

National Tourism Regulations of the Republic of Palau

Part III: National Pandemic Safety Regulation for Tourism.

Section 101: Short Title.

This regulation may be cited as the Pandemic Safety Regulation for Tourism.

Section 102: Effective Date.

The National Pandemic Safety Regulation for Tourism shall take effect as provided by Palau National Code, Title 6, §127.

Section 103: Authority.

This regulation is promulgated by the Bureau of Tourism pursuant to 2 PNCA § 121 and at the direction of the President of the Republic of Palau as stated in Executive Order No. 391.

Section 104: Purpose.

The purpose of this regulation, which was developed in consultation with the Palau Visitors Authority, the Palau Chamber of Commerce, and the Belau Tourism Association, is to mitigate health risks for visitors and residents during a pandemic, and to protect Palau's reputation as a safe and responsible tourism destination. It does this by ensuring that when the President or the Minister of Health declares an emergency due to a pandemic, businesses within the tourism sector will not be able to engage in business with visitors for the duration of that pandemic, unless they are implementing measures that align with international standards and best practices.

Section 105: Scope.

This regulation shall apply to all accommodation providers, tour operators, and food service establishments within the Republic of Palau, including all staff. Its scope includes state governments and quasi-government organizations who act as tour operators by managing tourism sites.

Section 106: Definitions.

Under this regulation:

- (a) **"Accommodation provider"** means a business that provides housing or other accommodation for any period of time in exchange for payment.
- (b) **"Business"** means any commercial establishment, corporation, non-profit corporation, organization, sole proprietor, partnership, corporation, trust, joint venture, government (national or state) or quasi-government agency, or any other entity however organized,

providing any form of service to the public, but particularly those businesses (and the facilities associated therewith) providing services to tourists, whether continuous or short term.

- (c) “**Certificate**” means a document attesting that a business has adopted and complies with a certification.
- (d) “**Certification**” means a set or system of rules, guidelines, standards, and practices.
- (e) “**Director**” means Director of the Bureau of the Tourism, or the Director’s designee.
- (f) “**Engage in business**” means to carry on or cause to be carried on any activity with the purpose of receiving direct or indirect benefit.
- (g) “**Food Service Establishment**” shall be understood to include restaurants, bars, cabarets, and clubs, as such businesses are commonly understood.
- (h) “**International standards and best practices**” are those endorsed by reputable international organizations, those commonly required by peer tourism destinations, or those which foreign tourists might for other reasons expect to see practiced in all safe and responsible tourism destinations.
- (i) “**Staff**” shall include employees, independent contractors, agents, volunteers, or other representatives of a business.
- (j) “**Tour operator**” means any entity, whether an individual, partnership, corporation, non-profit, government, quasi-government, or other organization, that engages in the business of providing recreational activities to tourists or manages a tourism site for compensation of any type.

Section 107: Pandemic Safety Certification.

- (a) If the Minister of Health declares an unavoidable emergency due to a pandemic or the President declares a national emergency due to a pandemic, no accommodation provider, tour operator, or food service establishment may engage in business with anyone in the Republic on a tourist or visitor visa, for the duration of the declared emergency, unless they are in possession of a valid pandemic safety certificate endorsed by the Director.
 - (1) The Director may revoke the endorsement of a certification at any time.
 - (2) If an accommodation provider can demonstrate that it had one or more guests when an unavoidable or national emergency due to a pandemic was declared and it is not in possession of a valid pandemic safety certificate, those guests may continue to stay at the accommodation for a reasonable period of time, as determined by the Director in coordination with the Ministry of Health.

- (b) In order for a pandemic safety certification to be endorsed by the Director, such a certification must include an appropriate set of guidelines for the tourism sector that are informed by health experts and in line with international standards and best practices.
- (c) Before endorsing a pandemic safety certification, the Director shall consult with the Palau Visitors Authority and the Ministry of Health.
- (d) To ensure that the staff of a business that obtains a pandemic safety certificate is properly trained, it shall be mandatory that all relevant staff complete training on the certification. Each business shall provide evidence that is satisfactory to the Director that such training took place and that all relevant staff participated.
- (e) Every establishment that is in possession of a valid pandemic safety certificate issued or endorsed by the Director shall exhibit it in a location that is easily visible to customers and guests.

Section 108: Enforcement.

- (a) To maintain the validity of a pandemic safety certificate, a certified business must continue to adhere to the certification's guidelines.
- (b) The Bureau of Tourism may conduct site inspections of the premises of any business within the scope of this regulation to ensure that it is in compliance with all of its provisions.

Section 109: Violations and Penalties.

- (a) A business in possession of a pandemic safety certificate that is found by the Director to have contravened the certification's requirements on three separate occasions shall be in violation of these regulations, and shall be prohibited from engaging in business with anyone in the Republic on a tourist or visitor visa for a minimum period of two weeks.
- (b) Each day that a business is found to have engaged in business during an emergency declared pursuant to Section 107(a) of these regulations with one more persons who are in the Republic on a tourist or visitor visa while not possessing a valid pandemic safety certificate shall constitute a separate violation of these regulations and shall be penalized as follows:
 - (i) For a first violation, the business shall be fined one thousand dollars (\$1,000).
 - (ii) For a second violation, the business shall be fined five thousand dollars (\$5,000)
 - (iii) For a third violation or any violation following a third violation, the business shall be fined ten thousand dollars (\$10,000)

Section 110: Severability.

If any provision of this regulation, or the application thereof to any person or circumstance, is held invalid, the invalidity of that provision does not affect any other provisions or applications of the regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

Section 111: Minister's Authority

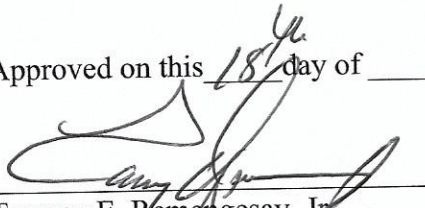
These regulations may be amended in any respect by the Minister pursuant to law. In addition, the Minister may waive any non-essential procedural requirements of these regulations. In individual cases when, in his discretion, circumstances warrant provided that such a waiver is done in writing, an official record is kept of such waiver and proper notification is provided to the affected parties.

Certified to have been adopted by the Ministry of Natural Resources, Environment, and Tourism on this 16th day of November, 2020.



F. Umiich Sengebau
Minister of Natural Resources, Environment, and Tourism

Approved on this 18th day of Nov., 2020.



Tommy E. Remengesay, Jr.
President, Republic of Palau