

Regulation for the Operation of Adventure Tourism Activities

Executive Decree No.29421-MEIC-TUR of March 23 of 2001, published in
La Gaceta No. 77 of April 23 of 2001, amended by Executive Decree No.
31095-MECI-S-TUR of January seventeen of 2001, published in La Gaceta
No. 63 of March 31 of 2003

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Decree,

Article 1^o.-Are subject to the regulations of the present Regulation, those companies dedicated to render to the public in general, commercially, entertainment services catalogued as "Adventure Tourism", which are those recreational activities involving certain level of physical-sport abilities with an identified risk and in direct contact with nature, within which are classified, among others:

- a) "Canopy Tour:" gliding between trees with pulleys and harnesses, over a cable attached between fixed, elevated points over ground level that could be attached to rocks, towers or trees.
- b) "Sky Walk or Sky Trek:" walks over hanging bridges, which are attached to elevated fixed points.
- c) "Bungee Jumping:"Consists of jumping into the void, attached by one or several chords with a waist harness or leg harness, and attached to a fixed point. The chord must be dynamic and the jump may be to a total void or not.
- d) "River or White Water Rafting:"Consists on equipping and navigating rivers whose turbulent waters are classified from 1 to 5 according to its speed level, volume of water and fall. Vessels are of different types of rubber raft, kayak, duckie, oarboat, pneumatic innertube rafting
- e) "Scuba Diving:"Plunge into open water, with autonomous equipment. Includes snorkel and apnea immersion.
- f) Descent with ropes "Rapel:" Consists of descending from a high point, parallel to natural or artificial walls or mixed, rocky, trees or any other structure.
- g) "Climbing:"Consists of going from a lower to a higher point, by human means, over rocks, trees, or structures.
- h) "Mountain biking:" biking through roads or rustic trails or open country.
- i) "Kayaking:" navigation in a sea or river kayak.
- j) Horse Activities : "Equestrian or "horseback riding
- k) "Hiking:"One day walk or several days through the mountain "trekking", alpinism or ascension of mountains, canyoning or walk through canyons, "caving" or walk through caves. ¹²¹

Article 2.-Companies dedicated to developing Adventure Tourism activities must count with a functioning permit from the Ministry of Health, for which besides of complying with the established requirements in the "General Regulation for the Granting of Functioning Permits by the Ministry of Health," they should present the following documents:

- a) Internal Operation Regulation.

¹²¹ As amended by Executive Decree No. 31095-MEIC-S-TUR of January 17 of 2003.

- b) Credentials granted by the Costa Rica Tourist Board for all the tourist guides working on the company, in their respective categories.
- c) Safety and attention of emergencies manuals, for each developed activity.
- d) Manual, program and monthly log book of maintenance for the equipment used in each activity and facility.
- e) Civil liability policy.
- f) Staff with First Aids and Cardiopulmonary Resuscitation certificate.
- g) Work Risks Policy.

The previous requirements in clauses a), c) and d) must be presented to the Ministry of Health with the approval from the Costa Rica Tourist Board.
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Article 3.-Companies dedicated to Adventure Tourism activities must offer the following information to users of their services, prior to its utilization:

- a) Location of the Operation Regulation in a visible place, printed on paper and with the company's logo, which should contain at least the following information:
 - i) Schedule for activities and services offered.
 - ii) Conditions under which activities may or may not be held.
 - iii) Minimum physical conditions that the user must have for performing the activity.
 - iv) Risks that could be present during the performance of the activities.
 - v) Behavior to have during the sojourn and during development of the activities.
 - vi) Safety measures to be complied by the tourist while services are rendered.
 - vii) Activities or actions to be performed by the tourist to reduce the environmental impact where the activity takes place.
 - viii) ¹²³
- b) Orientation talks about the activity, which should include at least:
 - i) Degree of risk when developing the activity.
 - ii) Minimum and maximum physical conditions of the user to carry out the activity.
 - iii) Foreseeable risks that could occur during development of the activity.
 - iv) Insurance covering of the company for services rendered.
 - v) Conditions under which activities may or not take place.
 - vi) Behavior of the user during the sojourn and / or travel.
 - vii) Safety measures the tourist must comply with during the sojourn and / or travel
 - viii) Actions to be taken by the user to reduce the environmental impact where the activity takes place.
 - ix) Information about the ecosystem and biodiversity of the area where activities take place.
 - x) ¹²⁴

¹²² As amended by Executive Decree No. 31095-MEIC-S-TUR of January 17 of 2003.

¹²³ Annulled by Executive Decree No. 31095-MEIC-S-TUR of January 17 of 2003.

¹²⁴ Annulled by Executive Decree No. 31095-MEIC-S-TUR of January 17 of 2003

Article 4º.-Companies covered by the present regulation must permanently comply with the operation conditions established by article two. To this aim, the Costa Rica Tourist Board and the Ministry of Health remain obligated to constantly and randomly perform inspections for the verification of the above.

Article 5º.-In case of verifying the companies` non-compliance with the dispositions contained in this regulation and in the General Health Law, special measures foreseen in such law, will apply to them. Likewise, when applicable, the corresponding denunciation before the National Consumer Commission will be done for applying the procedure established by the Law of Promotion of Competence and Effective Defense of Consumers and respective sanctions.

Article 6º.- The Costa Rican Tourist Board must request the functioning permits from the Ministry of Health to tourism companies developing Adventure Tourism activities, which opt for the tourist declaratory foreseen in the Regulation for Tourism Companies and Activities.

Article 7º.-The Ministry of Health must renew the functioning permits annually, so that companies must update the information of conditions foreseen in article 2 of this regulation.

Article 8º.-In effect from its publication.

Singular transitory: Adventure tourism companies that are in operation before the promulgation of the present decree will benefit from a six-month term from its publication, to comply with the requirement referring to all tourist guides registered and with provisional or definitive credential, granted by the Costa Rica Tourist Board. ¹²⁵

¹²⁵As included by Executive Decree No. 31168-MEIC-S-TUR of May 9 of 2003 which is in effect since March 31 of 2003, published in La Gaceta No. 97 of May 22 of 2003.