip which includes an overnight stay to a main destination outside his/ her usual environment, for less than a year, for any main purpose (business, leisure or other personal purpose) other than to be employed by a resident entity in the country or place visited.

**SCHEDULE 1
OFFENCES AND PENALTIES**

SECTION (to be accordingly revised at the end)	OFFENCES	PENALTIES/ACTION
CHAPTER 2 TOURISM LEVY		
6, 8 and 11	A tourist who have failed to pay the applicable SDF	Three times the applicable SDF

**CHAPTER 3
TOURISM LEVY**

18	Service provider failing to use identified portal for booking services	Nu.50,000 per incident
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.
21,27,28,33,54	Having arranged a 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 complaint. Any person not identified to arrange the tourism service, arranging such services shall be fined Nu.50,000 for each arranged service.
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	Accommodation provider may refuse the service by forfeiting the advance payment received in case of failure to provide the required information by 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 guide or required number of the guide for a group.	Fine of Nu. 10,000 per tourist. The service provider shall be liable to pay the fine where 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. 25,000 per vehicle for two wheelers and Nu.50,000 per vehicle in case of other vehicle The service provider shall be liable to pay the fine where guide service has been arranged by the tourism service provider.

45 and 46	Service provider failing to refund as provided or directed	The service provider shall be suspended from the operation of business for the maximum period
47	Tourist breaching the code of conduct	Fine of minimum of Nu.10,000 upto maximum of Nu.50,000 based on the severity of offence.
CHAPTER 4 TREKKING		
53	Carrying out trek without trekking permit.	Fine of Nu.10,000 per person per night
54 and 56 (2)	Failure to provide trekking guide or required number of trekking guide.	Fine of Nu.10,000 per person per night
56 (1)	Trekking on the non-designated area or camping in the non-designated area.	Fine of Nu.10,000 per person per night
56 (2)	Contravening the responsibilities identified	Fine of Nu.10,000 per offence and per incident.
CHAPTER 5 TOURISM SERVICE STANDARD		
58	Providing tourism services without a valid licence, certification or registered as required.	Fine of Nu. 50,000 per service
68	Failure to submit business bond or in case of invalid business bond	The service provider shall be suspended from the operation of business for the maximum period
77	Failure to apply formal registration on the tourism portal with the Tourism Council of Bhutan	The service provider shall be suspended from the operation of business for the maximum period.

80	Failure to change the required information	The service provider shall be suspended from the operation of business for the maximum period.
84	Failure to discharge the roles and responsibilities and adhere to General code of Conduct and ethics	Fine of Nu.50,000 for each incident
CHAPTER 6 TOUR OPERATOR		
99	Tour operator promoting it to be specialised in the product without any certification	Fine of Nu.50,000 for each incident
104	Failure by tour operator to abide by its code of conduct and ethics	Fine of Nu.50,000 for each incident
CHAPTER 7 TOUR GUIDE		
136	Failure by tour guide to adhere by its code of conduct and ethics	Fine of Nu.25,000 for each incident
CHAPTER 8 TOURIST ACCOMMODATION		
171	Failure by accommodation provider to adhere by its code of conduct and ethic	Nu.10, 000 for each incident incase of homestay and Nu.50,000 for other accommodation provider.
CHAPTER 9 TRANSPORT SERVICES		
182	Failure by tourist driver to adhere by its code of conduct and ethics	Nu.10,000 per incident
CHAPTER 10 TOURIST RESTAURANT		
194	Failure by tourist restaurant to adhere by its code of conduct and ethics	Nu.25,000 per incident

CHAPTER 11 MONITORING AND DISPUTE SETTLEMENT		
196	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

**SCHEDULE 2
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		
89 (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		
110	Licence fee tour guide	Nu.500, (Nu.200 revenue fees and Nu.300 licence printing cost)
113	Licence renewal fee	Nu.500, (Nu.200 revenue fees and Nu.300 licence printing cost)
114	Late renewal or late registration fee	Nu.50 per day including public holiday and weekend.
CHAPTER 8 TOURIST ACCOMMODATION		
146	renewal of technical clearance on the architectural drawing (the first technical clearance will be issued without fee)	Nu.3000
147	Change in design of approved accommodation design (the first design will be reviewed without fee)	Nu.3000
163	Assessment fee for assessment of hotel (first assessment is without fee)	
	Homestay	Nu. 5000
	3 star	Nu.15,000

	4 star	Nu.20,000
	5 star and tented Accommodation	Nu.25,000
165	Certificate for accommodation	Nu.1000
166	loss or damage of certificate and applying for replacement	Nu.1000
169	Late fee for renewal of certificate	Nu.50 per day including public holiday and weekend.
CHAPTER 9 TRANSPORT SERVICES		
180	Late renewal fee for tourist vehicle and tourist vehicle driver	Nu.50 per day including public holiday and weekend
CHAPTER 10 TOURIST RESTAURANT		
184	Assessment fee for Tourist Standard restaurant. (First assessment is of no charge)	Nu. 3000
186	certificate for the restaurant	Nu.1000
188	loss or damage of certificate and applying for replacement	Nu.1000
192	Late renewal fee for tourist restaurant	Nu.50 per day including public holiday and weekend