

FIGHTING UNLICENSED TOUR GUIDES: A CASE FROM THE CZECH REPUBLIC

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Abstract: *The Czech Republic has been selected for a case study of a country without legal rules on tour guide practice. Especially Prague has seen widespread operation of illegitimate tour guide services, which leads to economic costs and damages the city's reputation. The data consists of primary sources, laws and transcriptions of formal debates on the new legal rules. In the analysis, we assessed the new legal rules qualitatively, analysed the parliamentary debates in the Czech Republic, and compared the state of legal regulation of tour guide practice in EU countries. The new legal rules will provide for official checks on tour guides. In the legislative process, tour guide associations lobbied with a view to making the rules more stringent. They achieved to make it compulsory for all tour guides to carry IDs in plain view. Tour operators and travel agents were opposed to the legislation. They achieved to prevent amendments to the Trade Licensing Act. As a result, tour guides without professional qualifications will continue to be allowed to operate, only with a registration and an ID.*

Keywords: *tourism, tour guide, tourism law, Prague, Tourism Act.*

INTRODUCTION

They are perhaps known to every person who has ever walked through the historic centre of Prague, the capital of the Czech Republic: people of often exotic appearance carrying coloured umbrellas and inviting strangers to sightseeing tour busses. The municipal government of Prague has long been complaining about such unskilled performance of tour guide services, including provision of inaccurate, false or misleading information. According to the news media, unlicensed tour guides have told tourists in Prague e.g. that famine was the cause of the Velvet Revolution, or that every Czech has a body piercing or two.¹ Various “free-of-charge” tour services have proliferated in the city where “tour guides” provide seemingly free services only to collect tips from participants at the end of their tour. Professional tour guides and their associations talk about a well-organised mafia.² For these and other reasons, the Municipality of Prague refuses to tolerate such “tour guide” services any longer.³ Therefore, last year, the Municipality has joined the Associa-

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¹ Jak na falešné průvodce? [How should unlicensed guides be dealt with?]. In: *Peak.cz – Peníze, ekonomika, analýzy, komentáře* [online]. [2021-04-10]. Available at: <<https://www.peak.cz/jak-na-falesne-pruvodce-tvrdi-ze-pricinou-sametove-revoluce-byl-hladomor-nebo-co-cech-to-piercing/16921/>>.

² Konec českých průvodců v ČR? [The End of Czech Guides in the Czech Republic?]. In: *koneceskychpruvodcuvcz.cz* [online]. [2021-04-10]. Available at: <<http://www.koneceskychpruvodcuvcz.cz/>>.

³ Praxe se podařilo prosadit ve sněmovně novelu zákona s cílem zvýšení kvality průvodcovských služeb [Prague achieves to push the bill to increase the quality of tour guide services through the Chamber of Deputies]. In: *Praha.eu – portál hlavního města Prahy* [online]. [2021-04-10]. Available at: <http://www.praha.eu/jnp/cz/o_meste/magistrat/tiskovy_servis/tiskove_zpravy/praxe_se_podarilo_prosadit_v_e_snemovne.html>.

tion of Tour Operators of the Czech Republic and tabled its own bill in the Parliament. This is a prerogative vested upon regional governments in the Czech Republic's political system. The proposed amendment to the Trade Licensing Act sought to increase the quality of tourism by preventing the provision of low-quality tour guide services.

Prague's legislative initiative sparked a general debate on the quality of such services, tour guide qualification requirements, and instruments for building a positive reputation for Czech cities. The seemingly isolated Czech problem is in fact not only highly complex but also significant to other cities in Czechia as well as other Central European countries that do not regulate the tour guide practice, such as Poland. In all those different cities, it represents a major and timely issue of contemporary place management and quality of tourist services.

This is because a tour guide (TG) comprises an important element of mass tourism, and especially of its organised forms. The tourist guide has been identified to be one of the most important positions in the tourism industry and the multifaceted role of these guides in tourism has been largely documented over recent decades.⁴ He/she significantly complements tour operator services and represents the human factor that cannot be replaced with any means mechanical, technical or other.⁵ The visitor's encounter with a tour guide importantly shapes his/her impression of the place visited. The tour guide mediates the culture and history of the place and often he is the visitor's only source of information about the country and its traditions, practical tips and other interesting facts.⁶ Reinforcement of tour guides professional competences can upgrade service quality and job performance and it contributes to the development of tourism industry. In addition, it is important and urgent for tourists and travel agencies. Professional competences are one of variables of service quality.⁷ It can predict tour guides behavior of professional competences and degree of service quality.⁸ Thus, this study infers that professional competences can influence tour guides service quality. Current scandalous practices in Prague and some other cities provided the impetus for the change to tour guide legislation at hand.

⁴ REISINGER, Y., STEINER, C. Reconceptualising interpretation: The role of tour guides in authentic tourism. *Current Issues in Tourism*. 2006, Vol. 9, No. 6, pp. 484–498; PRAKASH, M., CHOWDHARY, N., SUNAYANA. Tour Guides: Roles, Challenges and Desired Competencies: A Review of Literature. *International Journal of Hospitality and Tourism Systems*. 2010, Vol. 3, No. 1, pp. 1–12.

⁵ MODLIN, E. A., ALDERMAN, D. H., GENTRY, G. W. Tour Guides as Creators of Empathy: The Role of Affective Inequality in Marginalising the Enslaved at Plantation House Museum. *Journal of Tourism Studies*. 2011, Vol. 11, No. 1, pp. 3–19.

⁶ PRAKASH, M., COWDHARY, N. Becoming a Tour Guide: Analysing the Motivations. *Journal of Tourism - Studies and Research in Tourism*. 2010, Vol. 9, No. 9, pp. 5–13. MOSCARDO, G. Mindful Visitors: Heritage and Tourism. *Annals of Tourism Research*. 1996, Vol. 23, No. 2, pp. 376–397; GALLI, N., AULET, S. Tourists' space-time behavior in heritage places: Comparing guided and nonguided visitors. *International Journal of Tourism Research*. 2019, Vol. 21, No. 3, pp. 388–399.

⁷ MASON, P. *Tourism Impacts, Planning and Management*. Routledge, 2016. BOGDAN, M. M., LASINSKI, G. Rhetorical aspects of tour guiding: the Polish case. *Journal of Tourism and Cultural Change*. 2019, Vol. 17, No. 1, pp. 1–15.

⁸ HOGGARD, W., AVERANIUS, C. B., KLINE, C., WARD, W. Diversifying eastern North Carolina heritage sites: tour guides' perspectives. *Journal of Heritage Tourism*. 2018, Vol. 13, No. 1, pp. 62–76. GELBMAN, A., COLLINS-KREINER, N. Cultural and behavioral differences: tour guides gazing at tourists. *Journal of Tourism and Cultural Change*. 2018, Vol. 16, No. 2, pp. 155–172.

The present study is primarily oriented on tourism and law, focusing on recent developments in the regulation of tour guide practice in the Czech Republic. The question that has been addressed repeatedly, as the proverbial hot potato, is whether or not it makes sense, at the time of the Internet and mobile apps, to regulate tour guide practice by means of law and trade licensing. This is the main research question of the present study. We will attempt to answer it by analysing the legislative debate in both chambers of the Parliament of the Czech Republic and the competing positions of professional associations. In the first section, we will define the paper's theoretical framework, centring on the concepts of tourism and tour guide. In the second section, we will account for the current tour guide practices in Prague and the problems they give rise to. Subsequently, we will present the legal rules applicable to the tour guide's profession in the Czech Republic and how they emerged. As stated above, the Czech Republic and its problem which, understandably, is most apparent in Prague as its primary tourist magnet, is treated as a case study.

The main part of the paper focuses on current legislative developments, and especially the change tabled by the Prague City Assembly to eliminate individuals without professional qualifications from tour guiding. It is especially in the city of Prague that they often provide inaccurate or erroneous accounts of Czech history and cultural heritage. We will describe the new legal rules for the tour guide's profession, including the positions taken by important professional associations concerned. The analytical procedure itself will consist of content analysis of the political debates in both chambers of the Czech parliament on the original bill to amend the Trade Licensing Act that resulted, by means of amendments, in an act to amend another law, namely the Tourism Act. We will critically assess these changes to the legal status of tour guides in the Czech Republic and compile a SWOT analysis.

As for the available sources, we will first rely on secondary literature, mostly to explain the basic concepts. Second, the data consists of primary sources such as legislative bills, amendments thereto, transcriptions of parliamentary debates, documents and statements by professional associations, and our own analysis of the legal rules for the tour guide's profession in EU countries. Tour guides are the essentials interface between the host destination and its visitors. They are front-line employees in the tourism industry who are very much responsible for the overall impression and satisfaction with the tour services offered by a destination.⁹ Through their knowledge and interpretation of a destination's attractions and culture, and their communication and service skills, they have the ability to transform the tourists' visit from a tour into an experience.¹⁰ The role and duties may not be that glamorous as the profession, in many countries, lacks a well-defined career path and their incomes are reliant on a variety of income sources.¹¹

⁹ GEVA, A., GOLDMAN, A. Satisfaction Measurement in Guided Tours. *Annals of Tourism Research*. 1991, Vol. 18, No. 2, pp. 177–185. MOSSBERG, L. Tour leaders and their importance in charter tours. *Tourism Management*. 1995, Vol. 16, No. 6, pp. 437–445. BOTTERILL, D. T. Dissatisfaction with a Construction of Satisfaction. *Annals of Tourism Research*. 1987, Vol. 14, No. 1, pp. 139–40.

¹⁰ LAMONT, M., KENNELLY, M., WEILER, B. Volunteers as tour guides: a stakeholder-agency theory case study. *Current Issues in Tourism*. 2018, Vol. 21, No. 1, pp. 58–77.

¹¹ MAK, A. H., WONG, K. K., CHANG, R. C. Critical issues affecting the service quality and professionalism of the tour guides in Hong Kong and Macau. *Tourism Management*. 2011, Vol. 32, No. 6, pp. 1442–1452. ANGELINI, A. A Favela That Yields Fruit: Community-Based Tour Guides as Brokers in the Political Economy of Cultural Difference. *Space and Culture*. 2019, Vol. 23, No. 1, pp. 15–33.

A TG has been defined as “someone who takes people on sight-seeing excursions of limited duration”¹² or as a performer and an interpreter, at the centre of the experience. The term TG is frequently employed to describe the tour guide, tour manager or tour conductor.¹³ A TG plays numerous roles on a tour, such as a translator, mediator,¹⁴ interpreter¹⁵ or culture broker, host conduit and ambassador.¹⁶ The TG plays an important role in establishing a connection between the visitors and the sites they visit and should be doing so in such a way that it increases appreciation of these places.¹⁷ The TG is portrayed as someone who builds bridges among different groups of people through the deployment of money, services, access, and information.¹⁸ But this is only an idealized picture of guiding. That they are intermediaries cannot be denied, but it is doubtful whether their work can be interpreted purely according to a harmony model of “mediation,” of keeping all parties involved satisfied, and the tourism development in a specific area in balance. In tourism practice, the process of mediation is not as innocent and unproblematic as this perspective implies.¹⁹

Tour guide practice is a type of personal service and as such, there are certain requirements placed on each individual guide.²⁰ A tour guide is a person who provides assistance, including information on cultural, historical and contemporary heritage, to people on organized tours and individual clients at educational establishments, religious and historical sites, museums, and at attractions or other venues of significant interest.²¹ The qualifications that should be required of tour guides include professional knowledge, organisational skills, professionalism, but also communicative competencies and a suitable psychological profile. Viewed as workers of first contact, they are mostly responsible for shaping the tourist’s impression of a destination.²² The growth of the tourist industry is

¹² MANCINI, M. *Conducting tours*. Florence: Delmar/Thomas Learning, 2001, p. 5.

¹³ CRUZ, L. C. *Principles and Ethics of Tour Guiding*. Quezon City: Rex Printing 1999. CABER, M. UNAL, C., CENGIZCI, A.D., GUIVEN, A. Conflict management styles of professional tour guides: A cluster analysis. *Tourism Management Perspectives*. 2019, Vol. 30, pp. 89–97.

¹⁴ HOLLOWAY, J. C. The guided tour a sociological approach. *Annals of Tourism Research*. 1981, Vol. 8, No. 3, pp. 377–402.

¹⁵ WEILER, B., HAM, S. H. Tour guides and interpretation in ecotourism. In: David B. Weaver (ed.). *The Encyclopedia of Ecotourism*. Wallingford: CABI Publishing, 2001.

¹⁶ ZHANG, H. Q., CHOW, I. Application of importance-performance model in tour guides’ performance: Evidence from mainland Chinese outbound visitors in Hong Kong. *Tourism Management*. 2004, Vol. 25, No. 1, pp. 81–91.

POND, K. L. *The Professional Guide: Dynamics of Tour Guiding*. New York: Van Nostrand Reinhold, 1993.

¹⁷ BRAMWELL, B. Place Marketing and Social and Environmental Issues. *Journal of Vacation Marketing*. 1998, Vol. 4, No. 3, pp. 212–214. PEARCE, P. L. Tourist-guide interaction. *Annals of Tourism Research*. 1984, Vol. 11, No. 1, pp. 129–146. SALAZAR, N. B. Tourism and glocalization: “local” tour guiding. *Annals of Tourism Research*. 2005, Vol. 32, pp. 628–646.

¹⁸ DAHLES, H. The Politics of Tour Guiding. Image Management in Indonesia. *Annals of Tourism Research*. 1992, Vol. 29, No. 3, pp. 783–800.

¹⁹ SHERLOCK, K. Revisiting the Concept of Hosts and Guests. *Tourist Studies*. 2001, Vol. 1, No. 3, pp. 271–295.

²⁰ HOWARD, J., THWAITES, R., SMITH, B. Investigating the Roles of the Indigenous Tour Guide. *The Journal of Tourism Studies*. 2001, Vol. 12, No. 2, 32–39. GUAN, X. H., HUAN, T. C. Talent management for the proactive behavior of tour guides. *International Journal of Contemporary Hospitality Management*. 2009, Vol. 31, No. 10 (special issue), pp. 4043–4061.

²¹ CHRISTIE, M. F., MASON, P. A. Transformative Tour Guiding: Training Tour Guides to be critically reflective Practitioners. *Journal of Ecotourism*. 2003, Vol. 2, No. 1, pp. 1–16.

²² WEILER, B., HAM, S. H. Tour guides and interpretation in ecotourism. In: David B. Weaver (ed.). *The Encyclopedia of Ecotourism*. Wallingford: CABI Publishing, 2001.

accompanied by more and more varied tour guide services, including specialised services such as mountain tours, boat tours, entertainment programmes, sports training or rehabilitation exercise.²³ The tour guide provides services directly to tourists but is also often hired by tour operators.²⁴ Therefore, some level of quality should be declared.

There is no uniform legal approach to tour guide practices – a fact that is, after all, the subject of the present study. Each European country takes a different approach to regulating guiding practices in the tourist industry. Some of them leave the tour guide practice unregulated, free of specific requirements, while others treat guiding as an object of public interest and significance. It is especially with protection of cultural and historical heritage in mind that special requirements have been formulated for this practice (professional qualifications, no criminal record, good health).²⁵

Generally speaking, tourism can be extremely beneficial for an area or destination, bringing more money into the local economy, helping to attract investment from businesses and allowing existing businesses in the area to thrive.²⁶ It can help to enrich and revitalise villages, towns, cities, resorts, regions and countries. Tourism management is, therefore, essential, weighing up pros and cons, looking out for businesses and local residents, protecting the environment and balancing supply and demand.²⁷ Put simply, destination management involves taking the necessary steps to ensure tourism adds value to a destination.²⁸

STUDY BACKGROUND

Prague City Hall has been the most voiced critic of the current tour guide practices in the Czech Republic. The explanatory memorandum to the Prague City Assembly's Bill to amend the Trade Licensing Act mentions "cases of performance of tour guide services without professional qualifications and provision of incorrect, false or misleading information by some entities practicing tour guiding."²⁹ It decries damage to the entire coun-

²³ TRIBE, J. The Truth About Tourism. *Annals of Tourism Research*. 2006, Vol. 33, No. 2, pp. 360–381.

²⁴ LEIPER, N. Tourist Attraction Systems. *Annals of Tourism Research*. 1990, Vol. 17, pp. 367–384. MACDONALD, S. Mediating heritage: Tour guides at the former Nazi Party Rally Grounds, Nuremberg. *Tourist Studies*. 2006, Vol. 6, No. 2, pp. 119–138.

²⁵ BAUD-BOVY, M., LAWSON, F. *Tourism and Recreation Handbook of Planning and Design*. Oxford: Architectural Press Oxford, 1998.

²⁶ MOSSBERG, L. A Marketing Approach to the Tourist Experience. *Scandinavian Journal of Hospitality and Tourism*. 2007, Vol. 7, No. 1, pp. 55–74. MUSTAFA, M. H. Tour guides and the protection of archaeological sites: a case from Jordan. *Anatolia – International Journal of Tourism and Hospitality Research*. 2019, Vol. 30, No. 4, pp. 586–600. ALAZAIZEH, M. M., JAMALIAH, M. M., MGONGA, J. T., ABABNEH, A. Tour guide performance and sustainable visitor behavior at cultural heritage sites. *Journal of Sustainable Tourism*. 2019, Vol. 27, No. 11, pp. 1708–1724.

²⁷ QUIROGA, I. Characteristics of Package Tours in Europe. *Annals of Tourism Research*. 1990, Vol. 17, No. 2, pp. 185–207. PARSONS, H., HOUGE, M. S., FILEP, S. Facilitating self-development: how tour guides broker spiritual tourist experiences. *Tourism Recreation Research*. 2019, Vol. 44, No. 2, pp. 141–152.

²⁸ IRIMIAS, A., MITEV, A., MICHALKO, G. The multidimensional realities of mediatized places: the transformative role of tour guides. *Journal of Tourism and Cultural Change*. In: *Taylor & Francis Online* [online]. 2020 [2021-04-10]. Available at: <<https://doi.org/10.1080/14766825.2020.1748884>>.

²⁹ Chamber of Deputies, Document for Discussion No. 247/0:5.

try's reputation done by amateur tour guides from abroad offering their guiding services in Prague, but partly also in other Czech cities. The Association of Guides of the Czech Republic, the central professional association of tour guides, voiced its concern that not only Thai massage, giant bears and tasteless souvenirs but also barkers for various “free tours” have become part and parcel of incoming tourism and that everything is “organised mafia style.”³⁰ According to the Association, as well as news articles, foreign guide often provide inaccurate information about Prague, such as that the Prague Castle's Golden Lane is actually nothing but film scenery, that all Charles Bridge statues are merely copies because the originals have been destroyed, and that the bridge was named after Prince Charles when he lost his wedding ring there.³¹ “Free” tours typically end with a line of tourists placing banknotes in the “guide's” hand, about 300 CZK or €12 on average.

In addition to free tours, the undesirable practices in Prague are exemplified by so-called Tours4Charity, run allegedly to support poor Czech children. This information is once again false. The “tour guide service” expects payment with reference to charity, ideally issuing no receipt, but the money normally does not reach the children at all or the company does have a fundraising license but with the sole purpose to make Trade Licensing Office inspections more difficult.³²

Thus, local guides are at a disadvantage against swindlers who pay neither taxes nor other statutory duties. Referred to as “umbrella people,” the barkers for all kinds of “tours” often guard their service provision territory, chasing competitors away etc. According to the Association of Guides of the Czech Republic, there might be approximately 1500 “individuals posing as guides” in Prague alone.³³ As a rule, they do not possess knowledge and, more importantly, guiding skills. They will take a group of 70 people to a “tour” even if this is unfeasible, the group jams footpaths, stands on roads etc.³⁴

Thus, impostors with little knowledge about the cultural heritage of Prague and other Czech cities have taken over a (hard-to-estimate) portion of incoming tourism. In contrast, professional guides are not only acquainted with local regulations and, for instance, their associations have systems of further professional education in place, but they are also able to deal with emergencies and organise their tour group without disturbing the place.

RESEARCH

Current legal rules on tour guide practice – Legal framework

Currently, Act No. 455/1991 Coll., on licensed trade (the Trade Licensing Act) categorises tour guide practice under unqualified trades, object of business “Manufacture, trade and

³⁰ Konec českých průvodců v ČR? [The End of Czech Guides in the Czech Republic?]. [online]. [2021-04-10]. Available at: <<http://www.konecceskychpruvodcuvcz.cz/>>.

³¹ Jak na falešné průvodce? [How should unlicensed guides be dealt with?]. In: *Peak.cz – Peníze, ekonomika, analýzy, komentáře* [online]. [2021-04-10]. Available at: <<https://www.peak.cz/jak-na-falesne-pruvodce-tvrdize-pricinou-sametove-revoluce-byl-hladomor-nebo-co-cech-to-piercing/16921/>>.

³² *Ibid.*

³³ *Ibid.*

³⁴ GARCIA-ALMEIDA, D. Knowledge transfer processes in the authenticity of the intangible cultural heritage in tourism destination competitiveness. *Journal of Heritage Tourism*. 2019, Vol. 14, No. 5-6, pp. 409–421.

services not specified in Annexes 1 to 3 to the Trade Licensing Act,” Field No. 71, “Operation of a travel agency and guide services in the field of tourism.” As such, a trade license for guiding can be obtained without proof of professional qualifications or experience, and neither is this activity listed among trades that businesses must ensure solely through natural persons who comply with the professional competence requirements specified.

According to the previous provisions, effective before 1 July 2008, guide services in the field of tourism were listed as a vocational trade with different professional competences required for different types of guiding practice (Annex No. 1 to the Trade Licensing Act). The professional competence for guide services in the field of tourism consisted of education in the field of tourism, or general education with professional experience in tour guide services; proof of meeting the education criterion could also take the form of a retraining certificate or a certificate of passing the examination then prescribed by Ministry of Regional Development Regulation No. 295/2001 Coll., on the performance and contents of examination of professional competence for the provision of guide services in the field of tourism.

With effect from 1 July 2008, tour guide services were recategorised from vocational trades to unqualified trades by Act No. 130/2008 Coll. (the relatively significant amendment to the Trade Licensing Act led to recategorization of a large number of trades, among other changes). According to the Ministry of Industry and Trade, which is responsible for trade licensing, this amendment sought to regulate only such activities whose unskilled performance might gravely jeopardise an important interest, possibly incurring harm to human health or major material damage.

As a result, the current legal rules for guide practice in the Czech Republic are chaotic. Guide services existed as a vocational trade until 2008. Then a business liberalisation reform shifted them to the unqualified trades list and the chaos in tour guide practice that we know today gradually ensued, especially in major cities. As a result, guides are no longer required to attain or attest to a defined set of qualifications. Guides’ associations, as well as Prague City Hall, have long been bringing attention to the fact that the current legal rules have “deteriorated the level and quality of tourism as a whole.”³⁵ Prague City Council Member Hana Kordová Marvanová argues that the 2008 amendment that recategorized guiding as an unregulated trade was a mistake, a result of lobbying by tour operators and travel agents, and it runs contrary to the current 2014–2020 Tourism Strategy’s goal to promote quality guiding.

A petition by professional tour guides in the Czech Republic

Currently open for signatures, a petition by the Association of Guides of the Czech Republic entitled “The End of Czech Guides in the Czech Republic?” criticises the legal status quo and pleads for the following:

- to return the tour guide’s trade, currently categorised as unqualified, to the list of vocational trades;

³⁵ Senate, 2020, Document for Discussion No. 183.

- to make guide practice by EU nationals in Czech territory conditional upon registration with the local authority and to make proof of professional qualifications obtained in the home state a compulsory part of that registration;
- to set up a central register of qualified tour guides, both Czech and foreign, providing tour guide services in the Czech Republic's territory;
- to define sites of public interest in Czech territory where only locally licensed professional guides can provide commentary for tourists (e.g., UNESCO sites, national parks, museums and galleries);
- to introduce an effective mechanism of checks so that individuals providing unlicensed guide services in Czech territory can be apprehended and penalised.³⁶

In sum, the guides decry lack of scrutiny by responsible authorities and especially the absence of effective checks. The petition further states: “This situation, a sad one for us, is well-known to foreign tour operators, who are making use of it accordingly. The mechanisms of checks and regulations that are normally in place abroad do not exist or function in our country.”³⁷ Due to the black market, they argue, Czech qualified professional guides are gradually losing their jobs and, at the same time, they do not have similar opportunities to work freely abroad.

It is also interesting in this respect to take a look at other EU countries and the ways they regulate guide practice in their laws. The practice is regulated, in one way or another, by 13 member states, while a *laissez faire* regime is in place in the remaining countries. For example, guide practice exists as a vocational trade in Austria and Slovakia, Italian guides are licensed based on their education and examination by accredited institutions. Similar regimes exist in France, Croatia etc.

In addition to the above-mentioned countries, some form of regulation has been instituted in Italy, Cyprus, Lithuania, Hungary, Malta, Romania, Greece, Slovenia and Spain. In contrast, Germany, Denmark, Estonia, United Kingdom, Poland and Portugal are among the countries that do not have legal rules for guide services in the field of tourism or, more specifically, either have no defined legal requirements for their provision or have delegated the formulation of such qualification requirements to professional associations.

The new legal rules

The legal rules for the tour guide's profession originate from the June 2018 bill by the Prague City Assembly. Prague made use of its right to legislative initiative in an effort to address issues of tour guide services.³⁸ Approved by the Assembly during its previous electoral term and embraced by the new coalition as well, the bill was submitted to the Parliament to amend the Trade Licensing Act and recategorise guide services from unquali-

³⁶ Konec českých průvodců v ČR? [The End of Czech Guides in the Czech Republic?]. In: *koneccestskychpruvodcu-vcz.cz* [online]. [2021-04-10]. Available at: <<http://www.koneccestskychpruvodcuvcz.cz/>>.

³⁷ Ibid.

³⁸ Práze se podařilo prosadit ve sněmovně novelu zákona s cílem zvýšení kvality průvodcovských služeb. [Prague achieves to push the bill to increase the quality of tour guide services through the Chamber of Deputies]. In: *Praha.eu – portál hlavního města Prahy* [online]. [2021-04-10]. Available at: <http://www.praha.eu/jnp/cz/o_meste/magistrat/tiskovy_servis/tiskove_zpravy/praze_se_podarilo_prosadit_ve_snemovne.html>.

fied trades to vocational trades. It defined a set of requirements for the provision of such services, certification and professional experience. Following complicated negotiations and modifications, the Chamber of Deputies discussed the bill from 25 July 2018 to 29 November 2019 and did not lend support to the goal of recategorization from unqualified to vocational trades. In agreement with the Ministry of Regional Development, a comprehensive Member's Amendment was tabled (by MP Patrik Nacher of the coalition party, ANO 2011) to modify the Tourism Act instead of the Trade Licensing Act. This was because tour operators and travel agents supported the unregulated status quo and were strictly opposed to changing the Trade Licensing Act. The upper chamber of the Czech parliament, the Senate, discussed the bill at its session on 29 January 2020.³⁹

The resulting change is that the Ministry of Regional Development will issue national guide IDs to guides meeting certain requirements. At the same time, in addition to the existing list of tour operators and travel agents, the Ministry will administer a list of tour guides. Two types of IDs are supposed to be issued. The first type will not require any proof of education. To provide guide services, the guide only has to obtain an ID and carry it in plain view. This regime eliminates illicit tour guides, satisfying the goal of Prague's legislative initiative to address the issue of unlicensed guides. To obtain IDs of the second degree, the guides will also have to prove requisite qualifications, education and professional experience.

RESULTS

Legal rules on tour guide practice “made in Czechia”

Recall the central finding of the previous section, namely that Prague City Hall sought to change the Trade Licensing Act to recategorise tourist guiding services from unqualified to vocational trades. Under the previous regime, the tour guide's trade could be obtained by anyone above 18 years of age with no criminal record. However, Prague's legislative initiative was met with opposition in the legislature (apparently due to lobbying by tour operators and travel agents in business relations with such – considerably cheaper – unprofessional “guides”). As a result of the Chamber of Deputies compromise, the trade will continue to be listed as unqualified but guides will have to carry in plain view special IDs issued by the Ministry of Regional Development. It will be up to each tourist to go on tour with a 1st degree guide (without professional qualifications) or a 2nd degree guide (with proof of qualifications). This can be viewed as a compromise between the positions of tour operators and professional guides. Another argument of the Ministry in favour of this amendment is that the guides' new obligations will be easily checked.

Tour guides vs. tour operators

Professional guides in the Czech Republic are organised in several associations, and especially the Association of Guides of the Czech Republic. The latter supported Prague's

³⁹ Ibid.

original bill to amend the Trade Licensing Act, in accordance with the Prague City Tourism agency, the Prague Czech Tourism agency and other organisations. They sought to categorise guide services under a regulatory regime in which proof of requisite education and professional experience has to be furnished. The associations argued that provision of high-quality services by professionally qualified guides should be the standard given the importance of the Czech Republic's cultural heritage.⁴⁰

In contrast, more stringent conditions for guides were opposed by the central associations of tour operators and travel agencies, namely the Association of Tour Operators of the Czech Republic and the Association of Tour Operators and Travel Agents of the Czech Republic. "The effort to improve the quality of guide services provided in the centre of Prague should by no means lead to universal introduction of stringent qualification requirements," reads the latter association's statement.⁴¹ This represents the liberal approach to regulating the profession and a reference to recommendations by the Ministry of Industry and Trade (the national authority responsible for trade licensing) and of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on reform recommendations for regulation in professional services (COM(2016) 820) to refrain from regulating professional services and to achieve an adequate level of existing barriers.

Instead of an amendment to the Trade Licensing Act, the resulting compromise between both positions consists of a new list of guides administered by the Ministry of Regional Development and the issuing of national guide IDs. These measures, too, can be viewed as a softer way to eliminate unlicensed guides in the streets of Czech cities, especially Prague.

Are unlicensed tour guides a problem? The parliamentary debate's arguments

The different stages of the legislative debates in both chambers of the Parliament saw a clash between proponents of the professional guides' position and those under the influence of tour operators and travel agents.

The current Chamber of Deputies Vice-president and tourism entrepreneur (tour operator owner) Tomio Okamura (Party of Direct Democracy) criticised any effort for more stringent regulation. He argued that the proposed amendment would be fatal and "totally eliminate tourism in the Czech Republic."⁴² During the Chamber of Deputies debate, he also said: "Because of five or six umbrella men, we want to penalise hundreds of thousands of Czech tourists traveling abroad, almost over a million Asian tourists who are spending money and coming to the Czech Republic. That, indeed, is disproportionate."⁴³

Others claimed discrimination in the Czech labour market, referring to two EU directives – the Freedom of Movement for Workers Directive and the Recognition of Professional Qual-

⁴⁰ Konec českých průvodců v ČR? [The End of Czech Guides in the Czech Republic?]. In: *konecceskychpruvodcuvcz.cz* [online]. [2021-04-10]. Available at: <<http://www.konecceskychpruvodcuvcz.cz/>>.

⁴¹ AČCKA proti plošné regulaci průvodcovské činnosti [The Association of Tour Operators and Travel Agents of the Czech Republic is against universal regulation of tour guide services]. In: *The Business of Selling Travel – Czech* [online]. [2021-04-10]. Available at: <<https://www.ttg.cz/accka-proti-plosne-regulaci-pruvodcovske-cinnosti/>>.

⁴² Chamber of Deputies (2019), "Document for Discussion No. 451" – verbatim transcription.

⁴³ Chamber of Deputies (2019), "Document for Discussion No. 451" – verbatim transcription.

ifications Directive. They mentioned the example of Germany, with its *laissez faire* regime for tour guide practice. Since German tourists are the most numerous group coming to the Czech Republic, they opposed more stringent rules claiming that German guides in the Czech Republic would be able to guide freely (which is the current status quo) and the proposed amendment would basically restrict the access of Czech citizens to their own internal market. In this logic, a Czech guide would have to possess professional qualifications while a German guide would be able to work freely even after the passing of the amendment.⁴⁴ The critics of increased stringency also asked somewhat disparaging questions about the hypothetical ways guiding would work if the individual in question gave a private tour to someone.

The answer of Prague City Council Member Hana Kordová Marvanová was that the new legal rules applied to activities under a trade license, i.e. business activities that are generally defined as permanent activities with a view to making a profit. Proponents of the changes referred to the need to educate about the importance of cultural heritage and to protect such an important interest as preservation of cultural heritage. In the case of amending the Trade Licensing Act, Prague also argued that there are similar vocational trades in areas like purchase and sale of cultural monuments or items of cultural value (or restoration thereof). From this perspective, they argued, it is hard to understand why the legal rules in place, in terms of qualification requirements, do not apply to tour guide practice as well. The originally envisaged vocational trade was conditional upon proof of college education in history and tourism or of secondary vocational education.⁴⁵

DISCUSSION AND CONCLUSION

The policy of issuing IDs was supported by the majority of both chambers of the Czech parliament.⁴⁶ Under the concept of two different IDs, which eventually prevailed in the Chamber of Deputies, guides without professional qualifications would not be barred from the practice and would merely have to carry the new ID, a clear display of their lack of qualifications. This accommodated the demands for eliminating unlicensed guides. Representatives of the City of Prague eventually sided with this version despite their preference – after the amendment to the Trade Licensing Act had not passed – for issuing a single ID accompanied by the requirement for professional qualifications.⁴⁷

In contrast, the Senate passed an amendment with a view to issuing a single ID. According to the bill's rapporteur, Senator Ladislav Kos of the Economic Committee, the existence of dual IDs would only introduce a different form of chaos. "When someone orders a tour guide, especially someone from abroad, they will find it hard to decide between 1st degree and 2nd degree guides, which ones possess the qualifications and which ones do not."⁴⁸ Although the Senate did pass the amendment for a single ID issued upon proof of

⁴⁴ Chamber of Deputies (2019), "Document for Discussion No. 451" – verbatim transcription.

⁴⁵ Chamber of Deputies (2019), "Document for Discussion No. 451" – verbatim transcription.

⁴⁶ Chamber of Deputies (2019), "Document for Discussion No. 451" – verbatim transcription. Senate (2020, June 10). Document for Discussion No. 2020 – verbatim transcription.

⁴⁷ Senate (2020, June 10). Document for Discussion No. 2020 – verbatim transcription.

⁴⁸ Senate (2020, June 10). Document for Discussion No. 2020 – verbatim transcription.

professional qualifications, the Chamber of Deputies, as the supreme legislative body, overrode the Senatorial proposal and insisted on the existence of dual IDs.

As indicated by the SWOT analysis of the latest legal provisions, which are to become effective in 2021, the fact of effecting a change is certainly a strength. Indeed, politicians across the board agreed in the debates that any legislative amendment would be a positive change from the status quo. The new regulation is also supported by professional tour guide associations and, since it does not amend the Trade Licensing Act and instead takes the more moderate way of IDs, it has also secured support by associations of tour operators and travel agencies. Another positive aspect mentioned in the parliamentary debates was that an ID carried in plain view would facilitate checks. This, however, was contextualised in the existing lack of an effective mechanism of checks by government authorities. The dual IDs regime does make the situation somewhat complicated, but its functionality can only be judged by practical implementation. Another issue that remains unclear is that the precise costs and demands of introducing the dual ID practice are unknown – because the IDs were only agreed upon during the Chamber of Deputies debate, thus preventing the traditional regulatory assessment procedure. One of the opportunities of the legal rules is to initiate discussion about the relevance of professional guides for city reputation and place management. The main threats, in contrast, include the introduction of new rules in the Czech Republic's highly corrupt environment and possible pressure by existing tour operators and travel agencies to soften the rules in the implementation process.

Table: Current legal rules on tour guide practice in the Czech Republic: a SWOT analysis

Strengths	Weaknesses
Change to the better (= regulating and eliminating unlicensed guides) Supported by professional guide associations IDs will be easily seen and checked	Administrative burden for the Ministry of Regional Development Dual-track registration of guides' qualifications No effective mechanisms for checks by government authorities
Opportunities	Threats
Improving the cities' reputation and public relations Initiating discussion about the relevance of professional guides for city reputation and place development	High corruption environment in the Czech Republic Pressure/lobbying by existing tour operators on implementing regulations and practical measures

Source: author.

Tourist guide performance must be based on the tour guide's fulfilling several functions. A negative image decreases the attractiveness of the destination and while tourists may evaluate each element separately, dissatisfaction with one component leads to an overall negative evaluation of the destination as a whole. Thus, in tourism, a destination image is holistic, and these findings might be crucial for the positioning and differentiation of Prague and Czech Republic as a tourism destination for coach tour tourists with tourist guides.

The current unfair practices of unlicensed guides in the centre of Prague have triggered a number of discussions and resulted in the adoption of an amendment to the Tourism Act which aims to limit tour guide services to people with professional qualifications. This research qualitatively examined current changes in the legal status of tour guides in the Czech Republic. The Czech Republic and Prague were selected for a case study of a country without legal rules on tour guide practice. Especially Prague has seen widespread operation of illegitimate tour guide services, which not only incurs economic costs but also damages place management and the quality of tourist services. The data consisted of primary sources, laws and regulations and transcriptions of formal debates on the new legal rules. In the analysis, we assessed the new legal rules qualitatively, analysed the parliamentary debates in the Czech Republic, and compared the state of legal regulation of tour guide practice in EU countries. While this interesting set of legal rules is applicable in the Czech Republic only, the theory and practice of its emergence and the present case helps us view tour guide policy in the broader context of the Central European countries that do not regulate the tour guide's profession. We do not argue in this study that the practices can be identified with those in countries like Poland or Hungary, yet they are experiencing similar problems with illegitimate tour guides and the outcome might be roughly the same.

With effect from 1 January 2021, the new legal rules satisfy the need for official checks on tour guides and penalties against unlicensed ones. In the legislative process, tour guide associations lobbied with a view to making the rules more stringent. They achieved to make it compulsory for all tour guides to carry IDs in plain view. Tour operators and travel agents, who themselves are purchasing the cheap services of such guides without professional qualifications, were opposed to the legislation. They achieved to prevent amendments to the Trade Licensing Act. As a result, tour guides without qualifications will continue to be allowed to operate, only upon registration and with an ID. Only the implementation of the legal norm in practice will show to what extent it will achieve to push unlicensed guides without professional qualifications out of Prague and other Czech cities.