

## FOREIGN EXPERIENCE OF LEGAL REGULATION OF TOURISM INDUSTRY ENTERPRISES

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In developed tourist countries, the state plays an important role in regulating tourism activities. Studies of international practice and legislation show that there are strict conditions and a system of permit policy that provides for the licensing of tourist activities. For example, in countries such as Great Britain, Israel, Italy, Spain, Latvia, Lithuania, China, the USA, Egypt, Turkey, and Japan, licensing regulations have been introduced to ensure the interests of tourists and the protection of consumer rights. In such countries, priority is given to inbound tourism, and additional measures are taken to ensure the protection of tourists' rights [2].

The foreign experience of legal regulation of enterprises in the field of tourism can be characterized as diverse and aimed at protecting the interests of tourists and developing the tourism industry in general.

In many countries, for example, in Europe and North America, there is a regulatory system that provides for the licensing of tourism enterprises and the establishment of mandatory standards for the quality of tourist services. In addition, in many countries there are laws that provide mandatory insurance for tourists in case of unforeseen events, such as natural disasters, accidents, acts of terrorism, and others [3].

In some countries, such as Japan and China, special authorities have been established that are responsible for granting licenses and registering tourism enterprises. In some other countries, such as Spain and France, there are special categories of licenses for different types of tourism activities, such as travel agents, tour operators, and others.

Of course, many countries have legal acts regulating the activities of enterprises in the field of tourism.

So, for example, France has a law on tourism and hotel business, which defines the requirements for the quality of hotel service, the licensing requirements for tour operators and travel agencies, and also contains regulations regarding the safety of tourists and their rights outside France.

Germany has a Federal Tourism Act that defines the rules for state support for tourism, the development of tourism infrastructure, the licensing of tourism services, and the protection of the rights of consumers of tourism services.

Japan has the Tourism and Travel Industry Act, which sets out rules for regulating tourism activities, including requirements for licensing tour operators and travel agencies, organizing tourism promotion activities, and ensuring the safety of tourists.

In Brazil, there is a Law on Tourism, which defines the rules for the regulation of tourism activities, including requirements for licensing tour operators and travel agencies, the creation of regional tourism associations, and the organization of tourism promotion activities.

These examples show that different countries have different approaches to the legal regulation of tourism, but they all have a common goal - to ensure the safety of tourists and protect their rights and interests.

In addition to the countries mentioned earlier, there are other countries where there are strict conditions for the licensing of tourist activities and the legal regulation of the tourism sector.

For example, in Japan, the legislation provides for the need to obtain a license to conduct tourist activities for all enterprises working in this field. The license is issued for 3 years and must be extended if the relevant requirements and standards are met.

In the US, the responsibility for regulating tourism lies at the federal and state levels. Each state has its requirements and rules for licensing and regulating tourism businesses, and the federal agency, the Department of the Interior, is responsible for regulating national parks, forests, and water resources.

In China, which is one of the largest tourist destinations in the world, the rules and standards governing tourism activities are set by the state. Businesses engaged in tourism activities must obtain appropriate licenses and comply with established requirements.

In Germany, travel agencies and tour operators must obtain a license from the government and must also be registered. In addition, German law prohibits advertising of travel services that contain false or misleading information.

In India, there is a consumer law that protects the rights of tourists. Also, travel agencies and tour operators must be registered with the government body that regulates tourism activities. In addition, the Indian government requires tourists to obtain a special permit to visit certain regions of the country to ensure the safety and protection of the local environment.

In Australia, there is a system of registration for travel agencies and tour operators, which must have an insurance policy in case of bankruptcy. The Australian government also prohibits tour operators from deceiving customers about the characteristics of the tours and services they offer.

Therefore, according to foreign experience, the state's legal regulation of tourist activity is extremely important for ensuring the quality and safety of tourist services.

For example, in France and Germany, there are mandatory laws to ensure the rights of tourists. They require tour operators and travel agencies to have detailed information about the tour they are selling and guarantee the right to a refund in the event of a breach of contract. In addition, in France there is a rating system for hotels and restaurants, which evaluates their quality and level of service.

Switzerland and Sweden have guarantee funds that protect tourists in case of bankruptcy of tour operators or other tourism-related enterprises. This allows you to save tourists' money and ensure their return in case of problems.

Some countries, such as Australia, Japan, and the United States, have federal laws that regulate tourism activities at the national level. These laws establish rules and standards for tourism enterprises and ensure the protection of the rights of tourists in all regions of the country.

In many countries of the world, there are also laws regulating the environmental sustainability of tourism activities, ensuring the preservation of natural resources and reducing the negative impact of tourism on the environment [1].

Legal regulation of tourism is also an important aspect of the European Union (EU). For example, the Framework Directive on Tourism contains general rules for all EU member states regarding the promotion of tourism and the protection of the rights of consumers of tourism services. It provides for the establishment of national rules for tour operators and travel agents. These rules must ensure the rights of tourists, especially with regard to advance payments, reimbursement, and the protection of health and safety.

In addition, the EU establishes common rules for the aviation and rail transport industry, which allows for ensuring high-quality transportation and passenger safety. There are also rules in the EU that regulate the use of beaches and ensure the safety of water bodies.

In most countries of the world, including Ukraine, the legal regulation of tourist activity is carried out with the help of laws and other legal acts. This usually concerns the licensing of tourist activities, control over the safety and

quality of tourist services, protection of consumer rights, and other aspects of tourism. Legislation in the field of tourism is an important tool for ensuring the development of tourism, protecting the rights of consumers, and supporting sustainable development.

In addition, in many countries, there are legislative acts that require compliance with ethical principles in tourism activities and set strict requirements for the behavior of travel agents and other workers in the tourism industry.

Therefore, in many countries with a developed tourism market, there is an effective legal mechanism for regulating entrepreneurship in the field of tourism, ensuring the safety of tourism activities, increasing the responsibility of tour operators and travel agents for the quality of tourist services and guaranteeing a safe trip for consumers. Because of this and taking into account the European integration efforts of our country, it is worth introducing the best legal experience of regulating tourism into Ukrainian legislation. In particular, enter [2]:

- mandatory licensing of travel agency activity;
- an effective mechanism of financial guarantees of the civil liability of the tour operator or travel agent to tourists, the size of which depends on the volume of services provided;
- permit system for tourist support specialists;
- mandatory formation by the tour operator or travel agent of a safety plan for each type of tour offered to consumers.

#### References:

1. Zaika S.O., Kharchevnikova L.S., Zaika O.V. Development of a marketing strategy for the development of the tourism industry on the base of competitive advantages. *Integration vectors of sustainable development: economic, social and technological aspects*: collective monograph. Poland The University of Technology in Katowice Press, 2023. P. 286-295.
2. Опанасюк Н.А., Попович С.І. Правове регулювання туризму: зарубіжний досвід для України. *Часопис Київського університету права*. 2022. № 1. С. 161-164.
3. Опанасюк Н.А., Охріменко А.Г., Попович С.І. Правове регулювання туристичної діяльності в контексті реформування законодавства України про туризм. *ScienceRise: Juridical Science*, Харків: Технологічний центр. 2021. Вип. 3(17). С. 9-17.
4. Опанасюк Н.А., Попович С.І. Історичні витoki правового регулювання туризму. *Часопис Київського університету права*. 2021. № 2. С. 182-189.