

## *pogledi i mišljenja*

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# THE LEGAL FRAMEWORK FOR TOURISM DEVELOPMENT IN THE REPUBLIC OF SERBIA

**Abstract :** The Republic of Serbia is a very attractive tourist destination. Because of the state aspirations towards EU membership, legislation and regulations on tourism services have to be harmonized with the respective ones which are adopted at the EU level. The regulation of tourist services is found in several laws that regulate the criminal, commercial and civil law areas. The Government of the Republic of Serbia has developed a strategy for the development of tourism in the period 2016-2025.

Using the available literature, laws and electronic sources, the author, through a variety of scientific research methods (normative method, historical method, comparative method and others), reached possible solutions, thus contributing to the further development of legal protection in terms of providing tourist services in the Republic of Serbia.

**Key words:** *Tourism legislation, regulation, tourism laws, tourism development, EU harmonization laws*

## Introduction

Serbian legal framework for tourism is consisted of numerous laws and regulations, which are directly or indirectly related to tourism and tourism development. As a candidate country for the EU membership, Serbia

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is harmonizing its (tourism) legislation with the rules adopted at the EU level. Harmonization process itself stimulates tourism development and tourist traffic by ensuring that foreign visitors coming from different EU Member States have the same level of protection as it is guaranteed at the EU level. Furthermore, based on the Law on Tourism (Off. Gazette RS, No. 36/2009, 88/2010, 99/2011 – other law, 93/2012 and 84/2015), the Government of the Republic of Serbia passed certain regulations aiming to stimulate tourism development and tourist traffic of both domestic<sup>1</sup> and foreign<sup>2</sup> tourists on the territory of the Republic of Serbia.<sup>3</sup> In addition, Serbia implemented the non-binding principles contained in the Global Code of Ethics for Tourism<sup>4</sup> into its legal system through the art. 2. para. 1. item 8 of the Law on Tourism.<sup>5</sup>

<sup>1</sup> Regulation on the conditions and method of allocating and using funds for encouraging the improvement of tourist traffic of domestic tourists on the territory of the Republic of Serbia (Off. Gazette RS, No. 119/17).

<sup>2</sup> Regulation on the conditions and method of allocating and using funds for encouraging the improvement of organized tourist traffic of foreign tourists on the territory of the Republic of Serbia (Off. Gazette RS, No. 13/18).

<sup>3</sup> In order to ensure tourist traffic of domestic tourists, the Ministry of Finance, the Ministry of Labor, the National Employment Service, branches of the Republican Pension and Financial Insurance Fund and other departments are also involved in this common initiative. This proves that this is a serious project that has been devoted to a lot of effort and attention. This regulation clearly defines the conditions for obtaining vouchers for subsidized use of catering facilities. It does not apply to catering facilities located in Belgrade, Novi Sad, Niš and Kragujevac. The Regulation sets out certain conditions that are necessary for the person to fulfill the application for the subsidy and to obtain the voucher. The right to use this subsidy are listed in Article 4 of the Regulation and are: beneficiaries of the right to a pension; unemployed persons from the records of the National Employment Service; beneficiaries of rights to allowance for assistance and care of another person, who exercises this right in accordance with the law governing social protection; beneficiaries of rights to allowance for assistance and care of another person, who exercises this right in accordance with the law governing pension and disability insurance; employed persons with income, which do not exceed the amount of 60.000,00 dinars per month; war invalids with incomes, which do not exceed the amount of 60.000,00 dinars per month. They have the right to use only one of the conditions specified for obtaining a voucher. The regulation also defines the conditions that must be fulfilled by catering persons, so it is necessary to apply in the Ministry in writing. Also, the voucher users are obliged to apply and to provide all information about the selected tourist destination, catering facility in order to be able to realize the voucher. Getting a voucher is limited to 100,000 users. The value of the voucher is 5,000 dinars and can be used only once regardless of the value of the accommodation services performed.

<sup>4</sup> Global Code of Ethics for Tourism is adopted by the resolution of the United Nations World Tourism Organization (UNWTO) A/RES/406(XIII) at the thirteenth WTO General Assembly (Santiago, Chile, 27 September - 1 October 1999). UNWTO supports the implementation of the Global Code of Ethics for Tourism in order to increase the tourist sociological and economic development and reduce the negative consequences that can arise from tourism.

<sup>5</sup> Serbia joined the UNWTO in 2001. So far, UNWTO membership consists of 158 countries and more than 500 affiliate members. See: <http://www2.unwto.org/content/who-we-are-0> (11.02.2018.)

Those principles are in function of tourism development and cover the economic, social, cultural and environmental components of travel and tourism. The tourism-related legal framework is complemented by the policies and relevant strategies. In order to stimulate tourism development, in November 2016, Ministry of Trade, Tourism and Telecommunications adopted Tourism development strategy of the Republic of Serbia from 2016 to 2025. This paper, therefore, aims to examine the meaning of tourism development and provide an overview of the principles of the UNWTO Global Code of Ethics which are implemented in the national legislation together with the tourism development strategies in Serbia and neighbouring countries, such as Croatia, Montenegro, Slovenia and Federation Bosnia and Herzegovina.

### **Defining the tourism development**

In order to examine tourism development, we first need to determine the meaning of sustainable development and tourism in general. The answer to the first question can be found in the Report of the World Commission on Environment and Development: Our Common future, (widely known as Brundtland Report from 1987), which contains definition of sustainable development as „development that meets the needs of the present without compromising the ability of future generations to meet their own needs“ (Van der Bank, 2016, p. 2). Now, the term sustainable development should be analyzed and understood as being the preservation of biodiversity and infra structure for future generations, while using them to the extent that they serve to maintain current generations. In order to achieve tourism development on the sustainable basis, coherent legal and policy framework needs to be created. The main directions of further development in most of the Serbian towns are mountains and lakes, which already have a significant position in the tourism of Serbia, especially in the domestic market. Another potentials are spas (the great natural resources that need to be valorized) and rural tourism with objectively, good bases which allow commercialization of capacities with minimal investments and necessary adaptations. Apart from these three main forms of tourist activity, there are conditions for the development of tourism of special interests, which has a rich natural and anthropogenic element for the whole destination, which provides great opportunities for tourist commercialization (sports, hunting, fishing, excursion and recreational tourism, cultural and historical<sup>6</sup>.

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<sup>6</sup> Hamović V., Cvijanović, D., Bošković D. (2009) Repozicioniranje Srbije kao turističke destinacije, *Ekonomika poljoprivrede*, (3), p. 369

Definition of sustainable tourism development has given by UNEPUNWTO, „Sustainable tourism development guidelines and management practices are applicable to all forms of tourism in all types of destinations, including mass tourism and the various niche tourism segments. Sustainability principles refer to the environmental, economic and socio-cultural aspects of tourism development, and a suitable balance must be established between these three dimensions to guarantee its long-term sustainability.<sup>7</sup> Definition of tourism itself is given by UNWTO, “*Tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities*”,<sup>8</sup>and future more definiton “Tourism comprises the activities of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited.”<sup>9</sup>

### **Principles of the Global Code of Ethics for Tourism**

The most important document which is approved by the UNWTO General Assembly in the context of tourism development is Global Code of Ethics for Tourism. This document is very important as it sets directions for tourism development. It contains ten main principles: 1) tourism’s contribution to mutual understanding and respect between peoples and societies; 2) tourism as a vehicle for individual and collective fulfilment; 3) tourism, a factor of sustainable development; 4) tourism, a user of the cultural heritage of mankind and contributor to its enhancement; 5) tourism, a beneficial activity for host countries and communities; 6) obligations of stakeholders in tourism development; 7) right to tourism; 8) liberty of tourist movements; 9) rights of the workers and entrepreneurs in the tourism industry; 10) implementation of the principles of the Global Code of Ethics for Tourism.

*Article one: Tourism’s contribution to mutual understanding and respect between peoples and societies.* - In this article, the behavior of caterers and tourists is standardized. The article itself contains six paragraphs. It is stated that service providers (caterers) are obliged to cope with the care of a good host, service provider, to take care of the safety of tourists, to enable them to

<sup>7</sup> UNEP, Making Tourism more sustainable, A guide for policy makers, UNWTO, 2005. p. 11

<sup>8</sup> <http://www2.unwto.org/content/about-us-5> , 08.04.2018.

<sup>9</sup> Bonarou C. (2011) Heritage Tourism and Museum management, Alexander Technological Educational Institute of Thessaloniki, Greece , Department of Tourism Management, pg. 1

enjoy unhindered enjoyment of the tourist services they offer. Stakeholders in tourism development and tourists themselves should observe the social and cultural traditions and practices of all peoples, including those of minorities and indigenous peoples. Tourism activities should be conducted in harmony with the attributes and traditions of the host regions and countries and in respect for their laws, practices and customs (para. 2). In the view of the authors, the most important paragraph is fourth paragraph of this article, which sets the task of the public authorities to provide protection for tourists and visitors and their belongings. In addition, they must pay particular attention to the safety of foreign tourists owing to the particular vulnerability they may have and facilitate the introduction of specific means of information, prevention, security, insurance and assistance consistent with their needs. Any attacks, assaults, kidnappings or threats against tourists or workers in the tourism industry, as well as the willful destruction of tourism facilities or of elements of cultural or natural heritage should be severely condemned and punished in accordance with their respective national laws.” (para. 4). When travelling, tourists and visitors should not commit any criminal act or any act considered criminal by the laws of the country visited and abstain from any conduct felt to be offensive or injurious by the local populations, or likely to damage the local environment (para. 5). Tourists and visitors have the responsibility to acquaint themselves, even before their departure, with the characteristics of the countries they are preparing to visit; they must be aware of the health and security risks inherent in any travel outside their usual environment and behave in such a way as to minimize those risks (para. 6).

*Article two: Tourism as a vehicle for individual and collective fulfillment.*

- Tourism, the activity most frequently associated with rest and relaxation, sport and access to culture and nature, should be planned and practiced as a privileged means of individual and collective fulfillment; when practiced with a sufficiently open mind, it is an irreplaceable factor of self-education, mutual tolerance and for learning about the legitimate differences between peoples and cultures and their diversity (para. 1). Tourism activities should respect the equality of men and women; they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, the handicapped, ethnic minorities and indigenous peoples (para. 2). The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation

of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad (para. 3). Travel for purposes of religion, health, education and cultural or linguistic exchanges are particularly beneficial forms of tourism, which deserve encouragement (para. 4). The introduction into curricula of education about the value of tourist exchanges, their economic, social and cultural benefits, and also their risks, should be encouraged (para. 5).

*Article three: Tourism, a factor of sustainable development.* - All the stakeholders in tourism development should safeguard the natural environment with a view to achieving sound, continuous and sustainable economic growth geared to satisfying equitably the needs and aspirations of present and future generations (para. 1). All forms of tourism development that are conducive to saving rare and precious resources, in particular water and energy, as well as avoiding so far as possible waste production, should be given priority and encouraged by national, regional and local public authorities (para. 2). The staggering in time and space of tourist and visitor flows, particularly those resulting from paid leave and school holidays, and a more even distribution of holidays should be sought so as to reduce the pressure of tourism activity on the environment and enhance its beneficial impact on the tourism industry and the local economy (para. 3). Tourism infrastructure should be designed and tourism activities programmed in such a way as to protect the natural heritage composed of ecosystems and biodiversity and to preserve endangered species of wildlife; the stakeholders in tourism development, and especially professionals, should agree to the imposition of limitations or constraints on their activities when these are exercised in particularly sensitive areas: desert, polar or high mountain regions, coastal areas, tropical forests or wetlands, propitious to the creation of nature reserves or protected areas (para. 4). Nature tourism and ecotourism are recognized as being particularly conducive to enriching and enhancing the standing of tourism, provided they respect the natural heritage and local populations and are in keeping with the carrying capacity of the sites (para. 5).

*Article four: Tourism, a user of the cultural heritage of mankind and a contributor to its enhancement.* - Tourism resources belong to the common heritage of mankind; the communities in whose territories they are situated have particular rights and obligations to them (para. 1). Tourism policies and activities should be conducted with respect for the artistic, archaeological and cultural heritage, which they should protect and pass on to future generations; particular care should be devoted to preserving and upgrading monuments, shrines and museums as well as archaeological and historic sites which must

be widely open to tourist visits; encouragement should be given to public access to privately-owned cultural property and monuments, with respect for the rights of their owners, as well as to religious buildings, without prejudice to normal needs of worship (para. 2). Financial resources derived from visits to cultural sites and monuments should, at least in part, be used for the upkeep, safeguard, development and embellishment of this heritage (para. 3). Tourism activity should be planned in such a way as to allow traditional cultural products, crafts and folklore to survive and flourish, rather than causing them to degenerate and become standardized (para. 4).

*Article five: Tourism, a beneficial activity for host countries and communities.* - Local populations should be associated with tourism activities and share equitably in the economic, social and cultural benefits they generate, and particularly in the creation of direct and indirect jobs resulting from them (para. 1). Tourism policies should be applied in such a way as to help to raise the standard of living of the populations of the regions visited and meet their needs; the planning and architectural approach to and operation of tourism resorts and accommodation should aim to integrate them, to the extent possible, in the local economic and social fabric; where skills are equal, priority should be given to local manpower (para. 2). Special attention should be paid to the specific problems of coastal areas and island territories and to vulnerable rural or mountain regions, for which tourism often represents a rare opportunity for development in the face of the decline of traditional economic activities (para. 3). Tourism professionals, particularly investors, governed by the regulations laid down by the public authorities, should carry out studies of the impact of their development projects on the environment and natural surroundings; they should also deliver, with the greatest transparency and objectivity, information on their future programmes and their foreseeable repercussions and foster dialogue on their contents with the populations concerned (para. 4).

*Article six: Obligations of stakeholders in tourism development.* - Tourism professionals have an obligation to provide tourists with objective and honest information on their places of destination and on the conditions of travel, hospitality and stays; they should ensure that the contractual clauses proposed to their customers are readily understandable as to the nature, price and equality of the services they commit themselves to providing and the financial compensation payable by them in the event of a unilateral breach of contract on their part (para. 1). In paragraph five there is the most important obligation that has been put into stakeholders and governments have the right and the duty - especially in a crisis, to inform their nationals of the difficult circumstances, or even the dangers they may encounter during their travels

abroad; it is their responsibility however to issue such information without prejudicing in an unjustified or exaggerated manner the tourism industry of the host countries and the interests of their own operators; the contents of travel advisories should therefore be discussed beforehand with the authorities of the host countries and the professionals concerned; recommendations formulated should be strictly proportionate to the gravity of the situations encountered and confined to the geographical areas where the insecurity has arisen; such advisories should be qualified or cancelled as soon as a return to normality permits.

*Article seven: Right to tourism.* - The prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitutes a right equally open to all the world's inhabitants; the increasingly extensive participation in national and international tourism should be regarded as one of the best possible expressions of the sustained growth of free time, and obstacles should not be placed in its way. Social tourism, and in particular associative tourism, which facilitates widespread access to leisure, travel and holidays, should be developed with the support of the public authorities.

*Article eight: Liberty of tourist movements.* - The most important paragraph is the first one, stating that tourists and visitors should benefit, in compliance with international law and national legislation, from the liberty to move within their countries and from one State to another, in accordance with Article 13 of the Universal Declaration of Human Rights; they should have access to places of transit and stay and to tourism and cultural sites without being subject to excessive formalities or discrimination.

*Article nine: Rights of the workers and entrepreneurs in the tourism industry.* - The rights of workers, such as the fundamental rights of salaried and self-employed workers in the tourism industry and related activities, should be guaranteed under the supervision of the national and local administrations, both of their States of origin and of the host countries with particular care, given the specific constraints linked in particular to the seasonality of their activity, the global dimension of their industry and the flexibility often required of them by the nature of their work (para. 1). In the second paragraph, salaried and self-employed workers in the tourism industry and related activities have the right and the duty to acquire appropriate initial and continuous training; they should be given adequate social protection; job insecurity should be limited so far as possible; and a specific status, with particular regard to their social welfare, should be offered to seasonal workers in the sector. The fourth paragraph is interesting because it calls on interstates exchange of workers, as exchanges of experiences offered to executives and workers, whether



salaryed or not, from different countries, contribute to foster the development of the world tourism industry; these movements should be facilitated so far as possible in compliance with the applicable national laws and international conventions.

*Article ten: Implementation of the principles of the Global Code of Ethics for Tourism.* - It is the suggested form of adoption and usage of these principles. The public and private stakeholders in tourism development should cooperate in the implementation of these principles and monitor their effective application. The stakeholders in tourism development should recognize the role of international institutions, among which the World Tourism Organization ranks first, and non-governmental organizations with competence in the field of tourism promotion and development, the protection of human rights, the environment or health, with due respect for the general principles of international law. The same stakeholders should demonstrate their intention to refer any disputes concerning the application or interpretation of the Global Code of Ethics for Tourism for conciliation to an impartial third body known as the World Committee on Tourism Ethics.

### **Serbian legislation and regulation of tourism**

As a member of the UNWTO, the Republic of Serbia has adapted its legislation using recommendations by the UNWTO. The Law on Tourism was adopted in 2009, which was amended in 2010, 2011, 2012 and 2015 and is still in force. This Law<sup>10</sup> regulates the conditions of planning and development of tourism, the education of tourist organizations for promotion of tourism, tourist agencies, catering, nautical and lunar tourism, tourism services, taxes and penalties in tourism and the register of tourism. According to the Art. 2 of the Law on Tourism, the regulation of relations in the field of tourism is based on the following principles: 1) the integral development of tourism and accompanying activities, as factors of total economic and social development, which, in accordance with the law, ensures the implementation of mutually agreed plans and programs; 2) the sustainable development of tourism as a harmonized system of technical-technological, economic and social activities based on economic development, preservation of natural and cultural assets, preservation and development of the local community; 3) increase efficiency and accountability in the area of use, management, protection and promotion

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<sup>10</sup> Zakon o turizmu [Law on Tourism], Off. Gazette RS, No. 36/09, 88/10, 99/11 – other Law, 93/12 and 84/15, art. 1

of tourist space; 4) providing uniform standards for the provision of tourism services; 5) protection of the national economy, users of tourist products and tourism professions; 6) partnerships between the private and public sectors and civil society in the planning, design and placement of tourist products on the market; 7) Providing unique, public and electronic records of registered and recorded data in the field of tourism; 8) contained in the Code of Ethics for Tourism of the World Tourism Organization of the United Nations; 9) planning and implementation of tourism development policy in line with the Tourism Development Strategy.<sup>11</sup>

The legal norms are complemented by the tourism development strategies which aim to stimulate development of tourism on the territory of the Republic of Serbia. Currently valid Tourism Development Strategy of the Republic of Serbia is adopted for the period 2016-2025 (Off. Gazette RS, No. 98/16).<sup>12</sup> The strategy is implemented through the Strategic Master Plan, the Strategic Marketing Plan, the Tourism Products Development Program, as well as the spatial and urban plans drawn up and adopted in accordance with the law. The current Tourism Development Strategy of the Republic of Serbia for the Period from 2016 to 2025 is prepared in accordance with Art. 7 of the Law on Tourism, which provides specific elements Strategy should be consisted of: an analysis of the current state and the existing level of tourism development; a comparative analysis of tourism in competitive countries; an analysis of the advantages and disadvantages of tourism in the Republic of Serbia; tourism development goals; vision of tourism development; selection of priority tourist products; proposal of priority tourist destinations, analysis of the impact on cultural heritage and natural resources; proposal of a tourism development policy; investment proposal; Competitiveness Plan; Action Plan.<sup>13</sup>

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<sup>11</sup> Based on the abovementioned, it can be noticed that current Law on Tourism makes reference on the Global Code of Ethics for Tourism adopted by the UNWTO, and transposes respective recommendations into the mandatory law provisions. See: Zakon o turizmu [Law on Tourism], art. 2

<sup>12</sup> The current Tourism Development Strategy replaced the previous one which covered the period from 2006 to 2015 (Off. Gazette RS, No. 91/06).

<sup>13</sup> Now that the Republic of Serbia is embarking on the process of European integration and building a unique geostrategic position, this affords opportunities for numerous private and public projects that would aid Serbia in creating clear and unambiguous alternatives for long-term sustainable growth and development in the future. In circumstances when the Republic of Serbia is enhancing its negotiating powers in respect of both closer and more distant global markets, it is realistic to expect more favorable conditions for significant tourism development of the country (Tourism Development Strategy of the Republic of Serbia, p. 6).

*The Strategic Master Plan* (for example, Master Plan for Tourism Development in the Region of Lake Palić) is adopted as a priority tourist destination by the Government of the Republic of Serbia.<sup>14</sup> It concerns a specific region or narrower area, and it contains a technical assessment of the observed area, land bases, and an assessment of the capacity of a tourist site within the tourist destination. In addition, it has the concept of deployment and possible locations and relocations of catering facilities, as well as the assessment of potentials of required capacities.

*The program for the development of tourism products* (e.g. the development program for camping as a tourist product) is standardized in Art. 11 of the Law on Tourism, which is: A planning document defining the development of priority tourism products determined by the Strategy, such as: city breaks, round trips, business tourism, health tourism, mountain and lake tourism, nautical tourism, events, congresses and other events, rural tourism and special interests. The program for the development of tourism products is adopted by the Government at the proposal of the ministry.<sup>15</sup>

*The Tourism Development Program* (e.g. Tourism Development Program of the Municipality of Novi Bečej).<sup>16</sup>

Tourism Development Program 2012-2022 Inter-municipal Partnership Kraljevo, Raška, Vrnjačka Banja, Gornji Milanovac and Čačak<sup>17</sup> is a local tourism development program adopted by an autonomous province or a local self-government units on its territory.

## **Harmonization with EU Laws and comparative strategies**

Harmonization of the law is inevitable because Serbia is in accession negotiations on joining the European Union. Therefore, it has to adapt its legislation with regard to tourism with the *acquis communautaire*. In the field of tourism legislation, Serbia has largely aligned itself with the current solutions adopted at EU level, as well as with recommendations contained in the UNWTO Global Code of Ethics for Tourism. The need for harmonization of the domestic regulations with the respective rules of the World Trade Organization and the European Union was emphasized as a justification for adopting the new Tourism Act. The provisions of the Act in one part relied on the decisions from the previous one,

<sup>14</sup> <http://www.park-palic.rs/wp-content/uploads/2015/10/Master-plan-Palic.pdf>, p.2 18.02.2018

<sup>15</sup> [http://www.camping.rs/wp-content/uploads/2013/08/Program\\_razvoja\\_spreads.pdf](http://www.camping.rs/wp-content/uploads/2013/08/Program_razvoja_spreads.pdf), p. 1-35. 18.02.2018)

<sup>16</sup> [http://novibecej.rs/dokumenta/strategija\\_razvoja\\_turizma.pdf](http://novibecej.rs/dokumenta/strategija_razvoja_turizma.pdf), 18.02.2018.

<sup>17</sup> <http://www.gornjimilanovac.rs/images2/2012/20121008Strategija%20IMC%20KV%20nact.pdf>

in terms of incentives and promotion of tourism, and in terms of regulating activities in tourism. On the other hand, with the Act of 2009 a number of innovations were introduced. In the planning area of tourism was thereby established a clear hierarchy of planning documents (Tourism Development Strategy of the Republic of Serbia, Strategic master plan, Strategic marketing plan, program development of tourist products, tourism development program and the program of promotional activities)<sup>18</sup>

One of the ways to estimate the efficiency of the tourism policy framework in Serbia it to provide a comparative overview of the relevant strategies which are adopted in some countries close to Serbia's legal system, such as former Yugoslav Republics, Croatia, Slovenia, Montenegro and Federation Bosnia and Herzegovina.

*Tourism development strategy of the Republic of Croatia for the period 2013-2020.* Since this is a document that should ensure Croatia's integration into the EU's consolidated tourism policy, the Tourism Development Strategy of the Republic of Croatia until 2020 represents a complete conceptual framework that enables: coordinated action of tourism policy holders and systematic harmonization of tourism policy measures; a comprehensive understanding of the key directions of Croatian tourism development as a prerequisite for attracting the interests of potential domestic and foreign investors; targeted direction of the development and investment process and efficient withdrawal of EU funds. The Tourism Development Strategy of the Republic of Croatia by 2020 starts from the analysis of the key indicators of the achieved development, examines the developmental constraints and development opportunities that are reflected in the relevant development trends in the global environment, and recognizes the key factors that Croatia's tourism policy must focus on in the period up to 2020.<sup>19</sup>

*Slovenian strategy for the period 2017-2021.* - "The tourism sector focuses on the customer and is based primarily on the existence of a competitive offer. For various reasons, Slovenia has not properly responded to changes in global and European tourism over the last 25 years. It is lagging behind in the modernization of the value chain in tourism and the creation of attractive tourism products that could achieve global competitiveness. The Slovenian National Tourist Plan calls for a reversal in order to serve the government

<sup>18</sup> Mićović, A. (2017). Tourism development and evolution of tourism related rules, Tourism in function of development of the Republic of Serbia, Second International Scientific Conference, 1-3 June 2017, Vrnjačka Banja, Thematic Proceeding II, p.192

<sup>19</sup> [https://narodne-novine.nn.hr/clanci/sluzbeni/2013\\_05\\_55\\_1119.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2013_05_55_1119.html), 19.02.2018.

and stakeholders in the economy with pragmatic policies and guidelines that will lead to sector restructuring and market repositioning. If this reversal does not occur, in the near future, it will not be possible to fill the gap between Slovenian potential attractiveness and the actual competitiveness of tourism. Since the main decisions for a rapid and successful reversal of Slovenian tourism are still in the hands of the government, the entire strategic development concept focuses on those strategic assets, which are mostly in the domain of state policy. According to this starting point, the proposal of the Slovenian tourist strategy is presented in the following years. Neighboring countries play a map of these geographic brands and have set up mass tourism, so it would be very unproductive for Slovenia to imitate these models. If it wants to successfully compete with competitors, Slovenia must use the strategy of developing high value tourism to the extent possible and wherever possible throughout the territory of Slovenia. In order to better meet the expectations of tourists and visitors, the proper communication of Slovenian boutique diversity and the high value destination approach, it is essential to perform a consistent experiential structuring through logical macro regions. The need for a better interpretation and communication of a true Slovene story is felt. Indeed, experiential structuring already exists within Slovenian regional profiles, which have not yet been properly presented to the world and must be transformed professionally into the new Slovenian tourist architecture of the brand with clear experiences and stories in the background. Macro regions are already identified with traditional products, but new world trends in the market call for new products and activities that need to be developed as soon as possible. Each product must be supported by associated key factors that require significant improvements to all components of the value chain”.<sup>20</sup>

*Master plan – Strategy for tourism development of the Republic of Montenegro until 2020.* - The strategy is based on increasing tourist visits and stays in Montenegro. One of the strategic goals is to position Montenegro as “high-quality Majorka” during summer and qualified niche provider with special products during the winter season (.6). The global trend of demand for high quality tourist destinations, combining outstanding natural values and exceptional activities with excellent infrastructure and services, offers a unique opportunity for Montenegro to use its potentials in the best possible way. As examples show, especially in the Mediterranean area, high quality

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<sup>20</sup> CPOEF, Horwath HTL, MGRT (2016): Strategija trajnostne rasti slovenskega turizma 2017 – 2021. Izvlečki za razpravo na usklajevalnih delavnicah. Izdaja: 18. april 2017. CPOEF – Horwath HTL, Ministrstvo za gospodarstvo, razvoj in tehnologijo. Ljubljana – Zagreb – Ljubljana

tourism is best mean to protect natural values. The following measures should be taken in order to achieve this goal: improving Montenegro's accessibility; improving municipal infrastructure; developing new high-quality accommodation capacities; increasing the standard of existing accommodation capacities; improving the quality of services in the tourism sector; Improving the harmony of architecture and the surrounding natural and cultural environment (“ambience”); establishing a clear image of “Montenegro.”<sup>21</sup>

*Tourism development strategy of the Federation of Bosnia and Herzegovina for the period 2008-2018.*<sup>22</sup>- Fulfillment of the program objectives of the Ministry - as well as realization of the set goals from the project which should increase the competitiveness of the tourism economy, increase the foreign exchange inflow from tourism as a strategic branch of the economy, increase the growth of domestic tourist traffic, and increase the employment growth through tourism at the Federation level – is pointed out by the Development of Tourism Development Strategy in the Federation of Bosnia and Herzegovina for the period 2008-2018.<sup>23</sup>

## Conclusion

The legal and policy framework of the Republic of Serbia is setting a good foundation for the development of tourism. The current legislative solutions and strategies are in line with the European trends and recommendations of the UNWTO. The Ministry of Trade, Tourism and Telecommunications is investing extraordinary efforts for the development of tourism, enriching the tourist offer in every respect, throughout the year. Consideration is given to building in tourist areas, taking into account biodiversity and preserving the environment for future generations. The development of the infrastructure of the catering facilities shows the readiness and seriousness of acceptance with European tourism services in the more developed countries of the EU. Tourism development strategy of the Republic of Serbia for a period of 2016-2025 sets the basis for increasing and developing tourism services, through various programs of tourism products, stimulation and vouchers to domestic tourists. In comparative terms, following the comparative strategies of tourism development in the Republic of Croatia, Slovenia, Montenegro and the Federation of Bosnia and Herzegovina,

<sup>21</sup> <http://www.gov.me/files/1228912294.pdf>, p. 22

<sup>22</sup> Available at: [http://www.ruralexextension.org/doc/Strategija%20razvoja%20turizma%20FBiH%202008-2018%20\(2008\).pdf](http://www.ruralexextension.org/doc/Strategija%20razvoja%20turizma%20FBiH%202008-2018%20(2008).pdf)

<sup>23</sup> <http://www.fmoit.gov.ba/ba/page/26/turizam-u-fbih>, 19.02.2018.

we can conclude that the Serbian strategy keeps pace with these countries in every aspect. Government of the Republic of Serbia had recognized the full potential of geo-strategic and natural resources and took efforts to create coherent legal and policy framework for tourism development.

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## **ZAKONODAVNI OKVIR ZA RAZVOJ TURIZMA U REPUBLICI SRBIJI**

**REZIME:** Republika Srbija je veoma atraktivna turistička destinacija. Zbog državnih aspiracija ka članstvu u EU, zakonodavstvo i propisi o turističkim uslugama moraju biti usklađeni sa odgovarajućim propisima koji se usvajaju na nivou EU. Uredba o turističkim uslugama nalazi se u nekoliko zakona koji regulišu oblasti krivičnog, trgovinskog i građanskog prava. Vlada Republike Srbije izradila je strategiju za razvoj turizma u periodu od 2016 do 2025 godine.

Koristeći dostupnu literaturu, zakone i elektronske izvore, autor je putem različitih naučnoistraživačkih metoda (normativnog, istorijskog, uporednog i dr.) predstavio moguća rešenja, doprinoseći daljem razvoju pravne zaštite u pogledu pružanja turističkih usluga u Republici Srbiji.

***Ključne reči:** Zakon o turizmu, regulativa, zakoni o turizmu u uporednom pravu, razvoj turizma, harmonizacija prava sa EU.*

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