



REPUBLIC OF SAN MARINO

DELEGATED DECREE NO. 21 of 6 March 2013
(*Ratifying Delegated Decree no. 53 of 14 May 2012*)

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

Having regard to Delegated Decree no. 53 of 14 May 2012 "Provisions regulating the remuneration of Directors and Heads of Department", which has been promulgated:

Having regard to Article 19, paragraph 7 of Law no. 108 of 31 July 2009;

Having regard to Congress of State Decision no. 40, adopted during its sitting of 10 April 2012;

Having regard to the reiteration of the same decree ordered with Delegated Decree no. 130/2012, with Delegated Decree no. 139/2012 and with Delegated Decree no. 152/2013 ratified by the Great and General Council with Decision no. 15 of 1 March 2013 respectively;

Having regard to the amendments to the above-mentioned decree, which were introduced at the time of its ratification by the Great and General Council in its sitting of 4 March 2013;

Having regard to Decision no. 40 of 4 March 2013 of the Great and General Council;

Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the final text of Delegated Decree no. 53 of 14 May 2013, as amended following the approval of the Great and General Council when ratifying it:

PROVISIONS REGULATING THE REMUNERATION OF DIRECTORS AND HEADS OF DEPARTMENT

Art. 1

(Scope)

1. This Delegated Decree shall regulate the remuneration of directors in application of Article 19 of Law no. 108 of 31 July 2009, with reference to the position of Director provided for in Annex 1 to this Delegated Decree and of Head of Department.
2. The remuneration referred to in Article 19 of Law no. 108/2009 and governed by this Delegated Decree shall be indicated hereinafter also as "new regime" or "new remuneration regime".
3. The remuneration provided for by Law no. 118 of 23 October 1990 shall be indicated hereinafter also as "old regime" or "old remuneration regime".
4. The new remuneration regime shall not apply to Directors who, being in the conditions referred to in Article 24, paragraph 3 of Law no. 108/2009, do not exercise the option provided for therein for such remuneration regime.
5. If the option referred to in the preceding paragraph is exercised, the new remuneration shall be paid from the month following that in which the declaration is made.

6. In the context of the Overall Public Sector, the new regime shall not apply to the Health Directors, members of the Executive Committee of the Social Security Institute, Directorate General of Civil Service and career diplomats, to whom the special reference rules shall apply. Without prejudice to the obligation to apply the remuneration regime envisaged in Law no. 108 of 31 July 2009, the new regime shall not apply, in addition to the above, also to Directors appointed by the Great and General Council, the Director of the Autonomous Public Utilities State Corporation (A.A.S.S.) and the Director of Ente Poste.

7. The remunerations referred to in this Delegated Decree shall be gross monthly amounts paid for thirteen months, unless otherwise expressly indicated, and may be amended by means of a delegated decree also in relation to the revaluations provided for in the Collective Agreement for Public Employment.

Art. 2

(Basic remuneration)

1. The basic remuneration referred to in Article 19, paragraph 1, letter a) of Law no. 108/2009 shall be equal to € 2,900.00 (two thousand nine hundred/00).

Art. 3

(Seniority steps)

1. Seniority steps shall be ten, with a two-year progression. The amount of each of the seniority steps shall be equal to € 80.00 (eighty/00).

2. The Director shall be entitled to the seniority steps referred to in the preceding paragraph if he is a Director included among the permanent staff or having an open-ended contract pursuant to Article 69 of Law no. 188/2011, or if he is a Director with a specific contract but already included among the permanent staff for another position or having an open-ended contract pursuant to Article 69 of Law no. 188/2011 for a position in the Overall Public Sector. A Director not included among the permanent staff or not having an open-ended contract for any position in the Overall Public Sector shall be entitled to seniority steps exclusively in relation to the service provided as Director in the Overall Public Sector.

3. Seniority accrued as Director shall be taken into account for the purposes of career progression in permanent positions or, pursuant to Article 69 of Law no. 188/2011, in case of open-ended contracts in the public administration.

4. The position as Director shall entail the revaluation of the amount of seniority steps accrued in other positions in the Overall Public Sector for the period in which the position is held.

Art. 4

(Position-based remuneration)

1. The parameters of the position-based remuneration referred to in Article 19, paragraph 1, letter b) of Law no. 108/2009 shall take into account, according to objective criteria, the complexity of the position held, in accordance with the above-mentioned Law.

2. According to Annex 1 to this Delegated Decree, a parameter shall be associated with each Organisational Unit, for which the position-based remuneration is envisaged in Annex A to Law no. 188/2011.

3. These parameters shall correspond to the amounts set out below:

- a) Parameter 1 € 400.00 (four hundred/00);
- b) Parameter 2 € 700.00 (seven hundred/00);
- c) Parameter 3 € 1.100,00 (one thousand one hundred/00).

4. Any revaluations and changes in the amounts referred to in the preceding paragraph and pursuant to Article 1, paragraph 2 shall take account of the need to contain overall expenditure and to diversify position-based remuneration in relation to the complexity of the relevant Organisational Unit.

5. The position-based remuneration shall be modified on the occasion of and in line with the changes in the functions of the Organisational Unit pursuant to Article 7, paragraphs 2 and 3 of Law no. 188/2011.

Art. 5

(Result-based remuneration)

1. The result-based remuneration referred to in Article 19, paragraph 1, letter c) of Law no. 108/2009 shall be envisaged following the predetermination of objectives that the Director is required to achieve in the Organisational Unit during and/or within the end of the reference period. Therefore, the result-based remuneration shall be envisaged only if the objectives for the position of Director held are predetermined and its payment shall be conditional on the positive outcome of the evaluation of the results, to the extent corresponding to the total or partial achievement of such results.

2. These objectives shall be associated with a remuneration of a maximum amount corresponding to 30% of the position-based remuneration in the reference period.

3. The objectives may be specific to the position or general within the overall activities assigned to the administration; in the latter case, the objectives shall be understood as defined at a general level even if they are not specified in the position/contract.

4. The institutional tasks and activities of the Organisational Unit and/or the Director shall not be considered in any way as objectives referred to in this Article and, therefore, for such tasks and activities, the result-based remuneration shall not be envisaged and paid.

5. The objectives shall be identified and the budget for their achievement shall be defined according to the positions and rules in force in the organisational field and the directives issued by the Directorate General of Civil Service.

6. The verification of the total or partial achievement of the objectives at the end of the reference period, as well as the assessment of the amount of the budget to be allocated, shall be carried out by the Directorate General of Civil Service on the basis of pre-established criteria, according to the principles set out in Article 22 of Law no. 108/2009 and the rules in force in this field.

Art. 6

(Allowance for fixed-term contracts)

1. The allowance for fixed-term contracts referred to in Article 19, paragraph 1, letter d) of Law no. 108/2009 may be envisaged only for Directors not included among the permanent staff or not having an open-ended contract in any position in the Overall Public Sector.

2. If such allowance is envisaged, its amount shall be negotiated between the parties, without prejudice to the objective of containing public expenditure and the placement and availability of professionals in the labour market. The amount shall not, however, exceed that of the position-based remuneration envisaged for the Organisational Unit concerned.

Art. 7

(Remuneration for assignment to a staff)

1. The remuneration for the assignment of Directors to a staff on an exclusive basis, pursuant to Article 21 of Law no. 108/2009, shall include basic remuneration, seniority steps and any result-based remuneration for the achievement of the objectives established with the assignment and possibly obtained in the context of Projects of the Directorate General of Civil Service pursuant to the relevant legislation.

2. Without prejudice to the fact that the result-based remuneration referred to in the preceding paragraph is linked to the achievement of objectives, its maximum amount shall be

agreed with the Director in case of assignment to a staff referred to in Article 21, paragraph 2, letter a) of Law no. 108/2009. However, such amount shall not exceed that resulting from the sum of the position-based remuneration (parameter 1) and the maximum result-based remuneration linked to it; it may not exceed the position-based remuneration (parameter 1) in the other cases referred to in the same paragraph.

3. The assignment to a staff at the same time when holding the position of Director of an Organisational Unit shall be understood as responsibility and participation in Working Groups based on specific projects referred to in the relevant rules in this field.

Art. 8

(Remuneration of Heads of Department)

1. The remuneration of Head of Department, if this function is performed full time and exclusively pursuant to Article 20, paragraph 5 of Law no. 188/2011, shall be structured in the same way as that envisaged in Article 19 of Law no. 108/2009, with the following amounts:

- a) the basic remuneration shall be equal to € 3,100.00 (three thousand one hundred/00);
- b) the position-based remuneration shall be equal to € 550.00 (five hundred and fifty/00);
- c) any result-based remuneration shall be applied according to the terms laid down in Article 5;
- d) any allowance for fixed-term contracts shall have a maximum amount of € 500,00 (five hundred/00).

2. Article 3 of this Delegated Decree shall apply to seniority steps.

3. If the position of Head of Department is entrusted full time and exclusively to a Director who, meeting the conditions referred to in Article 24, paragraph 3 of Law no. 108/2009, has not opted for the new remuneration regime, the Director may maintain his remuneration or choose that referred to in the preceding paragraphs for the duration of the position.

Art. 9

(Remuneration for the simultaneous position of Director and Head of Department)

1. Besides the remuneration envisaged as Director of the Organisational Unit, the latter Director subject to the new remuneration regime who, pursuant to Article 20, paragraph 5 of Law no. 188/2011, simultaneously holds the position of Head of Department, also for internal replacement under Article 21, paragraphs 2 and 3 of Law no. 188/2011, shall be entitled to the following:

- a) the difference between the basic remuneration for Heads of Department and the basic remuneration for Directors;
- b) any difference between the position-based remuneration envisaged for the Department concerned and the position-based remuneration envisaged for the relevant Organisational Unit;
- c) any result-based remuneration envisaged for the objectives to be achieved as Head of Department.

2. The remuneration of the Director of Organisational Unit subject to the old remuneration regime, who at the same time holds the position of Head of Department, even for temporary replacement, shall be supplemented with:

- a) any difference between the basic remuneration envisaged for the Heads of Department and the basic remuneration received;
- b) any result-based remuneration envisaged for the objectives to be achieved as Head of Department.

Art. 10

(Working groups for specific projects)

1. Directors responsible for specific projects or who participate in working groups for specific projects, as regulated by the relevant legislation, shall be entitled to any payments provided for in advance for the results obtained, if and to the extent that the objectives are achieved.

2. In this regard, the provisions referred to in Article 5, paragraphs 4, 5 and 6 shall be applied.

Art. 11

(Contextual direction of Organisational Units)

1. In case of temporary simultaneous direction of two Organisational Units, to which the position-based remuneration of Directors envisaged in Annex A to Law no. 188/2011 applies, the Director subject to the new remuneration regime shall be entitled to the position-based remuneration that may be more favourable, an additional remuneration of € 200.00 (two hundred/00) and any result-based remuneration envisaged for both Organisational Units concerned.
2. In the case referred to in the preceding paragraph, a Director who, having the right to do so, has not opted for the new remuneration regime, shall be entitled to receive any result-based remuneration envisaged for both Organisational Units in accordance with Article 5.
3. The simultaneous direction of two Organisational Units shall be permitted on a temporary basis in view of any unification and/or transformation of the Organisational Units concerned, to be implemented with the measures provided for by Law no. 188/2011, as well as to make up for temporary absences exceeding three months pursuant to Article 20, paragraph 2 of Law no. 108/2009. After the expiry of the maximum period of one year, the simultaneous direction shall terminate and the Director shall remain assigned to the Organisational Unit envisaging specific terms concerning appointment and contract.

Art. 12

(Other provisions)

1. For the purposes of calculating the severance payment, only the basic remuneration referred to in Article 2 and the seniority steps referred to in Article 3 shall be taken into account.
2. The remuneration of Directors subject to the new regime shall not be reduced for the purposes of the so-called "access remuneration" and shall not be applied the provisions of Article 75, first paragraph of Law no. 194 of 22 December 2010 and the relevant implementing Delegated Decree.

Art. 13

(Coordination provisions)

1. The remuneration of Directors subject to the old regime shall remain applicable to Directors who, meeting the conditions referred to in Article 24, paragraph 3 of Law no. 108/2009, do not exercise the option for the remuneration referred to in this Delegated Decree, it being understood that any allowances and *ad personam* remunerations provided for in paragraph 3 shall be excluded.
2. The remuneration of Directors subject to the old regime shall continue to be the reference for calculating the remunerations provided for in Annex F to the Law on Public Employment and in the other special rules applicable to positions other than those governed by this Delegated Decree, where such special rules make express reference to the remuneration referred to in Law no. 118/1990.
3. Unless otherwise provided for, the remuneration of Directors subject to the old regime shall also apply to Directors included among permanent staff holding positions no longer provided for in Annex A to Law no. 188/2011.
4. The remuneration of Directors subject to the old regime shall remain subject to updates and amendments provided for by law and the collective agreement.

Art. 14

(Transitional rules)

1. Pursuant to the provisions of Article 3 of Delegated Decree no. 3 of 16 January 2013, considering the postponement provided for therein, due to the different functions of the Organisational Units replaced or transformed with respect to those of the new Organisational Units, as well as taking into account the ongoing transformation of the Post and

Telecommunication Organisational Unit into an autonomous entity pursuant to Law no. 54 of 21 May 2012, Annex 1 to this Delegated Decree shall indicate, by means of specific "Notes", the position-based remuneration to be applied on a temporary basis to the Directors of the Organisational Units that will be replaced or transformed.

2. The aforesaid "Notes" shall also indicate the position-based remuneration to be applied to the Director of a new Organisational Unit resulting from the unification of existing Organisational Units provided for in Articles 44 and 45 of Law no. 188/2011.

Art. 15
(Starting date)

1. This Delegated Decree shall take effect on 1 May 2012. As from that date, the remunerations applied following a decision or contract *ad personam*, in application of Article 24, paragraph 1 of Law no. 108/2009, shall cease to be paid.

2. The remuneration applied to the Head of Personnel as envisaged by law and contract and already in force during the transitional period referred to in Article 74 of Law no. 188/2011 shall continue to be paid.

3. The acts and measures adopted shall remain valid, as well as the effects arising from the provisions of Delegated Decree no. 53 of 14 May 2012, reiterated with Delegated Decrees no. 130/2012, no. 139/2012 and no. 152/2012, which have been superseded or amended by this Delegated Decree.

Done at Our Residence, on 6 March 2013/1712 since the Foundation of the Republic

THE CAPTAINS REGENT
Teodoro Lonfernini – Denise Bronzetti

Gian Carlo Venturini
MINISTER OF INTERNAL
AFFAIRS

ANNEX 1

PARAMETERS OF DIRECTORS' REMUNERATIONS

Annex A to Law no. 188/2011	Organisational Unit	Parameter
Article 4, paragraph 3	Directorate of Legal Affairs	1
Article 8, paragraph 3, letter b)	Institutional Secretariat	2
Article 9, paragraph 3, letter b)	Executive Secretariat of the Congress of State (Government)	1
Article 10, paragraph 3, letter b)	Vital Statistics Office, Population and Electoral Services	2
Article 11, paragraph 3, letter b)	State Lawyers' Office	2
Article 14, paragraph 3, letter b)	Directorate of Public Finance	3
Article 15, paragraph 3, letter b)	State Accounting Office	2
Article 17, paragraph 3, letter b)	Tax Office	3
Article 18, paragraph 3, letter b)	Registry and Record Keeping Office	2
Article 19, paragraph 3, letter b)	Philatelic and Numismatic Office	1
Article 22, paragraph 3, letter b)	Office for Industry, Handicraft and Trade	2
Article 23, paragraph 3, letter b)	Office for Control and Supervision over Economic Activities	2
Article 24, paragraph 3, letter b)	State Office for Patents and Trademarks	1
Article 25, paragraph 3, letter b)	Labour Office	2
Article 26, paragraph 3, letter b)	Office for Transport	2
Article 27, paragraph 3, letter b)	Vocational Training Centre	1
Article 29, paragraph 3, letter b)	Environmental and Agricultural Resources Management Office	2
Article 30, paragraph 3, letter b)	Territorial Planning Office	2
Article 31, paragraph 3, letter b)	Cadastral Office	1
Article 32, paragraph 3, letter b)	Building Office	2
Article 33, paragraph 3, letter b)	Civil Protection Service	2
Article 35, paragraph 3, letter b)	Prevention and Environment Office	2
Article 38, paragraph 3, letter b)	Socio-educational Services for Early Childhood	2
Article 39, paragraph 3, letter b)	Kindergarten	2
Article 40, paragraph 3, letter b)	Elementary School	2
Article 41, paragraph 3, letter b)	Lower Secondary School	2
Article 42, paragraph 3, letter b)	Upper Secondary School	2
Article 44, paragraph 3, letter	State Library	1

b)		
Article 45, paragraph 3, letter b)	State Archive	1
Article 46, paragraph 3, letter b)	State Museums	2
Article 47, paragraph 3, letter b)	Office for Social and Cultural Activities	1
Article 48, paragraph 3, letter b)	Office for Tourism	2
Article 50, paragraph 3, letter b)	Office for the Management of Public Administration Personnel	2
Article 51, paragraph 3, letter b)	Purchases, General Services and Logistics	2
Article 52, paragraph 3, letter b)	IT, Technology, Data and Statistics	2
Article 54, paragraph 3, letter b)	Civil Police Corps	3
Article 57, paragraph 5	Public Works State Corporation (A.A.S.L.P.)	3
Article 57, paragraph 6	Building Unit of A.A.S.L.P.	1
Article 57, paragraph 7	Road System and Reclamation Unit of A.A.S.L.P.	1
Article 58, paragraph 5	A.A.S.S. Exercise	1
Article 60, paragraph 3	Civil Aviation and Maritime Navigation Authority	1
Article 62, paragraph 4	University Rectorate	1
Article 59	Minors' Service of the Social Security Institute	1
Article 59	Territorial Home Care Service of the Social Security Institute	1
Article 59	Elderly Residential Care of the Social Security Institute	1

Notes relating to the deferral referred to in Annex 2 to Delegated Decree no. 3 of 16 January 2013 and to the transformation of the Posts and Telecommunications Operational Unit into an autonomous entity:

(1) until the Office for Transport starts operating, Parameter 1 shall be applied to the Director of the current Vehicle Registration Office (U.R.A.);

(2) until the functions referred to in Art. 57, paragraph 2, letter a) of Annex A to Law no. 188/2011 are transferred to A.A.S.L.P., Parameter 1 shall be applied to the Director of the current Planning Office of the Department of Territory and Environment;

(3) until Ente Poste starts operating, Parameter 2 shall be applied to the Director General of Posts and Telecommunications;

(4) by virtue of the correspondence between new Operational Units and the previous offices/services indicated in Annex 1 to Decree no. 13/2012, and due to their specific characteristics, the position-based remuneration provided for in the above table for the new Operational Unit shall be applied, until operations start, to the corresponding office/service.

Notes relating to the unification of existing Operational Units:

(5) following the unification, to be defined according to the directives issued by the Congress of State, of the State Library and the State Archive provided for in Articles 44 and 45 of Law no. 188/2011, Parameter 2 shall be applied to the Director of the future Operational Unit "State Library and Archive".