



LAW no. 125 of 31 October 1990 (published on 7 November 1990)

**Provisions governing the activities of commercial agents, commercial representatives,
business brokers, mediators, commissioners.**

**We the Captains Regent
of the Most Serene Republic of San Marino**

*Hereby promulgate and order the publication of the following Law, approved by the Great
and General Council during its sitting of 31 October 1990.*

Art.1

The activity of: commercial agents, commercial representatives, business brokers, mediators, commissioners, as intermediaries in the movement of goods and services, shall be governed by this Law.

Art.2

- Commercial agent shall be anyone who, as an independent intermediary, through an agency contract, permanently takes on the task of promoting, on behalf of others and against payment, the conclusion of contracts in a given area.
- Commercial representative shall be anyone upon whom the representation for the conclusion of the contract has also been granted.
- Business broker shall be anyone who, without any stability constraint, takes on the task, based on a contract, of collecting proposals for contracts or orders.
- Mediator shall be anyone who, without any commitment with respect to the contractors, establishes a relation between the two parties for the conclusion of the contract.
- Commissioner shall be anyone who takes on, through a mandate, the task of buying or selling goods and services and acts in his own name and/or on behalf of third parties without any representation.

Art.3

Commercial agents and commercial representatives without any warehouse, business brokers and mediators shall carry out their activity as self-employed and independent workers.

Before starting their activity, the above mentioned persons shall inform the Tax Office, the Labour Office and the Social Security Institute thereof for the purposes of registration in the registers of independent workers.

The Labour Office shall issue a specific document certifying the registration.

Art.4

Agents and representatives with a warehouse and commissioners shall carry out their activity only after obtaining a specific licence and an authorisation attesting to their professional skills.

The persons referred to in the previous paragraph shall apply for the licence to the Office for Industry, Handicraft and Trade.

The issue of the licence shall be decided by the Congress of State after the granting of the professional authorisation.

The licence shall be issued by the Office for Industry, Handicraft and Trade, subject to payment of the tax on commercial licences. The provisions of Title IV of Law no. 98 of 19 November 1981 and subsequent amendments shall apply *mutatis mutandis* to the granting of the licence.

Art.5

The persons referred to in Art. 4 above shall obtain a professional authorisation with the same forms and procedures applying to the granting of the commercial licence referred to in Title III of Law no. 98 of 19 November 1981 and subsequent amendments, insofar as they are compatible.

In the absence of specific qualifications, applicants for registration in the professional register shall pass a qualifying exam demonstrating their knowledge of business management, management of contracts and the regime in force applying to trade with foreign countries.

Art.6

The current industrial licences for intermediation and trade shall be maintained by the holders; however, as far as the trade regime is concerned, they shall be subject to the limits and obligations laid down in Articles 8 and 9 below.

Art.7

Licence holders shall be entered in the register of licences kept by the Office responsible for trade.

Art.8

The intermediation activity, with the exception of agents and representatives with warehouses, carried out by the licence holder shall be multiple and not annual during the same year.

Intermediation acts shall always be supported by specific mandates and shall refer exclusively to relations between economic operators.

Commercial intermediation of retail goods and services shall be prohibited.

The intermediation of material goods not provided for by the trade legislation in force shall also be prohibited.

The intermediation of goods whose discipline is delegated to specific laws shall continue to be regulated by the same laws.

If the licence holder carries out intermediation activities in the forms provided for by this Article, he shall keep the relevant documents for any controls.

Art.9

The persons referred to in Article 4 shall, at the same time, notify cross trade transactions to the Tax Office, which shall enter them in a specific register. Failure to make the above notification shall result in the revocation of the licence.

The notification shall contain: the object of the transaction, the quantity of the product and the countries concerned.

Art.10

The violation of the provisions of this Law shall entail the application of the sanctions referred to in Article 35 of Law no. 98 of 19 November 1981 and subsequent amendments.

Art.11

Regency Decrees no. 8 of 6 November 1930 and no. 17 of 12 June 1953 shall be repealed.

Art.12

This Law shall enter into force on the fifteenth day following that of its legal publication.

Done at Our Residence, on 5 November 1990/1690 since the Foundation of the Republic

THE CAPTAINS REGENT

Cesare Antonio Gasperoni - Roberto Bucci

THE MINISTER OF INTERNAL AFFAIRS

Alvaro Selva